

SCHEDULE 1

Article 5(1) and (2)

Consequential amendments to primary legislation

Railways Clauses Consolidation Act 1845

1. The Railways Clauses Consolidation Act 1845(1) is amended as follows.

Commencement Information

- I1** Sch. 1 para. 1 in force at 1.6.2009, see [art. 1](#)

2. In section 6 (the construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation Act) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I2** Sch. 1 para. 2 in force at 1.6.2009, see [art. 1](#)

3. In section 78 (mines lying near the railway not to be worked if the company are willing to make compensation for them) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I3** Sch. 1 para. 3 in force at 1.6.2009, see [art. 1](#)

Commencement Information

- I1** Sch. 1 para. 1 in force at 1.6.2009, see [art. 1](#)
I2 Sch. 1 para. 2 in force at 1.6.2009, see [art. 1](#)
I3 Sch. 1 para. 3 in force at 1.6.2009, see [art. 1](#)

Improvement of Land Act 1864

4. In section 73 of the Improvement of Land Act 1864(2) (power to enter on neighbouring lands for repair of works, making compensation) for “the Lands Tribunal or the Lands Tribunal for Scotland” substitute “the Upper Tribunal”.

Commencement Information

- I4** Sch. 1 para. 4 in force at 1.6.2009, see [art. 1](#)

(1) [1845 c.20](#). Sections 6 and 78 were amended by section 39(3) of and Schedule 7 to the [Compulsory Purchase Act 1965 \(c.56\)](#).
(2) [1864 c.114](#). Section 73 was amended by section 1 of, and Part 13 of Schedule 1 and paragraph 15 of Schedule 2 to, the [Statute Law \(Repeals\) Act 1993 \(c.50\)](#), and was repealed in relation to Scotland by section 76(2) and Part 1 of Schedule 13 to the [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#).

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

Law of Property Act 1925

5. In section 84 of the Law of Property Act 1925(3) (power to discharge or modify restrictive covenants affecting land)—

- (a) in subsections (1), (1A), (1B), (1C), (3), (6) and (9) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (b) in subsection (3A)—
 - (i) for “Lands Tribunal”, in each place except in the reference to the Lands Tribunal Act 1949, substitute “Upper Tribunal”;
 - (ii) for “rules under the Lands Tribunal Act 1949” substitute “Tribunal Procedure Rules”; and
 - (iii) omit “or by means of a case stated by the Lands Tribunal.”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.6.2009, see [art. 1](#)

Requisitioned Land and War Works Act 1945

6. The Requisitioned Land and War Works Act 1945(4) is amended as follows.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.6.2009, see [art. 1](#)

7. In section 47 (compensation under section 2 of Compensation (Defence) Act 1939 for removal of fixed machinery or plant) for “General Claims Tribunal” substitute “appropriate tribunal”.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.6.2009, see [art. 1](#)

8. In section 48(1) (successive works to be dealt with as one) for “General Claims Tribunal” substitute “appropriate tribunal”.

Commencement Information

I8 Sch. 1 para. 8 in force at 1.6.2009, see [art. 1](#)

9. In section 59(1) (interpretation etc.) insert in the appropriate place—

““the appropriate tribunal” means—

- (a) in the application of this Act to England and Wales, the Upper Tribunal;
- (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;

(3) [1925 c.20](#). Section 84 was amended by section 28(1) of and Schedule 3 to the [Law of Property Act 1969 \(c.59\)](#) and sections 133 and 135 of and paragraph 2(5) of Schedule 11 and Schedule 13 to the [Land Registration Act 2002 \(c.9\)](#).

(4) [1945 c.43](#). The General Claims Tribunal was abolished and its jurisdiction transferred to the Lands Tribunal by section 22 of the [Lands Powers \(Defence\) Act 1958 \(c.30\)](#).

- (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;”.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I6 Sch. 1 para. 6 in force at 1.6.2009, see [art. 1](#)

I7 Sch. 1 para. 7 in force at 1.6.2009, see [art. 1](#)

I8 Sch. 1 para. 8 in force at 1.6.2009, see [art. 1](#)

I9 Sch. 1 para. 9 in force at 1.6.2009, see [art. 1](#)

Lands Tribunal Act 1949

10. The Lands Tribunal Act 1949(5) is amended as follows.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.6.2009, see [art. 1](#)

- 11.** In section 1 (establishment and jurisdiction of Lands Tribunal)—
- (a) for the heading substitute “Establishment of the Lands Tribunal for Scotland and jurisdiction”;
 - (b) in subsection (1) for the words from “the following tribunals, namely” to the end substitute “a tribunal for Scotland, to be called “the Lands Tribunal for Scotland”.”;
 - (c) omit subsection (2);
 - (d) in subsection (3)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland”;
 - and
 - (ii) in paragraph (c) after “Lands Clauses Consolidation Act 1845” insert “or section 109 of the Lands Clauses Consolidation (Scotland) Act 1845”;
 - (e) in subsections (4) and (5) for “Lands Tribunal”, in each place, substitute “Upper Tribunal or the Lands Tribunal for Scotland”;
 - (f) in subsection (6) for “as hereinafter mentioned from the members of the Lands Tribunal” substitute “by the Senior President of Tribunals from members of the Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”;
 - (g) after subsection (6) insert—

(5) 1949 c. 42. Section 2 was amended by section 50(1) of the [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c.35\)](#); section 36 of and Schedule 4 to the [Judicial Pensions Act 1981 \(c.20\)](#); section 71(2) of and paragraph 7 of Schedule 10 to the [Courts and Legal Services Act 1990 \(c.41\)](#); section 26 of and paragraph 31 of Schedule 6 to the [Judicial Pensions and Retirement Act 1993 \(c.8\)](#); section 125 of and paragraph 9 of Schedule 8 to the [Scotland Act 1998 \(c.46\)](#); sections 15(1), 59(5) and 146 of and paragraph 34 of Schedule 4, paragraph 5 of Schedule 11 and Part 2 of Schedule 18 to the [Constitutional Reform Act 2005 \(c.4\)](#); and section 50 of and paragraph 5 of Schedule 10 to the [Tribunals, Courts and Enforcement Act 2007 \(c.15\)](#). Section 3 was amended by section 50(2) of the [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c.35\)](#), and by section 18(1) of and Schedule 3 to the [Tribunals and Inquiries Act 1992 \(c.53\)](#) and subsection 6C was inserted by section 193 and paragraph 3 of Schedule 33 to the [Local Government, Planning and Land Act 1980 \(c.65\)](#).

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

“(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.”; and

- (h) omit subsection (8).

Commencement Information

III Sch. 1 para. 11 in force at 1.6.2009, see [art. 1](#)

12. In section 2 (members, officers and expenses of Lands Tribunal)—

- (a) in the heading after “Lands Tribunal” insert “for Scotland”;
- (b) in subsection (1)—
- (i) after “Lands Tribunal” insert “for Scotland”; and
 - (ii) for “Lord Chancellor” in each place substitute “Scottish Ministers”;
- (c) for subsection (2) substitute—
- “(2) The President shall be a person appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor.
- (2A) Of the other members of the Lands Tribunal for Scotland—
- (a) such number as the Lord President of the Court of Session may determine shall be persons appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor; and
 - (b) the others shall be persons who have had experience in the valuation of land, appointed after consultation with the chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors.”;
- (d) in subsection (3)—
- (i) for “Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor,” substitute “Scottish Ministers may”; and
 - (ii) after “Lands Tribunal” insert “for Scotland”;
- (e) in subsection (4)—
- (i) after “Lands Tribunal” insert “for Scotland”;
 - (ii) for “Lord Chancellor and the Lord Chief Justice of England and Wales”, in each place, substitute “Scottish Ministers”; and
 - (iii) for “he thinks” substitute “they think”;
- (f) in subsection (5)—
- (i) after “Lands Tribunal” in each place insert “for Scotland”; and
 - (ii) for “Lord Chancellor” substitute “Scottish Ministers”;
- (g) in subsection (6)—
- (i) after “Lands Tribunal” insert “for Scotland”; and
 - (ii) for “Lord Chancellor” substitute “Secretary of State”;
- (h) in subsection (7)—

- (i) for “Lord Chancellor” substitute “Scottish Ministers”;
- (ii) after “Lands Tribunal” insert “for Scotland; and
- (iii) for “as he may” substitute “as they may”; and
- (i) omit subsections (8), (9) and (11).

Commencement Information

I12 Sch. 1 para. 12 in force at 1.6.2009, see [art. 1](#)

- 13.** In section 3 (procedure, appeals, costs and fees)—
- (a) in the heading after “fees” insert “in the Lands Tribunal for Scotland”;
 - (b) in subsections (1), (2), (5), (6) and (10) after “Lands Tribunal”, in each place, insert “for Scotland”;
 - (c) omit subsections (4), (8), (11) and (12)(a) and (b);
 - (d) for subsection (6)(c) substitute—
 - “(c) make provision—
 - (i) requiring persons to attend to give evidence and produce documents;
 - (ii) authorising the administration of oaths to witnesses;
 - (iii) granting to any person such recovery of documents as might be granted by the Court of Sessions.”; and
 - (e) in subsection (6C) for “determine” substitute “determines”.

Commencement Information

I13 Sch. 1 para. 13 in force at 1.6.2009, see [art. 1](#)

- 14.** In section 4 (power to add to jurisdiction of Lands Tribunal)—
- (a) in the title, for “Lands Tribunal” substitute “Upper Tribunal or Lands Tribunal for Scotland”;
 - (b) in subsection (1)—
 - (i) in the opening words, for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland (“the transferee Tribunal”); and
 - (ii) in paragraphs (a) and (b) for “Lands Tribunal” substitute “transferee Tribunal”;
 - (c) after subsection (2) insert—
 - “(2A) An Order in Council under this section may authorise the transfer to the Upper Tribunal of the jurisdiction of any statutory tribunal exercisable in Northern Ireland unless it appears to Her Majesty that the jurisdiction relates exclusively to matters with respect to which the Northern Ireland Assembly has power to make laws.”;
 - (d) in subsection (4)—
 - (i) in paragraphs (a) and (c) for “Lands Tribunal” substitute “transferee Tribunal”; and
 - (ii) in paragraph (b) before “making special provision” insert “in relation to the Lands Tribunal for Scotland.”;
 - (e) after subsection (4) insert—

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- “(4A) The supplementary and consequential provisions authorised by subsection (3) to be contained in an Order in Council under this section by virtue of subsection (2A) shall include provisions for the application and adaptation of Northern Ireland legislation.”; and
- (f) in subsection (5) after “Lands Tribunal” insert “for Scotland”.

