



Lands Tribunal Act 1949

1949 CHAPTER 42 12 13 and 14 Geo 6

1 ^{F1}Establishment of the Lands Tribunal for Scotland [^{F2}, jurisdiction and appeals to the Scottish Tribunals]

(1) There shall be set up, to exercise the jurisdiction hereafter mentioned in this Act, [^{F3} a tribunal for Scotland, to be called “the Lands Tribunal for Scotland”.]

(2) ^{F4}.....

(3) There shall be referred to and determined by the [^{F5}Upper Tribunal or the Lands Tribunal for Scotland]—

(a) any question which is by any Act (including a local or private Act) directed, in whatever terms, to be determined by a person or one or more persons selected from either of the following panels, that is to say,—

(i) the panel of official arbitrators appointed under the Acquisition of Land Act; and

(ii) the panel of referees appointed under Part I of the ^{M1}Finance (1909-10) Act 1910;

or which is so directed to be determined in the absence of agreement to the contrary;

(b) any other question of disputed compensation under the Lands Clauses Acts, where the claim is for the injurious affection of any land . . . ^{F6}

(c) any question arising . . . ^{F7} as to the apportionment mentioned in section one hundred and sixteen of the ^{M2}Lands Clauses Consolidation Act 1845 [^{F8} or section 109 of the Lands Clauses Consolidation (Scotland) Act 1845], of any rent charge or other matter to which that section applies;

(d) ^{F9}

(e) any question on which, but for this provision, an appeal or reference to the county court would or might be made by virtue of section . . . ^{F10}, sixty-two or eighty-seven of the ^{M3}Local Government Act 1948.

[^{F11}(3A) [^{F12}The Upper Tribunal for Scotland may] determine any appeal or complaint under the Valuation Acts (within the meaning of section 37(1) of the Local Government (Scotland) Act ^{M4}1975) referred to it by [^{F13}the First-tier Tribunal for Scotland].

Changes to legislation: There are currently no known outstanding effects for the Lands Tribunal Act 1949, Section 1. (See end of Document for details)

(3B) The jurisdiction conferred by subsection (3A) of this section includes power, in relation to an individual appeal or complaint, to decline with reason stated to proceed to determine it.

[The ^{F15}Upper] Tribunal for Scotland may also determine any appeal against ^{F16}a ^{F14}(3BA) decision] of [^{F13}the First-tier Tribunal for Scotland] not to refer to [^{F17}the Upper Tribunal for Scotland] any appeal or complaint made to [^{F13}the First-tier Tribunal for Scotland] and, where [^{F17}the Upper Tribunal for Scotland] upholds such an appeal, the appeal or complaint made to [^{F13}the First-tier Tribunal for Scotland] shall, for the purposes of this section, be regarded as having been referred by [^{F13}the First-tier Tribunal for Scotland] to [^{F17}the Upper Tribunal for Scotland] for determination under subsection (3A) above.]

(3C) The provisions of the said Valuation Acts with regard to appeal to judges of the Court of Session shall, with any necessary modifications, apply in relation to determinations of the [^{F18}Upper] Tribunal for Scotland under subsection (3A) of this section as they apply in relation to decisions of [^{F13}the First-tier Tribunal for Scotland].

(3D) The Secretary of State may by order made by statutory instrument repeal or amend any enactment (including this Act) to the extent necessary to give full effect to this section.

(3E) A statutory instrument containing an order under subsection (3D) above shall have no effect until approved by resolution of each House of Parliament.]

- (4) The [^{F19}Upper Tribunal or the Lands Tribunal for Scotland] shall also exercise—
 - (a) the jurisdiction conferred on the Authority under section eighty-four of the ^{M5}Law of Property Act 1925 (which relates to the discharge and modification of restrictive covenants); and
 - (b) any other jurisdiction conferred by any Act (including a local or private Act), or instrument made under any such Act, on a person or one or more persons selected as mentioned in paragraph (a) of the last foregoing subsection . . . ^{F6}

(5) The [^{F19}Upper Tribunal or the Lands Tribunal for Scotland] may also act as arbitrator under a reference by consent, and any agreement entered into before the commencement of this Act which provides for referring any matter to arbitration by a person or one or more persons selected as aforesaid shall, subject to any subsequent agreement, have effect as if it provided for referring the matter to arbitration by the [^{F19}Upper Tribunal or the Lands Tribunal for Scotland].

(6) Where [^{F20}any person] is or may be liable for any compensation falling to be determined under section fifty-eight or one hundred and six of the ^{M6}Lands Clauses Consolidation Act 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections, . . . ^{F7} shall be selected [^{F21}by the Senior President of Tribunals from members of the Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors].

^{F22}(6A) Where any person is or may be liable for any compensation falling to be determined under section 57 or 97 of the Lands Clauses Consolidation (Scotland) Act 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections shall be selected from members of the Lands Tribunal for Scotland in accordance with the following provisions of this Act.]

