
STATUTORY INSTRUMENTS

1996 No. 1022

The Lands Tribunal Rules 1996

PART V

**Applications under section 84 of the Law of Property Act
1925(1) (Relief from restrictive covenants affecting land)**

Interpretation

12. In this Part—

“section 84” means section 84 of the Law of Property Act 1925; and

“restriction” means a restriction, arising under a covenant or otherwise, as to the user of or building on any freehold land or any leasehold land held for a term of more than 40 years of which at least 25 years have expired.

Method of making application

13.—(1) A person interested in land affected by a restriction who wishes to make an application under the section shall send to the registrar in duplicate an application which shall contain—

- (a) the name and address of the person making the application and, if he is represented, the name, address and profession of the representative;
 - (b) the address or description of the land to which the application relates;
 - (c) the address or description of the land which is subject to the restriction;
 - (d) the address or description of the land which, and the identity of any person (if known) who, has the benefit of the restriction or any person whom the applicant believes may have such benefit and the reasons for that belief;
 - (e) the ground or grounds in section 84 on which the applicant relies and the reason he considers that that ground or those grounds apply;
 - (f) a statement as to whether the applicant is applying to discharge the restriction wholly or for its modification, and if the latter the extent of the modification;
 - (g) a statement as to whether any planning permission has been applied for, granted or refused within the five years preceding the application in respect of the land the subject of the application;
 - (h) the signature of the person making the application or his representative and the date of the signature.
- (2) The application referred to in paragraph (1) shall be accompanied by—
- (a) a copy of the instrument imposing the restriction or, if this is not available, documentary evidence of the restriction; and

(b) a plan identifying the land to which the application relates and, so far as practicable, all the land which is subject to the restriction and the land which has the benefit of the restriction.

(3) An application may be made jointly by two or more persons whether the land in which they are interested is the same land or different parts of the land affected by the restriction.

Publication of notices

14.—(1) Upon receipt of an application, the registrar shall determine what notices are to be given, and whether these should be given by advertisement or otherwise, to persons who appear to be entitled to the benefit of the restriction.

(2) For the purpose of paragraph (1), the registrar may require the applicant to provide any documents or information which it is within his power to provide.

(3) The notices shall require persons claiming to be entitled to the benefit of the restriction, who object to the discharge or modification of it proposed by the application, or who claim compensation for such modification or discharge, to send to the registrar and to the applicant notice of any objections they may have and of the amount of compensation they claim (if any).

(4) The notices to be given under paragraph (1) shall be given by the applicant who shall certify in writing to the registrar that directions as to the giving of those notices have been complied with.

Notice of objection

15.—(1) A notice of objection to the application and a claim for compensation shall be in writing and shall be sent to the registrar and the applicant within 28 days from the publication of the notices referred to in rule 14.

(2) If the registrar requires, the person objecting shall submit a statement containing—

- (a) his name and address and if he is represented the name, address and profession of the representative;
- (b) the basis upon which he claims to be entitled to the benefit of the restriction;
- (c) any ground of objection; and
- (d) his signature or that of his representative and the date the statement was signed.

Suspension of proceedings

16. At any time after the registrar has received a notice of objection to the application the President or the Tribunal—

- (a) of his or its own motion may, or
- (b) on the application of the applicant or of any person who has given a notice of objection, shall,

suspend the proceedings for such time as he or it may consider appropriate to enable an application to be made to the High Court for the determination of a question arising under subsection (2) of section 84.

Order without hearing etc

17.—(1) If it appears to the President that, having regard to the applicant's interest in the land, the applicant is not a proper person to make the application, he may dismiss it and shall inform the applicant of his reasons for doing so.

(2) Where—

- (a) the registrar receives no notice of objection within the time allowed by rule 15(1), or

(b) all objectors have withdrawn their objections before a hearing has taken place, the President may, with the consent of the applicant, determine the application without a hearing.

(3) Where at or after a hearing—

(a) all objectors withdraw their objections, or

(b) the Tribunal directs that no objector shall be admitted to oppose the application, the Tribunal may, with the consent of the applicant, determine the application without any further hearing.

Power to direct additional notices

18. If it appears to the Tribunal at any time before the determination of the application that any person who has not received notice of the application otherwise than by advertisement should have received specific notice, the Tribunal may require the applicant to give notice to that person and may adjourn the hearing to enable that person to make an objection or a claim for compensation.

Enquiries of local authorities

19. If before or at the hearing of an application the President or the Tribunal consider that enquiries should be made of any local authority within whose area the land affected by the restriction is situated, they may direct those enquiries to be made and may adjourn the case until the local authority has replied.

Provisions as to orders

20.—(1) Where the Tribunal orders the discharge or modification of a restriction subject to the payment of compensation, the discharge or modification shall not take effect until the registrar has endorsed on the order that the compensation has been paid.

(2) The Tribunal may direct that the compensation be paid within a specified time failing which the order shall cease to have effect.

(3) The Tribunal may direct that any compensation awarded shall be paid into the Court Funds Office of the Supreme Court.