Commencement Information

I14 Sch. 1 para. 14 in force at 1.6.2009, see [art. 1](#)

- 15.** In section 6(1) (compensation for loss of office) for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland”.

Commencement Information

I15 Sch. 1 para. 15 in force at 1.6.2009, see [art. 1](#)

- 16.** In section 7(1) and (2) (savings, etc.) for “Lands Tribunal”, in each place, substitute “Upper Tribunal or the Lands Tribunal for Scotland”.

Commencement Information

I16 Sch. 1 para. 16 in force at 1.6.2009, see [art. 1](#)

- 17.** For section 9(1) to (3) (application to Northern Ireland) substitute—
“Except as mentioned in section 4, this Act does not affect the law of Northern Ireland.”.

Commencement Information

I17 Sch. 1 para. 17 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I10 Sch. 1 para. 10 in force at 1.6.2009, see [art. 1](#)

I11 Sch. 1 para. 11 in force at 1.6.2009, see [art. 1](#)

I12 Sch. 1 para. 12 in force at 1.6.2009, see [art. 1](#)

I13 Sch. 1 para. 13 in force at 1.6.2009, see [art. 1](#)

I14 Sch. 1 para. 14 in force at 1.6.2009, see [art. 1](#)

I15 Sch. 1 para. 15 in force at 1.6.2009, see [art. 1](#)

I16 Sch. 1 para. 16 in force at 1.6.2009, see [art. 1](#)

I17 Sch. 1 para. 17 in force at 1.6.2009, see [art. 1](#)

Coast Protection Act 1949

- 18.** In section 24 of the Coast Protection Act 1949⁽⁶⁾ (provisions as to arbitrations)—
- (a) in subsection (1) for “Lands Tribunal” substitute “appropriate tribunal”; and
- (b) for subsection (4) substitute—

(6) 1949 c.74.

- “(4) In subsection (1) “the appropriate tribunal” means—
- (a) in the application of this Act to England and Wales, the Upper Tribunal;
 - (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland.”.

Commencement Information

I18 Sch. 1 para. 18 in force at 1.6.2009, see [art. 1](#)

National Parks and Access to the Countryside Act 1949

19. In section 107 of the National Parks and Access to the Countryside Act 1949⁽⁷⁾ (supplementary provisions as to compensation under sections 20, 46, and 70)—

- (a) in subsections (2) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (6)(a) for “Lands Tribunal”, in the first place where it occurs, substitute “Upper Tribunal”.

Commencement Information

I19 Sch. 1 para. 19 in force at 1.6.2009, see [art. 1](#)

Landlord and Tenant Act 1954

20. In section 37(5) and (5D)(c) of the Landlord and Tenant Act 1954⁽⁸⁾ (compensation where order for new tenancy precluded on certain grounds) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I20 Sch. 1 para. 20 in force at 1.6.2009, see [art. 1](#)

Underground Works (London) Act 1956

21. The Underground Works (London) Act 1956⁽⁹⁾ is amended as follows.

Commencement Information

I21 Sch. 1 para. 21 in force at 1.6.2009, see [art. 1](#)

22. In section 3(1)(b) (roads and streets) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I22 Sch. 1 para. 22 in force at 1.6.2009, see [art. 1](#)

(7) 1949 c.97.

(8) 1954 c.56. Section 37(5D) was inserted by section 149 of and Schedule 7 to the [Local Government and Housing Act 1989](#) (c.42).

(9) 1956 c.59.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

23. In section 4(4) (drains and water-pipes) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I23 Sch. 1 para. 23 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I21 Sch. 1 para. 21 in force at 1.6.2009, see [art. 1](#)

I22 Sch. 1 para. 22 in force at 1.6.2009, see [art. 1](#)

I23 Sch. 1 para. 23 in force at 1.6.2009, see [art. 1](#)

Land Powers (Defence) Act 1958

24. The Land Powers (Defence) Act 1958(10) is amended as follows.

Commencement Information

I24 Sch. 1 para. 24 in force at 1.6.2009, see [art. 1](#)

25. In section 10(5) (prevention of obstruction of airfields) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I25 Sch. 1 para. 25 in force at 1.6.2009, see [art. 1](#)

26. In section 18(5) (compensation in respect of wayleave orders and restrictions under section 16) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I26 Sch. 1 para. 26 in force at 1.6.2009, see [art. 1](#)

27. Omit section 22 (abolition and transfer of jurisdiction of General Claims Tribunal).

Commencement Information

I27 Sch. 1 para. 27 in force at 1.6.2009, see [art. 1](#)

28. In section 25 (interpretation – general and in relation to Scotland and Northern Ireland)—

(a) in subsection (1) insert in the appropriate place—

““the appropriate tribunal” means—

(a) in the application of this Act to England and Wales, the Upper Tribunal;

(b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;

- (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;”;
- (b) omit subsection (2)(c); and
- (c) omit subsection (3)(a).

Commencement Information

I28 Sch. 1 para. 28 in force at 1.6.2009, see [art. 1](#)

29. In paragraph 3 of Schedule 4 (supplementary provisions as to exercise of certain powers) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I29 Sch. 1 para. 29 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I24 Sch. 1 para. 24 in force at 1.6.2009, see [art. 1](#)

I25 Sch. 1 para. 25 in force at 1.6.2009, see [art. 1](#)

I26 Sch. 1 para. 26 in force at 1.6.2009, see [art. 1](#)

I27 Sch. 1 para. 27 in force at 1.6.2009, see [art. 1](#)

I28 Sch. 1 para. 28 in force at 1.6.2009, see [art. 1](#)

I29 Sch. 1 para. 29 in force at 1.6.2009, see [art. 1](#)

Public Records Act 1958

30. In paragraph 4(1) of Schedule 1 to the Public Records Act 1958(11) (definition of public records)—

- (a) after paragraph (j) insert—
 - “(ja) records of the Upper Tribunal;”;
- (b) in paragraph (k) omit “the Lands Tribunal or of”.

Commencement Information

I30 Sch. 1 para. 30 in force at 1.6.2009, see [art. 1](#)

Opencast Coal Act 1958

31. The Opencast Coal Act 1958(12) is amended as follows.

Commencement Information

I31 Sch. 1 para. 31 in force at 1.6.2009, see [art. 1](#)

(11) 1958 c.51.

(12) 1958 c.69.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

32. In section 40(3) (claims for compensation payable by the Board) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

Commencement Information

I32 Sch. 1 para. 32 in force at 1.6.2009, see [art. 1](#)

33. Omit section 52(4) (general application to Scotland).

Commencement Information

I33 Sch. 1 para. 33 in force at 1.6.2009, see [art. 1](#)

34. In paragraph 1 of Schedule 3 (provisions as to compensation by way of payment of cost of works), in the definition of “the Tribunal” for “Lands Tribunal” substitute “Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

Commencement Information

I34 Sch. 1 para. 34 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I31 Sch. 1 para. 31 in force at 1.6.2009, see [art. 1](#)

I32 Sch. 1 para. 32 in force at 1.6.2009, see [art. 1](#)

I33 Sch. 1 para. 33 in force at 1.6.2009, see [art. 1](#)

I34 Sch. 1 para. 34 in force at 1.6.2009, see [art. 1](#)

Rights of Light Act 1959

35. In section 2 of the Rights of Light Act 1959(**13**) (registration of notice in lieu of obstruction of access of light)—

- (a) in subsection (3) for “Lands Tribunal” in each place substitute “Upper Tribunal”; and
- (b) in subsection (5) for “shall be made by rules under section three of the Lands Tribunal Act 1949 for regulating proceedings before the Lands Tribunal” substitute “may be made by Tribunal Procedure Rules”.

Commencement Information

I35 Sch. 1 para. 35 in force at 1.6.2009, see [art. 1](#)

Land Compensation Act 1961

36. The Land Compensation Act 1961(**14**) is amended as follows.

(13) 1959 c.56.

(14) 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the [Local Government, Planning and Land Act 1980 \(c.65\)](#). Section 5A was inserted by section 103 of the [Planning and Compulsory Purchase Act 2004 \(c.5\)](#).

Commencement Information

I36 Sch. 1 para. 36 in force at 1.6.2009, see [art. 1](#)

- 37.** In section 1 (tribunal for assessing compensation in respect of land compulsorily acquired)—
- (a) in the heading, for “Tribunal for assessing” substitute “Upper Tribunal to assess”; and
 - (b) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I37 Sch. 1 para. 37 in force at 1.6.2009, see [art. 1](#)

- 38.** Omit sections 2 (procedure on references under section 1) and 3 (consolidation of proceedings on claims).

Commencement Information

I38 Sch. 1 para. 38 in force at 1.6.2009, see [art. 1](#)

- 39.** In section 4 (costs)—
- (a) before subsection (1) insert—
 - “(A1) In any proceedings on a question referred to the Upper Tribunal under section 1 of this Act—
 - (a) the following subsections apply in addition to section 29 of the Tribunals, Courts and Enforcement Act 2007⁽¹⁵⁾ (costs or expenses) and provisions in Tribunal Procedure Rules relating to costs; and
 - (b) to the extent that the following subsections conflict with that section or those provisions, that section or those provisions do not apply.”;
 - (b) in subsections (1), (3), (4), and (5) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
 - (c) omit subsection (6).

Commencement Information

I39 Sch. 1 para. 39 in force at 1.6.2009, see [art. 1](#)

- 40.** In section 5 (rules for assessing compensation), in rule (5) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I40 Sch. 1 para. 40 in force at 1.6.2009, see [art. 1](#)

- 41.** In section 5A(7) (relevant valuation date) for “Lands Tribunal” substitute “Upper Tribunal”.

(15) 2007 c.15.