- ^{F22}(7) ^{F23}
- (8) ^{F24}

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Textual Amendments

- F1** S. 1 heading substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(a)** (with art. 5)
- F2** Words in s. 1 heading substituted (S.) (1.4.2023) by The Upper Tribunal for Scotland (Transfer of Valuation for Rating Appeal Functions of the Lands Tribunal for Scotland) Regulations 2023 (S.S.I. 2023/48), reg. 1, **sch. 2 para. 2(2)(a)** (with sch. 1)
- F3** Words in s. 1(1) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(b)** (with art. 5)
- F4** S. 1(2) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(c)** (with art. 5)
- F5** Words in s. 1(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(d)(i)** (with art. 5)
- F6** Words repealed by Land Compensation Act 1961 (c. 33), **Sch 5**; and Land Compensation (Scotland) Act 1963 (c.51), **Sch. 4**
- F7** Words repealed by Compulsory Purchase Act 1965 (c. 56), **Sch. 8 Pt. III**
- F8** Words in s. 1(3)(c) inserted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(d)(ii)** (with art. 5)
- F9** S. 1(3)(d) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. VII**
- F10** Words repealed by General Rate Act 1967 (c. 9), s. 117, **Sch. 14 Pt. I**
- F11** S. 1(3A)–(3E) inserted (S.) by Rating and Valuation (Amendment) (Scotland) Act 1984 (c. 31, SIF 103:2), s. **12(1)**
- F12** Words in s. 1(3A) substituted (1.4.2023) by The Upper Tribunal for Scotland (Transfer of Valuation for Rating Appeal Functions of the Lands Tribunal for Scotland) Regulations 2023 (S.S.I. 2023/48), reg. 1, **sch. 2 para. 2(2)(b)** (with sch. 1)
- F13** Words in s. 1 substituted (1.4.2023) by The First-tier Tribunal for Scotland (Transfer of Functions of Valuation Appeals Committees) Regulations 2023 (S.S.I. 2023/45), reg. 1(2), **sch. 2 para. 1(2)(a)** (with sch. 1 paras. 1-4, 13-20)
- F14** S. 1(3BA) inserted (E.W.S.) by Local Government and Housing Act 1989 (c. 42, SIF 81:2), s. 145, **Sch. 6 para. 1**
- F15** Word in s. 1(3BA) substituted (1.4.2023) by The Upper Tribunal for Scotland (Transfer of Valuation for Rating Appeal Functions of the Lands Tribunal for Scotland) Regulations 2023 (S.S.I. 2023/48), reg. 1, **sch. 2 para. 2(2)(c)(i)** (with sch. 1)
- F16** Words in s. 1(3BA) substituted (1.4.2023) by The First-tier Tribunal for Scotland (Transfer of Functions of Valuation Appeals Committees) Regulations 2023 (S.S.I. 2023/45), reg. 1(2), **sch. 2 para. 1(2)(b)** (with sch. 1 paras. 1-4, 13-20)
- F17** Words in s. 1(3BA) substituted (1.4.2023) by The Upper Tribunal for Scotland (Transfer of Valuation for Rating Appeal Functions of the Lands Tribunal for Scotland) Regulations 2023 (S.S.I. 2023/48), reg. 1, **sch. 2 para. 2(2)(c)(ii)** (with sch. 1)
- F18** Word in s. 1(3C) substituted (1.4.2023) by The Upper Tribunal for Scotland (Transfer of Valuation for Rating Appeal Functions of the Lands Tribunal for Scotland) Regulations 2023 (S.S.I. 2023/48), reg. 1, **sch. 2 para. 2(2)(d)** (with sch. 1)
- F19** Words in s. 1(4)(5) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(e)** (with art. 5)
- F20** Words substituted by Land Compensation Act 1961 (c. 33), **Sch. 4 para. 8**; and Land Compensation (Scotland) Act 1963 (c. 51), s. **46**
- F21** Words in s. 1(6) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(f)** (with art. 5)
- F22** S. 1(6A) inserted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(g)** (with art. 5)

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- F23** Ss. 1(7), 3(7), 5, Sch. 1 repealed by Land Compensation Act 1961 (c. 33), **Sch. 5** and Land Compensation (Scotland) Act 1963 (c. 51), **Sch. 4**
- F24** S. 1(8) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 11(h)** (with art. 5)

Modifications etc. (not altering text)

- C1** S. 1(3A) excluded (6.3.1992) by Local Government Finance Act 1992 (c. 14), **s. 82(5)** (with s. 118(1)(2)(4)).

Marginal Citations

- M1** 1910 c. 8.
M2 1845 c. 18.
M3 1948 c. 26.
M4 1975 c.30 (**81:2**).
M5 1925 c. 20.
M6 1845 c. 18.

Changes to legislation:

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