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Commencement Information

I41 Sch. 1 para. 41 in force at 1.6.2009, see [art. 1](#)

42. In section 17(2) (certification of appropriate alternative development) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I42 Sch. 1 para. 42 in force at 1.6.2009, see [art. 1](#)

43. In section 31(2), (3), (4) and (6) (withdrawal of notices to treat) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I43 Sch. 1 para. 43 in force at 1.6.2009, see [art. 1](#)

44. In section 35 (certificates of value) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I44 Sch. 1 para. 44 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I36 Sch. 1 para. 36 in force at 1.6.2009, see [art. 1](#)

I37 Sch. 1 para. 37 in force at 1.6.2009, see [art. 1](#)

I38 Sch. 1 para. 38 in force at 1.6.2009, see [art. 1](#)

I39 Sch. 1 para. 39 in force at 1.6.2009, see [art. 1](#)

I40 Sch. 1 para. 40 in force at 1.6.2009, see [art. 1](#)

I41 Sch. 1 para. 41 in force at 1.6.2009, see [art. 1](#)

I42 Sch. 1 para. 42 in force at 1.6.2009, see [art. 1](#)

I43 Sch. 1 para. 43 in force at 1.6.2009, see [art. 1](#)

I44 Sch. 1 para. 44 in force at 1.6.2009, see [art. 1](#)

Public Health Act 1961

45. In section 45(6) of the Public Health Act 1961(**16**) (attachment of street lamps to buildings) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I45 Sch. 1 para. 45 in force at 1.6.2009, see [art. 1](#)

London County Council (General Powers) Act 1962

46. In section 24(2)(b) of the London County Council (General Powers) Act 1962(17) (as to payments by borough councils, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I46 Sch. 1 para. 46 in force at 1.6.2009, see [art. 1](#)

Pipe-lines Act 1962

47. The Pipe-lines Act 1962(18) is amended as follows.

Commencement Information

I47 Sch. 1 para. 47 in force at 1.6.2009, see [art. 1](#)

48. In section 48 (determination by Lands Tribunal of questions as to compensation)—

- (a) in the heading for “Lands Tribunal” substitute “tribunal”; and
- (b) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

Commencement Information

I48 Sch. 1 para. 48 in force at 1.6.2009, see [art. 1](#)

49. Omit section 67(5) (general application to Scotland).

Commencement Information

I49 Sch. 1 para. 49 in force at 1.6.2009, see [art. 1](#)

50. In paragraph 4(3) of Schedule 2 (applications for grant of compulsory purchase orders) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

Commencement Information

I50 Sch. 1 para. 50 in force at 1.6.2009, see [art. 1](#)

51. In paragraph 3 of Schedule 3 (provisions for rendering compulsory purchase orders effectual, etc.) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

(17) 1962 c.xlv.

(18) 1962 c.58. Section 67(5) was amended by section 1(1) of and Part 13 of Schedule 1 to the [Statute Law \(Repeals\) Act 1986 \(c.12\)](#). Paragraph 4 of Schedule 2 was amended by article 2 of and paragraph 4(4)(b) of the Schedule to the [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#).

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Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

Commencement Information

I51 Sch. 1 para. 51 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I47 Sch. 1 para. 47 in force at 1.6.2009, see [art. 1](#)

I48 Sch. 1 para. 48 in force at 1.6.2009, see [art. 1](#)

I49 Sch. 1 para. 49 in force at 1.6.2009, see [art. 1](#)

I50 Sch. 1 para. 50 in force at 1.6.2009, see [art. 1](#)

I51 Sch. 1 para. 51 in force at 1.6.2009, see [art. 1](#)

London County Council (General Powers) Act 1963

52. In section 9(8) of the London County Council (General Powers) Act 1963⁽¹⁹⁾ (underpinning of houses near a street improvement) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I52 Sch. 1 para. 52 in force at 1.6.2009, see [art. 1](#)

Gas Act 1965

53. The Gas Act 1965⁽²⁰⁾ is amended as follows.

Commencement Information

I53 Sch. 1 para. 53 in force at 1.6.2009, see [art. 1](#)

54. In section 10(3) and (4) (exclusion of double compensation), in each place, for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I54 Sch. 1 para. 54 in force at 1.6.2009, see [art. 1](#)

55. In section 23 (assessment of compensation)—

- (a) in subsections (1), (2) and (4) for “Lands Tribunal” substitute “appropriate tribunal”;
- (b) in subsection (2) for “sections 2 and 4” substitute “section 4”; and
- (c) in subsection (4) for “the Tribunal” substitute “the tribunal”.

Commencement Information

I55 Sch. 1 para. 55 in force at 1.6.2009, see [art. 1](#)

⁽¹⁹⁾ 1963 c.xvii. Section 9(8) was amended by article 3 of and paragraph 106 of Schedule 1 to the Local Law (Greater London Council and Inner London Boroughs) Order 1965 (S.I. 1965/540).

⁽²⁰⁾ 1965 c.36.

56. In section 28 (interpretation of Part 2)—

(a) in subsection (1), insert in the appropriate place—

““the appropriate tribunal” means—

(a) in relation to England and Wales, the Upper Tribunal;

(b) in relation to Scotland, the Lands Tribunal for Scotland;”;

(b) omit subsection (4).

Commencement Information

I56 Sch. 1 para. 56 in force at 1.6.2009, see [art. 1](#)

57. In paragraphs 8(3) and 12(4) of Part 2 of Schedule 2 (storage authorisation orders) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I57 Sch. 1 para. 57 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I53 Sch. 1 para. 53 in force at 1.6.2009, see [art. 1](#)

I54 Sch. 1 para. 54 in force at 1.6.2009, see [art. 1](#)

I55 Sch. 1 para. 55 in force at 1.6.2009, see [art. 1](#)

I56 Sch. 1 para. 56 in force at 1.6.2009, see [art. 1](#)

I57 Sch. 1 para. 57 in force at 1.6.2009, see [art. 1](#)

City of London (Various Powers) Act 1965

58. In section 6(9) of the City of London (Various Powers) Act 1965⁽²¹⁾ (underpinning of houses near a street improvement) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I58 Sch. 1 para. 58 in force at 1.6.2009, see [art. 1](#)

Compulsory Purchase Act 1965

59. The Compulsory Purchase Act 1965⁽²²⁾ is amended as follows.

Commencement Information

I59 Sch. 1 para. 59 in force at 1.6.2009, see [art. 1](#)

60. In section 5(2A)(d) and (2D) (notice to treat and untraced owners) for “Lands Tribunal” substitute “Upper Tribunal”.

⁽²¹⁾ 1965 c.xxxix.

⁽²²⁾ 1965 c.56. Section 5(2A) to (2E) was inserted by section 67 of the [Planning and Compensation Act 1991](#) (c.34).

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

Commencement Information

I60 Sch. 1 para. 60 in force at 1.6.2009, see [art. 1](#)

61. In section 6 (reference to Lands Tribunal) for “Lands Tribunal”, in each place (including the heading), substitute “Upper Tribunal”.

Commencement Information

I61 Sch. 1 para. 61 in force at 1.6.2009, see [art. 1](#)

- 62.** In section 8 (other provisions as to divided land)—
- (a) in subsection (1) for “so determine” substitute “so determines”;
 - (b) in subsections (1) and (3) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
 - (c) in subsection (3) for “their determination” substitute “its determination”.

Commencement Information

I62 Sch. 1 para. 62 in force at 1.6.2009, see [art. 1](#)

63. In section 10(1) (further provision as to compensation for injurious affection) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I63 Sch. 1 para. 63 in force at 1.6.2009, see [art. 1](#)

64. In section 11(3) (powers of entry) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I64 Sch. 1 para. 64 in force at 1.6.2009, see [art. 1](#)

65. In section 15(1) (mortgage debt exceeding value of mortgaged land) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I65 Sch. 1 para. 65 in force at 1.6.2009, see [art. 1](#)

66. In section 16(1) (acquisition of part of land subject to mortgage) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I66 Sch. 1 para. 66 in force at 1.6.2009, see [art. 1](#)

67. In section 17(2) (compensation where mortgage paid off before stipulated time) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I67 Sch. 1 para. 67 in force at 1.6.2009, see [art. 1](#)

68. In section 18(1) and (2)(b) (rentcharges) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I68 Sch. 1 para. 68 in force at 1.6.2009, see [art. 1](#)

69. In section 19(2) (apportionment of rent under leases) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I69 Sch. 1 para. 69 in force at 1.6.2009, see [art. 1](#)

70. In section 20(3) (tenants at will etc) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I70 Sch. 1 para. 70 in force at 1.6.2009, see [art. 1](#)

71. In paragraph 4(4) of Schedule 1 (valuation on purchase by agreement) for “by, or by a member of, the Lands Tribunal” substitute “by the Upper Tribunal”.

Commencement Information

I71 Sch. 1 para. 71 in force at 1.6.2009, see [art. 1](#)

72. In Schedule 2 (absent and untraced owners)—

- (a) in paragraph 1(1)(b) for “Lands Tribunal in accordance with section 3 of the Lands Tribunal Act 1949” substitute “Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”; and
- (b) in paragraph 4—
 - (i) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”;
 - (ii) in sub-paragraph (2) for “award a” substitute “awards a”;
 - (iii) in sub-paragraph (3) for “determine”, in both places, substitute “determines”; and
 - (iv) in sub-paragraph (3) for “section 3(5) of the Lands Tribunal Act 1949” substitute “section 29 of the Tribunals, Courts and Enforcement Act 2007”.

Commencement Information

I72 Sch. 1 para. 72 in force at 1.6.2009, see [art. 1](#)

73. In Schedule 4 (common land)—

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- (a) in paragraph 5(4) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 6 for “Lands Tribunal in accordance with section 3 of the Lands Tribunal Act 1949” substitute “Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”.

Commencement Information

I73 Sch. 1 para. 73 in force at 1.6.2009, see [art. 1](#)

74. In Schedule 7 (consequential amendments of references to enactments), in the entry relating to the Railways Clauses Consolidation Act 1845, for “Lands Tribunal”, in both places, substitute “Upper Tribunal”.

Commencement Information

I74 Sch. 1 para. 74 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I59 Sch. 1 para. 59 in force at 1.6.2009, see [art. 1](#)
I60 Sch. 1 para. 60 in force at 1.6.2009, see [art. 1](#)
I61 Sch. 1 para. 61 in force at 1.6.2009, see [art. 1](#)
I62 Sch. 1 para. 62 in force at 1.6.2009, see [art. 1](#)
I63 Sch. 1 para. 63 in force at 1.6.2009, see [art. 1](#)
I64 Sch. 1 para. 64 in force at 1.6.2009, see [art. 1](#)
I65 Sch. 1 para. 65 in force at 1.6.2009, see [art. 1](#)
I66 Sch. 1 para. 66 in force at 1.6.2009, see [art. 1](#)
I67 Sch. 1 para. 67 in force at 1.6.2009, see [art. 1](#)
I68 Sch. 1 para. 68 in force at 1.6.2009, see [art. 1](#)
I69 Sch. 1 para. 69 in force at 1.6.2009, see [art. 1](#)
I70 Sch. 1 para. 70 in force at 1.6.2009, see [art. 1](#)
I71 Sch. 1 para. 71 in force at 1.6.2009, see [art. 1](#)
I72 Sch. 1 para. 72 in force at 1.6.2009, see [art. 1](#)
I73 Sch. 1 para. 73 in force at 1.6.2009, see [art. 1](#)
I74 Sch. 1 para. 74 in force at 1.6.2009, see [art. 1](#)

Forestry Act 1967

75. The Forestry Act 1967(23) is amended as follows.

Commencement Information

I75 Sch. 1 para. 75 in force at 1.6.2009, see [art. 1](#)

76. In section 5(2)(b) (forestry dedication covenants and agreements) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I76 Sch. 1 para. 76 in force at 1.6.2009, see [art. 1](#)

77. In section 31(1)(a) (determination of matters arising under sections 11, 14, 21 and 22) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I77 Sch. 1 para. 77 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I75 Sch. 1 para. 75 in force at 1.6.2009, see [art. 1](#)

I76 Sch. 1 para. 76 in force at 1.6.2009, see [art. 1](#)

I77 Sch. 1 para. 77 in force at 1.6.2009, see [art. 1](#)

Agriculture Act 1967

78.—(1) Section 49 of the Agriculture Act 1967(**24**) (control of sale of certain land) is amended as follows.

(2) In subsection (8)—

- (a) in paragraph (a) for “Lands Tribunal” substitute “appropriate tribunal”; and
- (b) for the words from “For the purposes of this subsection” to “has not expired.” substitute—
 - “For the purposes of paragraph (a) “appropriate tribunal” means—
 - (i) in relation to England and Wales, the Upper Tribunal;
 - (ii) in relation to Scotland, the Lands Tribunal for Scotland.”.

(3) After subsection (8) insert—

“(8A) For the purposes of subsection (8)(a) a claim shall not be deemed to be fully determined so long as—

- (a) in relation to a decision of the Upper Tribunal, the time for applying for permission to appeal to the Court of Appeal, or for applying for permission to appeal from the decision of the Court of Appeal on such an appeal, has not expired; or
- (b) in relation to a decision of the Lands Tribunal for Scotland, the time for requiring the tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired.”.

(4) Omit subsection (12).

Commencement Information

I78 Sch. 1 para. 78 in force at 1.6.2009, see [art. 1](#)

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City of London (Various Powers) Act 1967

79. The City of London (Various Powers) Act 1967(25) is amended as follows.

Commencement Information

I79 Sch. 1 para. 79 in force at 1.6.2009, see [art. 1](#)

80. In section 16(7) and (8) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I80 Sch. 1 para. 80 in force at 1.6.2009, see [art. 1](#)

81. In section 17(3) (acquisition of land, or rights in land, for city walkways) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I81 Sch. 1 para. 81 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I79 Sch. 1 para. 79 in force at 1.6.2009, see [art. 1](#)

I80 Sch. 1 para. 80 in force at 1.6.2009, see [art. 1](#)

I81 Sch. 1 para. 81 in force at 1.6.2009, see [art. 1](#)

Leasehold Reform Act 1967

82. The Leasehold Reform Act 1967(26) is amended as follows.

Commencement Information

I82 Sch. 1 para. 82 in force at 1.6.2009, see [art. 1](#)

83. In section 20(4)(b) and (4A) (jurisdiction and special powers of County Court) for “Lands Tribunal” in each place substitute “Upper Tribunal”.

Commencement Information

I83 Sch. 1 para. 83 in force at 1.6.2009, see [art. 1](#)

84. In section 21 (jurisdiction of Lands Tribunal) in the heading for “Lands Tribunal” substitute “leasehold valuation tribunals”.

(25) 1967 c.xlii.

(26) 1967 c.88. Section 20(4A) was inserted by section 176 of and paragraphs 1 and 4 to Schedule 13 to the [Commonhold and Leasehold Reform Act 2002 \(c.15\)](#). Paragraph 8(1A) of Schedule 2 was inserted by section 176 of and paragraphs 1 and 7 to Schedule 13 to the [Commonhold and Leasehold Reform Act 2002 \(c.15\)](#).

Commencement Information

I84 Sch. 1 para. 84 in force at 1.6.2009, see [art. 1](#)

85. In section 31(2)(a) (ecclesiastical property) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I85 Sch. 1 para. 85 in force at 1.6.2009, see [art. 1](#)

86. In paragraph 8(1)(b) and (1A) of Schedule 2 (provisions supplementary to sections 17 and 18) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I86 Sch. 1 para. 86 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I82 Sch. 1 para. 82 in force at 1.6.2009, see [art. 1](#)

I83 Sch. 1 para. 83 in force at 1.6.2009, see [art. 1](#)

I84 Sch. 1 para. 84 in force at 1.6.2009, see [art. 1](#)

I85 Sch. 1 para. 85 in force at 1.6.2009, see [art. 1](#)

I86 Sch. 1 para. 86 in force at 1.6.2009, see [art. 1](#)

Port of London Act 1968

87. The Port of London Act 1968(27) is amended as follows.

Commencement Information

I87 Sch. 1 para. 87 in force at 1.6.2009, see [art. 1](#)

88. In section 75(6)(b) (lands above mean high water level) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I88 Sch. 1 para. 88 in force at 1.6.2009, see [art. 1](#)

89. In section 90(3) (entry on land to survey, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I89 Sch. 1 para. 89 in force at 1.6.2009, see [art. 1](#)

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

Commencement Information

- I87** Sch. 1 para. 87 in force at 1.6.2009, see [art. 1](#)
- I88** Sch. 1 para. 88 in force at 1.6.2009, see [art. 1](#)
- I89** Sch. 1 para. 89 in force at 1.6.2009, see [art. 1](#)

Transport Act 1968

90. In section 115(1)(b) of the Transport Act 1968(**28**) (interpretation of Part 7) for “Lands Tribunal”, in the first place it occurs, substitute “Upper”.

Commencement Information

- I90** Sch. 1 para. 90 in force at 1.6.2009, see [art. 1](#)

Greater London Council (General Powers) Act 1969

91. The Greater London Council (General Powers) Act 1969(**29**) is amended as follows.

Commencement Information

- I91** Sch. 1 para. 91 in force at 1.6.2009, see [art. 1](#)

92. In section 21(7) and (8) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I92** Sch. 1 para. 92 in force at 1.6.2009, see [art. 1](#)

93. In section 22(6) (acquisition of land, or rights in land, for walkways) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I93** Sch. 1 para. 93 in force at 1.6.2009, see [art. 1](#)

94. In section 25(7)(c), (d) and (e) (further provisions as to statutory undertakers) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I94** Sch. 1 para. 94 in force at 1.6.2009, see [art. 1](#)

(28) 1968 c.73.

(29) 1969 c.lii. Section 21(8) was amended by section 11(2) of the Greater London Council (General Powers) Act 1970 and section 25 was substituted by section 10 of that Act.

Commencement Information

- I91** Sch. 1 para. 91 in force at 1.6.2009, see [art. 1](#)
- I92** Sch. 1 para. 92 in force at 1.6.2009, see [art. 1](#)
- I93** Sch. 1 para. 93 in force at 1.6.2009, see [art. 1](#)
- I94** Sch. 1 para. 94 in force at 1.6.2009, see [art. 1](#)

Taxes Management Act 1970

95. The Taxes Management Act 1970(**30**) is amended as follows.

Commencement Information

- I95** Sch. 1 para. 95 in force at 1.6.2009, see [art. 1](#)

96. In section 46D (questions to be determined by Lands Tribunal)—

- (a) in the heading, for “Lands Tribunal” insert “the relevant tribunal”;
- (b) in subsections (1) and (3) for “relevant Lands Tribunal” substitute “relevant tribunal”; and
- (c) in subsection (3)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I96** Sch. 1 para. 96 in force at 1.6.2009, see [art. 1](#)

97. In section 47B(a) (special jurisdiction relating to Business Expansion Scheme) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I97** Sch. 1 para. 97 in force at 1.6.2009, see [art. 1](#)

Commencement Information

- I95** Sch. 1 para. 95 in force at 1.6.2009, see [art. 1](#)
- I96** Sch. 1 para. 96 in force at 1.6.2009, see [art. 1](#)
- I97** Sch. 1 para. 97 in force at 1.6.2009, see [art. 1](#)

Courts Act 1971

98. In Part 1A of Schedule 2 to the Courts Act 1971(**31**) (certain office-holders eligible for appointment as circuit judges) omit the entry for Member (excluding the President) of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949.

(30) [1970 c.9](#). Section 46D was substituted by section 136 of and paragraphs 7 and 12 of Schedule 22 to the [Finance Act 1996 \(c.8\)](#), and amended by section 88(1) of and paragraph 29 of Schedule 29 to the [Finance Act 2001 \(c.9\)](#). Section 47B was inserted by section 40 of and paragraph 22 of Schedule 9 to the [Finance Act 1986 \(c.41\)](#).

(31) [1971 c.23](#). Part 1A of Schedule 2 was inserted by section 71(2) of, and paragraph 31 of Schedule 10 to, the [Courts and Legal Services Act 1990 \(c.41\)](#).

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

Commencement Information

I98 Sch. 1 para. 98 in force at 1.6.2009, see [art. 1](#)

Thames Barrier and Flood Prevention Act 1972

99. In section 3(1) of the Thames Barrier and Flood Prevention Act 1972(**32**) (interpretation), in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I99 Sch. 1 para. 99 in force at 1.6.2009, see [art. 1](#)

Criminal Justice Act 1972

100. In section 60(5) of the Criminal Justice Act 1972(**33**) (power of entry in connection with acquisition of land for prisons)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Commencement Information

I100 Sch. 1 para. 100 in force at 1.6.2009, see [art. 1](#)

Land Compensation Act 1973

101. The Land Compensation Act 1973(**34**) is amended as follows.

Commencement Information

I101 Sch. 1 para. 101 in force at 1.6.2009, see [art. 1](#)

102. In section 3(5) (claims) for “Lands Tribunal in respect of the costs of proceedings before the Tribunal by virtue of section 16 below” substitute “Upper Tribunal in respect of the costs of and incidental to proceedings in the Upper Tribunal by virtue of section 29 of the Tribunals, Courts and Enforcement Act 2007”.

Commencement Information

I102 Sch. 1 para. 102 in force at 1.6.2009, see [art. 1](#)

103. In section 16(1) (disputes) for “Lands Tribunal” substitute “Upper Tribunal”.

(32) 1972 c.xlv.

(33) 1972 c.71.

(34) 1973 c.26. Section 81(1) of, and Part 1 of Schedule 2 to, the [Land Compensation \(Scotland\) Act 1973 \(c.56\)](#) ceased the application of the Act to Scotland, except for section 86 and Schedule 3, and made consequential amendments. Section 30 was substituted by section 68(3) of the [Planning and Compensation Act 1991 \(c.34\)](#). Section 33A was inserted by section 106(1) of the [Planning and Compulsory Purchase Act 2004 \(c.5\)](#), section 33I was inserted by section 109 of that Act and section 52ZC was inserted by section 104 of that Act.

Commencement Information

I103 Sch. 1 para. 103 in force at 1.6.2009, see [art. 1](#)

104. In section 30(3) (amount of home loss payment in England and Wales) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I104 Sch. 1 para. 104 in force at 1.6.2009, see [art. 1](#)

105. In section 33A(4)(e) (basic loss payment) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I105 Sch. 1 para. 105 in force at 1.6.2009, see [art. 1](#)

106. In section 33I(1) (payment) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I106 Sch. 1 para. 106 in force at 1.6.2009, see [art. 1](#)

107. In section 38(4) (amount of disturbance payment) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I107 Sch. 1 para. 107 in force at 1.6.2009, see [art. 1](#)

108. In section 52ZC(10)(c) (land subject to mortgage: supplementary) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I108 Sch. 1 para. 108 in force at 1.6.2009, see [art. 1](#)

109. In section 54(1), (3) and (6)(b) (effect of counter-notice under section 53) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I109 Sch. 1 para. 109 in force at 1.6.2009, see [art. 1](#)

110. In section 56(1) and (3)(d) (effect of counter-notice under section 55) for “Lands Tribunal” substitute “Upper Tribunal”.

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Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

Commencement Information

I110 Sch. 1 para. 110 in force at 1.6.2009, see [art. 1](#)

111. In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I111 Sch. 1 para. 111 in force at 1.6.2009, see [art. 1](#)

112. In section 61(2) (notice to quit part of agricultural holding: right to claim notice of entry compensation for remainder of holding) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I112 Sch. 1 para. 112 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I101 Sch. 1 para. 101 in force at 1.6.2009, see [art. 1](#)

I102 Sch. 1 para. 102 in force at 1.6.2009, see [art. 1](#)

I103 Sch. 1 para. 103 in force at 1.6.2009, see [art. 1](#)

I104 Sch. 1 para. 104 in force at 1.6.2009, see [art. 1](#)

I105 Sch. 1 para. 105 in force at 1.6.2009, see [art. 1](#)

I106 Sch. 1 para. 106 in force at 1.6.2009, see [art. 1](#)

I107 Sch. 1 para. 107 in force at 1.6.2009, see [art. 1](#)

I108 Sch. 1 para. 108 in force at 1.6.2009, see [art. 1](#)

I109 Sch. 1 para. 109 in force at 1.6.2009, see [art. 1](#)

I110 Sch. 1 para. 110 in force at 1.6.2009, see [art. 1](#)

I111 Sch. 1 para. 111 in force at 1.6.2009, see [art. 1](#)

I112 Sch. 1 para. 112 in force at 1.6.2009, see [art. 1](#)

Reservoirs Act 1975

113. In section 18(2) of the Reservoirs Act 1975(**35**) (compensation to third parties for damage or disturbance) for “Lands Tribunal or” substitute “Upper Tribunal or”.

Commencement Information

I113 Sch. 1 para. 113 in force at 1.6.2009, see [art. 1](#)

House of Commons Disqualification Act 1975

114. In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975(**36**) (bodies of which all members are disqualified) omit the first entry for the Lands Tribunal.

(35) 1975 c.23.

(36) 1975 c.24.

Commencement Information

I114 Sch. 1 para. 114 in force at 1.6.2009, see [art. 1](#)

Northern Ireland Assembly Disqualification Act 1975

115. In Part 2 of Schedule 1 of the Northern Ireland Assembly Disqualification Act 1975**(37)** (bodies of which all members are disqualified) omit the first entry for the Lands Tribunal.

Commencement Information

I115 Sch. 1 para. 115 in force at 1.6.2009, see [art. 1](#)

Litigants in Person (Costs and Expenses) Act 1975

116. In section 1(1)(b) and (4)(a) of the Litigants in Person (Costs and Expenses) Act 1975**(38)** (costs or expenses recoverable) omit “the Lands Tribunal or”.

Commencement Information

I116 Sch. 1 para. 116 in force at 1.6.2009, see [art. 1](#)

Welsh Development Agency Act 1975

117. In paragraph 15(4) of Part 4 of Schedule 4 to the Welsh Development Agency Act 1975**(39)** (rights of entry)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Commencement Information

I117 Sch. 1 para. 117 in force at 1.6.2009, see [art. 1](#)

Local Government (Miscellaneous Provisions) Act 1976

118. The Local Government (Miscellaneous Provisions) Act 1976**(40)** is amended as follows.

Commencement Information

I118 Sch. 1 para. 118 in force at 1.6.2009, see [art. 1](#)

(37) 1975 c.25.

(38) 1975 c.47. Section 1 was amended by section 40(4) and 59(5) of, paragraph 26 of Schedule 9 to and paragraph 22 of Schedule 11 to the [Constitutional Reform Act 2005 \(c.4\)](#), section 48(1) of and paragraph 6 of Schedule 8 to the [Tribunals, Courts and Enforcement Act 2007 \(c.15\)](#), and article 2(1) and the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678).

(39) 1975 c.70. Schedule 4 was inserted by section 127 of and paragraph 3 of Schedule 13 to the [Government of Wales Act 1998 \(c.38\)](#).

(40) 1976 c.57.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

119. In section 15(6) (power of local authorities to survey land which they propose to acquire compulsorily)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) for “sections 2(2) to (5) and” substitute “section”; and
- (c) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”.

Commencement Information

I119 Sch. 1 para. 119 in force at 1.6.2009, see [art. 1](#)

120. In section 24(5) (provisions supplementary to section 23)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) for “sections 2(2) to (5) and” substitute “section”; and
- (c) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”.

Commencement Information

I120 Sch. 1 para. 120 in force at 1.6.2009, see [art. 1](#)

121. In paragraph 7 of Part 2 of Schedule 1 (adaptation of enactments), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I121 Sch. 1 para. 121 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I118 Sch. 1 para. 118 in force at 1.6.2009, see [art. 1](#)

I119 Sch. 1 para. 119 in force at 1.6.2009, see [art. 1](#)

I120 Sch. 1 para. 120 in force at 1.6.2009, see [art. 1](#)

I121 Sch. 1 para. 121 in force at 1.6.2009, see [art. 1](#)

Rentcharges Act 1977

122. The Rentcharges Act 1977(41) is amended as follows.

Commencement Information

I122 Sch. 1 para. 122 in force at 1.6.2009, see [art. 1](#)

123. In section 6(1) and (2) (appeal) for “Lands Tribunal” substitute “Upper Tribunal”.

(41) [1977 c.30](#).

Commencement Information

I123 Sch. 1 para. 123 in force at 1.6.2009, see [art. 1](#)

124. In section 7(1)(b) (effect of apportionment order) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I124 Sch. 1 para. 124 in force at 1.6.2009, see [art. 1](#)

125. In section 13(1) (interpretation), in the definition of “apportionment order” for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I125 Sch. 1 para. 125 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I122 Sch. 1 para. 122 in force at 1.6.2009, see [art. 1](#)

I123 Sch. 1 para. 123 in force at 1.6.2009, see [art. 1](#)

I124 Sch. 1 para. 124 in force at 1.6.2009, see [art. 1](#)

I125 Sch. 1 para. 125 in force at 1.6.2009, see [art. 1](#)

Ancient Monuments and Archaeological Areas Act 1979

126. The Ancient Monuments and Archaeological Areas Act 1979(42) is amended as follows.

Commencement Information

I126 Sch. 1 para. 126 in force at 1.6.2009, see [art. 1](#)

127. In section 8(4) (recovery of compensation on subsequent grant of consent) for “Lands Tribunal or” substitute “Upper Tribunal or”.

Commencement Information

I127 Sch. 1 para. 127 in force at 1.6.2009, see [art. 1](#)

128. In section 17(7) (agreement concerning ancient monuments and land in their vicinity) omit “of Lands Tribunal”.

Commencement Information

I128 Sch. 1 para. 128 in force at 1.6.2009, see [art. 1](#)

(42) 1979 c.46. Section 17(7) was substituted by section 128(1) of, and paragraph 8 of Schedule 14 to, the Tithe Conditions (Scotland) Act 2003 (asp 9).

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

- 129.** In section 47 (general provisions with respect to claims for compensation)—
- (a) in subsection (2) for “Lands Tribunal or” substitute “Upper Tribunal or”; and
 - (b) in subsection (3) for “sections 2 and” substitute “section”.

Commencement Information

I129 Sch. 1 para. 129 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I126 Sch. 1 para. 126 in force at 1.6.2009, see [art. 1](#)

I127 Sch. 1 para. 127 in force at 1.6.2009, see [art. 1](#)

I128 Sch. 1 para. 128 in force at 1.6.2009, see [art. 1](#)

I129 Sch. 1 para. 129 in force at 1.6.2009, see [art. 1](#)

Local Government, Planning and Land Act 1980

- 130.** The Local Government, Planning and Land Act 1980(43) is amended as follows.

Commencement Information

I130 Sch. 1 para. 130 in force at 1.6.2009, see [art. 1](#)

- 131.** In section 167 (power to survey land etc.)—
- (a) in subsection (9)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal”;
 - (ii) for “sections 2(2) to (5) and” substitute “section”; and
 - (iii) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”; and
 - (b) in subsection (13)—
 - (i) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”;
 - (ii) for “for “sections 2(2) to (5) and” substitute “section”; and
 - (iii) omit “(which make similar provision for Scotland)”.

Commencement Information

I131 Sch. 1 para. 131 in force at 1.6.2009, see [art. 1](#)

- 132.** In paragraph 23(2) of Part 4 of Schedule 28 (urban development corporations: land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

(43) 1980 c.65.

Commencement Information

I132 Sch. 1 para. 132 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I130 Sch. 1 para. 130 in force at 1.6.2009, see [art. 1](#)

I131 Sch. 1 para. 131 in force at 1.6.2009, see [art. 1](#)

I132 Sch. 1 para. 132 in force at 1.6.2009, see [art. 1](#)

Highways Act 1980

133. The Highways Act 1980(44) is amended as follows.

Commencement Information

I133 Sch. 1 para. 133 in force at 1.6.2009, see [art. 1](#)

134. In section 261(1), (2), (3), (4) and (5) (benefit to vendor to be taken into account in assessing compensation on certain compulsory acquisitions for highway purposes) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I134 Sch. 1 para. 134 in force at 1.6.2009, see [art. 1](#)

135. In section 262(1)(b) and (2)(b) (assumptions to be made in assessing compensation on certain compulsory acquisitions of land for service stations etc and lorry areas for special roads) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I135 Sch. 1 para. 135 in force at 1.6.2009, see [art. 1](#)

136. In section 271(3) (provisions with respect to transfer of toll highways to highway authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I136 Sch. 1 para. 136 in force at 1.6.2009, see [art. 1](#)

137. In section 307 (disputes as to compensation which are to be determined by Lands Tribunal and related provisions)—

- (a) in the heading and subsections (1), (2), (4), (5), (6) and (7) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (5)(b) for “their” substitute “its”.

(44) 1980 c.66.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

Commencement Information

I137 Sch. 1 para. 137 in force at 1.6.2009, see [art. 1](#)

138. In paragraph 7 of Part 2 of Schedule 19 (compulsory acquisition of rights – modification of 1965 Act), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsections (1) and (1A) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (1) for “so determine” substitute “so determines”.

Commencement Information

I138 Sch. 1 para. 138 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I133 Sch. 1 para. 133 in force at 1.6.2009, see [art. 1](#)

I134 Sch. 1 para. 134 in force at 1.6.2009, see [art. 1](#)

I135 Sch. 1 para. 135 in force at 1.6.2009, see [art. 1](#)

I136 Sch. 1 para. 136 in force at 1.6.2009, see [art. 1](#)

I137 Sch. 1 para. 137 in force at 1.6.2009, see [art. 1](#)

I138 Sch. 1 para. 138 in force at 1.6.2009, see [art. 1](#)

Judicial Pensions Act 1981

139. The Judicial Pensions Act 1981⁽⁴⁵⁾ is amended as follows.

Commencement Information

I139 Sch. 1 para. 139 in force at 1.6.2009, see [art. 1](#)

140. In section 10 (president or other member of either Lands Tribunal)—

- (a) in the heading, for “either Lands Tribunal” substitute “the Lands Tribunal for Scotland”;
- (b) in subsection (1)—
 - (i) omit “the Lands Tribunal, or”; and
 - (ii) for “appropriate minister” substitute “Secretary of State”; and
- (c) omit subsection (2).

Commencement Information

I140 Sch. 1 para. 140 in force at 1.6.2009, see [art. 1](#)

141. In section 16 (application of Part 2 and interpretation), in the definition of “relevant service” in the entry for Member of Lands Tribunal or Lands Tribunal for Scotland—

- (a) in the first column omit “Lands Tribunal or”; and
- (b) in the second column for “either of those Tribunals” substitute “that Tribunal”.

⁽⁴⁵⁾ 1981 c.20. Section 10(1) was amended by section 118(2) of the [Courts and Legal Services Act 1990](#) (c.41).

Commencement Information

I141 Sch. 1 para. 141 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I139 Sch. 1 para. 139 in force at 1.6.2009, see [art. 1](#)

I140 Sch. 1 para. 140 in force at 1.6.2009, see [art. 1](#)

I141 Sch. 1 para. 141 in force at 1.6.2009, see [art. 1](#)

New Towns Act 1981

142. The New Towns Act 1981(46) is amended as follows.

Commencement Information

I142 Sch. 1 para. 142 in force at 1.6.2009, see [art. 1](#)

143. In paragraph 6 of Part 2 of Schedule 6 (modifications of enactments) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I143 Sch. 1 para. 143 in force at 1.6.2009, see [art. 1](#)

144. In Schedule 7 (assessment of compensation to statutory undertakers)—

- (a) in paragraphs 1(3) and 3(1) and (2) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (b) in paragraph 3(2)—
 - (i) for “sections 2 and” substitute “section”;
 - (ii) for “apply as they apply” substitute “applies as it applies”; and
 - (iii) for “section 4 of that Act” substitute “that section”.

Commencement Information

I144 Sch. 1 para. 144 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I142 Sch. 1 para. 142 in force at 1.6.2009, see [art. 1](#)

I143 Sch. 1 para. 143 in force at 1.6.2009, see [art. 1](#)

I144 Sch. 1 para. 144 in force at 1.6.2009, see [art. 1](#)

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1.* (See end of Document for details)

Compulsory Purchase (Vesting Declarations) Act 1981

145. The Compulsory Purchase (Vesting Declarations) Act 1981(47) is amended as follows.

Commencement Information

I145 Sch. 1 para. 145 in force at 1.6.2009, see [art. 1](#)

146. In section 10(3) (acquiring authority’s liability arising on vesting of the land) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I146 Sch. 1 para. 146 in force at 1.6.2009, see [art. 1](#)

147. In section 11(4) (recovery of compensation overpaid) for the words from “Lands Tribunal” to the end substitute “Upper Tribunal”.

Commencement Information

I147 Sch. 1 para. 147 in force at 1.6.2009, see [art. 1](#)

148. In paragraphs 4(1)(c), 8(1) and 9(1) and (2) of Part 1 of Schedule 1 (divided land; buildings and gardens etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I148 Sch. 1 para. 148 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I145 Sch. 1 para. 145 in force at 1.6.2009, see [art. 1](#)

I146 Sch. 1 para. 146 in force at 1.6.2009, see [art. 1](#)

I147 Sch. 1 para. 147 in force at 1.6.2009, see [art. 1](#)

I148 Sch. 1 para. 148 in force at 1.6.2009, see [art. 1](#)

Acquisition of Land Act 1981

149. The Acquisition of Land Act 1981(48) is amended as follows.

Commencement Information

I149 Sch. 1 para. 149 in force at 1.6.2009, see [art. 1](#)

150. In section 4(2) (assessment of compensation) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

(47) 1981 c.66.

(48) 1981 c.67.

Commencement Information

I150 Sch. 1 para. 150 in force at 1.6.2009, see [art. 1](#)

151. In paragraph 3(4) of Part 3 of Schedule 2 (minerals) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I151 Sch. 1 para. 151 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I149 Sch. 1 para. 149 in force at 1.6.2009, see [art. 1](#)

I150 Sch. 1 para. 150 in force at 1.6.2009, see [art. 1](#)

I151 Sch. 1 para. 151 in force at 1.6.2009, see [art. 1](#)

Civil Aviation Act 1982

152. The Civil Aviation Act 1982(49) is amended as follows.

Commencement Information

I152 Sch. 1 para. 152 in force at 1.6.2009, see [art. 1](#)

153. In section 44(6) (power to obtain rights over land) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I153 Sch. 1 para. 153 in force at 1.6.2009, see [art. 1](#)

154. In section 50(7) (power of entry for purposes of survey) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I154 Sch. 1 para. 154 in force at 1.6.2009, see [art. 1](#)

155. In section 51(1) (special provisions for statutory undertakers) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I155 Sch. 1 para. 155 in force at 1.6.2009, see [art. 1](#)

156. In section 105 (general interpretation)—

(49) 1982 c.16.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

- (a) in subsection (1)—
- (i) omit the definition of “the Lands Tribunal”; and
 - (ii) in the appropriate place, insert—
 - ““the appropriate tribunal” means—
 - (a) in the application of this Act to England and Wales, the Upper Tribunal;
 - (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;
 - (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;”;
- (b) omit subsection (5).

Commencement Information

I156 Sch. 1 para. 156 in force at 1.6.2009, see [art. 1](#)

157. In paragraph 5 of Schedule 8 (provisions relating to orders under section 45) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I157 Sch. 1 para. 157 in force at 1.6.2009, see [art. 1](#)

158. In paragraph 9 of Part 2 of Schedule 9 (provisions relating to directions under section 46) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I158 Sch. 1 para. 158 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I152 Sch. 1 para. 152 in force at 1.6.2009, see [art. 1](#)

I153 Sch. 1 para. 153 in force at 1.6.2009, see [art. 1](#)

I154 Sch. 1 para. 154 in force at 1.6.2009, see [art. 1](#)

I155 Sch. 1 para. 155 in force at 1.6.2009, see [art. 1](#)

I156 Sch. 1 para. 156 in force at 1.6.2009, see [art. 1](#)

I157 Sch. 1 para. 157 in force at 1.6.2009, see [art. 1](#)

I158 Sch. 1 para. 158 in force at 1.6.2009, see [art. 1](#)

Aviation Security Act 1982

159. Schedule 1 to the Aviation Security Act 1982⁽⁵⁰⁾ (provisions relating to compensation) is amended as follows—

- (a) in paragraph 7 for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraphs 9(b) and 10(b) for “Lands Tribunal shall” substitute “Upper Tribunal shall”.

⁽⁵⁰⁾ 1982 c.36.

Commencement Information

I159 Sch. 1 para. 159 in force at 1.6.2009, see [art. 1](#)

Mental Health Act 1983

160. The Mental Health Act 1983(**51**) is amended as follows.

Commencement Information

I160 Sch. 1 para. 160 in force at 1.6.2009, see [art. 1](#)

161. In section 77(2) (general provisions concerning tribunal applications) after “in accordance with” insert “Tribunal Procedure Rules or”.

Commencement Information

I161 Sch. 1 para. 161 in force at 1.6.2009, see [art. 1](#)

162. In Schedule 2 (Mental Health Review Tribunal for Wales), after paragraph 4 insert—

“**5.**—(1) A member of the First-tier Tribunal who is eligible to decide any matter in a case under this Act may, at the request of the President of the Mental Health Review Tribunal for Wales and with the approval of the Senior President of Tribunals, act as a member of the Mental Health Review Tribunal for Wales.

(2) Every person while acting under this paragraph may perform any of the functions of a member of the Mental Health Review Tribunal for Wales.

(3) Until section 38(7) of the Mental Health Act 2007 comes into force, the reference in sub-paragraph (1) to the President of the Mental Health Review Tribunal for Wales is to be read as a reference to the chairman of the tribunal.”.

Commencement Information

I162 Sch. 1 para. 162 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I160 Sch. 1 para. 160 in force at 1.6.2009, see [art. 1](#)

I161 Sch. 1 para. 161 in force at 1.6.2009, see [art. 1](#)

I162 Sch. 1 para. 162 in force at 1.6.2009, see [art. 1](#)

National Heritage Act 1983

163. In section 36(10) of the National Heritage Act 1983(**52**) (records: power of entry)—

(a) for “Lands Tribunal” substitute “Upper Tribunal”; and

(51) 1983 c.20.

(52) 1983 c.47.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

- (b) for “sections 2(2) to (5) and” substitute “section”.

Commencement Information

I163 Sch. 1 para. 163 in force at 1.6.2009, see [art. 1](#)

Telecommunications Act 1984

164. In paragraph 4 of Schedule 2 to the Telecommunications Act 1984⁽⁵³⁾ (the Telecommunications Code: effect of rights and compensation)—

- (a) in sub-paragraph (6)—
 - (i) for “the Lands Tribunal” substitute “the appropriate tribunal”;
 - (ii) for “sections 2 and” substitute “section”; and
 - (iii) for “procedure and costs before the Lands Tribunal” substitute “costs”;
- (b) in sub-paragraph (9) for “Lands Tribunal” substitute “appropriate tribunal”;
- (c) after sub-paragraph (10) insert—
 - “(10A) In this paragraph “the appropriate tribunal” means—
 - (a) in the application of this Act to England and Wales, the Upper Tribunal;
 - (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;
 - (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland.”;
- (d) in sub-paragraph (11)—
 - (i) in paragraph (a) omit “for any reference to the Lands Tribunal there is substituted a reference to the Lands Tribunal for Scotland and”; and
 - (ii) in paragraph (b) for “sections 2 and” substitute “section”; and
- (e) in sub-paragraph (12)—
 - (i) omit paragraph (a); and
 - (ii) in paragraph (b) omit “2”.

Commencement Information

I164 Sch. 1 para. 164 in force at 1.6.2009, see [art. 1](#)

Road Traffic Regulation Act 1984

165. In paragraph 22(4) of Part 4 of Schedule 4 to the Road Traffic Regulation Act 1984⁽⁵⁴⁾ (control of off-street parking)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

⁽⁵³⁾ 1984 c.12.

⁽⁵⁴⁾ 1984 c.27.

Commencement Information

I165 Sch. 1 para. 165 in force at 1.6.2009, see [art. 1](#)

Cycle Tracks Act 1984

166. In section 5(3) of the Cycle Tracks Act 1984(**55**) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I166 Sch. 1 para. 166 in force at 1.6.2009, see [art. 1](#)

Inheritance Tax Act 1984

167. In section 222 of the Inheritance Tax Act 1984(**56**) (appeals against determinations)—

- (a) in subsection (4) omit “Lands”;
- (b) in subsection (4A) omit “Lands”;
- (c) in subsection (4B)—
 - (i) for “appropriate Lands tribunal” substitute “appropriate tribunal”; and
 - (ii) in paragraph (a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I167 Sch. 1 para. 167 in force at 1.6.2009, see [art. 1](#)

Mineral Workings Act 1985

168. The Mineral Workings Act 1985(**57**) is amended as follows.

Commencement Information

I168 Sch. 1 para. 168 in force at 1.6.2009, see [art. 1](#)

169. In section 7(13) (power to enter former mining land etc.)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2(2) to (5) and” substitute “section”.

Commencement Information

I169 Sch. 1 para. 169 in force at 1.6.2009, see [art. 1](#)

170. In section 8(11) (works on former mining land etc.) —

(55) 1984 c.xlv.

(56) 1984 c.51. Section 222(4B) was substituted by section 200 of the Finance Act 1993 (c.34) and amended by the Transfer of Tribunal Functions and Revenue and Customs Order 2009 (S.I. 2009/56).

(57) 1985 c.12.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2(2) to (5) and” substitute “section”.

Commencement Information

I170 Sch. 1 para. 170 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I168 Sch. 1 para. 168 in force at 1.6.2009, see [art. 1](#)

I169 Sch. 1 para. 169 in force at 1.6.2009, see [art. 1](#)

I170 Sch. 1 para. 170 in force at 1.6.2009, see [art. 1](#)

Housing Act 1985

171. The Housing Act 1985(**58**) is amended as follows.

Commencement Information

I171 Sch. 1 para. 171 in force at 1.6.2009, see [art. 1](#)

172. In section 269(6)(a) and (b) (right of appeal against order) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I172 Sch. 1 para. 172 in force at 1.6.2009, see [art. 1](#)

173. In section 296(3) (apparatus of statutory undertakers) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I173 Sch. 1 para. 173 in force at 1.6.2009, see [art. 1](#)

174. In section 550(2)(a) (compulsory purchase compensation to be made up to 95 per cent of defect-free value) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I174 Sch. 1 para. 174 in force at 1.6.2009, see [art. 1](#)

175. In section 584B(6) (repayment on revocation of demolition or prohibition order)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and

(58) [1985 c.68](#). Section 269(6) was amended by section 48(1) and (2)(c) of the [Housing Act 2004 \(c.34\)](#). Section 584B was inserted by section 165 of, and paragraph 75 of Schedule 9 to, the [Local Government and Housing Act 1989 \(c.42\)](#) and substituted by section 265(1) of, and paragraphs 10 and 31 of Schedule 15 to, the 2004 Act. Paragraph 11(5B) of Schedule 5 was inserted by section 181 of the 2004 Act.

- (b) for “section 2 and subsections (1)(a) and (4) to (6)” substitute “subsections (1)(a), (4) and (5)”.

Commencement Information

I175 Sch. 1 para. 175 in force at 1.6.2009, see [art. 1](#)

176. In paragraph 11(5B) of Schedule 5 (exceptions to the right to buy) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I176 Sch. 1 para. 176 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I171 Sch. 1 para. 171 in force at 1.6.2009, see [art. 1](#)

I172 Sch. 1 para. 172 in force at 1.6.2009, see [art. 1](#)

I173 Sch. 1 para. 173 in force at 1.6.2009, see [art. 1](#)

I174 Sch. 1 para. 174 in force at 1.6.2009, see [art. 1](#)

I175 Sch. 1 para. 175 in force at 1.6.2009, see [art. 1](#)

I176 Sch. 1 para. 176 in force at 1.6.2009, see [art. 1](#)

Landlord and Tenant Act 1985

177. In section 20C(1) and (2)(c) of the Landlord and Tenant Act 1985(**59**) (limitation of service charges: costs of proceedings) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I177 Sch. 1 para. 177 in force at 1.6.2009, see [art. 1](#)

Greater London Council (General Powers) Act 1986

178. In section 4(11) of the Greater London Council (General Powers) Act 1986(**60**) (incorporation of certain banks, walls, etc. into flood defences) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I178 Sch. 1 para. 178 in force at 1.6.2009, see [art. 1](#)

Gas Act 1986

179. In Schedule 3 to the Gas Act 1986(**61**) (acquisition of land by gas transporter)—

(59) 1985 c.70. Section 20C was inserted by section 41 of and paragraph 4 of Schedule 2 to the [Landlord and Tenant Act 1987 \(c.31\)](#), and was substituted by section 83(4) of the [Housing Act 1996 \(c.52\)](#).

(60) 1986 c.iv.

(61) 1986 c.44.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

- (a) in paragraph 8, in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—
- (i) in subsection (1) for “Lands Tribunal determine” substitute “Upper Tribunal determines”;
 - (ii) in subsection (1) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
 - (iii) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 22 for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

Commencement Information

I179 Sch. 1 para. 179 in force at 1.6.2009, see [art. 1](#)

Landlord and Tenant Act 1987

180. The Landlord and Tenant Act 1987(62) is amended as follows.

Commencement Information

I180 Sch. 1 para. 180 in force at 1.6.2009, see [art. 1](#)

181. In section 12D(4) (nominated persons: supplementary provisions) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I181 Sch. 1 para. 181 in force at 1.6.2009, see [art. 1](#)

182. In section 14(4) (withdrawal of nominated person from transaction) for “Upper Tribunal” substitute “Lands Tribunal”.

Commencement Information

I182 Sch. 1 para. 182 in force at 1.6.2009, see [art. 1](#)

183. In section 33(2)(a) (acquisition order where landlord cannot be found) for “President of the Lands Tribunal” substitute “Senior President of Tribunals”.

Commencement Information

I183 Sch. 1 para. 183 in force at 1.6.2009, see [art. 1](#)

184. In section 34(4) (discharge of acquisition order and withdrawal by tenants) for “Lands Tribunal” substitute “Upper Tribunal”.

(62) 1987 c.31. Sections 12D and 14 were substituted by section 92(1) of and Part 2 of Schedule 6 to the [Housing Act 1996 \(c.52\)](#).

Commencement Information

I184 Sch. 1 para. 184 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I180 Sch. 1 para. 180 in force at 1.6.2009, see [art. 1](#)

I181 Sch. 1 para. 181 in force at 1.6.2009, see [art. 1](#)

I182 Sch. 1 para. 182 in force at 1.6.2009, see [art. 1](#)

I183 Sch. 1 para. 183 in force at 1.6.2009, see [art. 1](#)

I184 Sch. 1 para. 184 in force at 1.6.2009, see [art. 1](#)

Channel Tunnel Act 1987

185. The Channel Tunnel Act 1987(**63**) is amended as follows.

Commencement Information

I185 Sch. 1 para. 185 in force at 1.6.2009, see [art. 1](#)

186. In section 46 (determination of questions referred to arbitration) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I186 Sch. 1 para. 186 in force at 1.6.2009, see [art. 1](#)

187. In Part 3 of Schedule 5 (supplementary provisions as to acquisition of land)—

(a) in paragraphs 3(2) to (7) and 6(1) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in paragraph 8(b), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965, in section 8(1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I187 Sch. 1 para. 187 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I185 Sch. 1 para. 185 in force at 1.6.2009, see [art. 1](#)

I186 Sch. 1 para. 186 in force at 1.6.2009, see [art. 1](#)

I187 Sch. 1 para. 187 in force at 1.6.2009, see [art. 1](#)

Local Government Finance Act 1988

188. In Schedule 11 to the Local Government Finance Act 1988(**64**) (tribunals)—

(63) 1987 c.53.

(64) 1988 c.41.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

- (a) in paragraph 11(1)(b) and (2)(a) to (d) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 14—
 - (i) in paragraphs (c) to (e) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) in paragraph (d) omit “, as to the time within which an appeal may be initiated, and”.

Commencement Information

I188 Sch. 1 para. 188 in force at 1.6.2009, see [art. 1](#)

Housing Act 1988

189. In paragraph 22 of Part 3 of Schedule 10 to the Housing Act 1988⁽⁶⁵⁾ (housing action trusts: land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I189 Sch. 1 para. 189 in force at 1.6.2009, see [art. 1](#)

Electricity Act 1989

190. The Electricity Act 1989⁽⁶⁶⁾ is amended as follows.

Commencement Information

I190 Sch. 1 para. 190 in force at 1.6.2009, see [art. 1](#)

191. In paragraph 9 of Part 2 of Schedule 3 (compulsory acquisition of land etc. by licence holders), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
- (b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I191 Sch. 1 para. 191 in force at 1.6.2009, see [art. 1](#)

192. In Schedule 4 (other powers etc. of licence holders)—

- (a) in paragraphs 7(4) and 11(3) for “sections 2 and 4” substitute “section 4”; and
- (b) in paragraph 12 in the definition of “the Tribunal” for “Lands Tribunal in” substitute “Upper Tribunal in”.

⁽⁶⁵⁾ 1988 c.50.

⁽⁶⁶⁾ 1989 c.29.

Commencement Information

I192 Sch. 1 para. 192 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I190 Sch. 1 para. 190 in force at 1.6.2009, see [art. 1](#)

I191 Sch. 1 para. 191 in force at 1.6.2009, see [art. 1](#)

I192 Sch. 1 para. 192 in force at 1.6.2009, see [art. 1](#)

Town and Country Planning Act 1990

193. The Town and Country Planning Act 1990(67) is amended as follows.

Commencement Information

I193 Sch. 1 para. 193 in force at 1.6.2009, see [art. 1](#)

194. In section 109(3)(a), (4) and (5) (apportionment of compensation for depreciation) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I194 Sch. 1 para. 194 in force at 1.6.2009, see [art. 1](#)

195. In section 118 (determination of claims for compensation)—

(a) in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in subsection (2) for “sections 2 and” substitute “section”.

Commencement Information

I195 Sch. 1 para. 195 in force at 1.6.2009, see [art. 1](#)

196. In section 146(1), (4) and (8)(b) (effect of counter-notice under section 145) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I196 Sch. 1 para. 196 in force at 1.6.2009, see [art. 1](#)

197. In section 152(2)(b) (further counter-notices where certain proposals have come into force) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I197 Sch. 1 para. 197 in force at 1.6.2009, see [art. 1](#)

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

198. In section 153 (reference of objection to Lands Tribunal: general)—

- (a) in the heading and subsections (1) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) omit subsection (2).

Commencement Information

I198 Sch. 1 para. 198 in force at 1.6.2009, see [art. 1](#)

199. In section 154(1)(b), (3)(a), (4)(a) and (b) and (6)(b) (effect of valid blight notice) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I199 Sch. 1 para. 199 in force at 1.6.2009, see [art. 1](#)

200. In section 155(1)(a) and (b) and (3)(b) and (c) (effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I200 Sch. 1 para. 200 in force at 1.6.2009, see [art. 1](#)

201. In section 156(1) (withdrawal of blight notice) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I201 Sch. 1 para. 201 in force at 1.6.2009, see [art. 1](#)

202. In section 159(3), (4) and (5) (objections to section 158 notices) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I202 Sch. 1 para. 202 in force at 1.6.2009, see [art. 1](#)

203. In section 160(2)(a) and (4)(a) (effect of notices served by virtue of section 158) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I203 Sch. 1 para. 203 in force at 1.6.2009, see [art. 1](#)

204. In section 163(2)(b)(i) (prohibition on service of simultaneous notices under sections 150, 161 and 162) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I204 Sch. 1 para. 204 in force at 1.6.2009, see [art. 1](#)

205. In section 166(1)(b) and (2) (saving for claimant’s right to sell whole hereditament, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I205 Sch. 1 para. 205 in force at 1.6.2009, see [art. 1](#)

206. In section 186 (compensation for loss due to stop notice)—
(a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
(b) in subsection (7) for “sections 2 and” substitute “section”.

Commencement Information

I206 Sch. 1 para. 206 in force at 1.6.2009, see [art. 1](#)

207. In section 205 (determination of compensation claims)—
(a) in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”; and
(b) in subsection (2) for “sections 2 and” substitute “section”.

Commencement Information

I207 Sch. 1 para. 207 in force at 1.6.2009, see [art. 1](#)

208. In section 223 (repayment of expense of removing prohibited advertisements)—
(a) in subsection (2) for “Lands Tribunal” substitute “Upper Tribunal”; and
(b) in subsection (3) for “sections 2 and” substitute “section”.

Commencement Information

I208 Sch. 1 para. 208 in force at 1.6.2009, see [art. 1](#)

209. In section 250 (compensation for orders under section 249)—
(a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
(b) in subsection (7) for “sections 2 and” substitute “section”.

Commencement Information

I209 Sch. 1 para. 209 in force at 1.6.2009, see [art. 1](#)

210. In section 280(4) and (5) (measure of compensation to statutory undertakers, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

Commencement Information

I210 Sch. 1 para. 210 in force at 1.6.2009, see [art. 1](#)

211. In section 282 (procedure for assessing compensation)—

- (a) in subsections (1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (2)—
 - (i) for “sections 2 and” substitute “section”; and
 - (ii) for “section 4 of that Act” substitute “section 4”.

Commencement Information

I211 Sch. 1 para. 211 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I193 Sch. 1 para. 193 in force at 1.6.2009, see [art. 1](#)

I194 Sch. 1 para. 194 in force at 1.6.2009, see [art. 1](#)

I195 Sch. 1 para. 195 in force at 1.6.2009, see [art. 1](#)

I196 Sch. 1 para. 196 in force at 1.6.2009, see [art. 1](#)

I197 Sch. 1 para. 197 in force at 1.6.2009, see [art. 1](#)

I198 Sch. 1 para. 198 in force at 1.6.2009, see [art. 1](#)

I199 Sch. 1 para. 199 in force at 1.6.2009, see [art. 1](#)

I200 Sch. 1 para. 200 in force at 1.6.2009, see [art. 1](#)

I201 Sch. 1 para. 201 in force at 1.6.2009, see [art. 1](#)

I202 Sch. 1 para. 202 in force at 1.6.2009, see [art. 1](#)

I203 Sch. 1 para. 203 in force at 1.6.2009, see [art. 1](#)

I204 Sch. 1 para. 204 in force at 1.6.2009, see [art. 1](#)

I205 Sch. 1 para. 205 in force at 1.6.2009, see [art. 1](#)

I206 Sch. 1 para. 206 in force at 1.6.2009, see [art. 1](#)

I207 Sch. 1 para. 207 in force at 1.6.2009, see [art. 1](#)

I208 Sch. 1 para. 208 in force at 1.6.2009, see [art. 1](#)

I209 Sch. 1 para. 209 in force at 1.6.2009, see [art. 1](#)

I210 Sch. 1 para. 210 in force at 1.6.2009, see [art. 1](#)

I211 Sch. 1 para. 211 in force at 1.6.2009, see [art. 1](#)

Planning (Listing Buildings and Conservation Areas) Act 1990

212. In section 31 of the Planning (Listing Buildings and Conservation Areas) Act 1990(**68**) (general provisions as to compensation for depreciation under Part 1)—

- (a) in subsection (4) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (5) for “sections 2 and” substitute “section”.

Commencement Information

I212 Sch. 1 para. 212 in force at 1.6.2009, see [art. 1](#)

Aviation and Maritime Security Act 1990

213. In Schedule 2 to the Aviation and Maritime Security Act 1990(**69**) (provisions relating to compensation)—

- (a) in paragraph 7 for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraphs 8(b) and 9(b) for “Lands Tribunal is” substitute “Upper Tribunal is”.

Commencement Information

I213 Sch. 1 para. 213 in force at 1.6.2009, see [art. 1](#)

Courts and Legal Services Act 1990

214. In Schedule 11 to the Courts and Legal Services Act 1990(**70**) (judges etc. barred from legal practice) omit the entry for Member of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949.

Commencement Information

I214 Sch. 1 para. 214 in force at 1.6.2009, see [art. 1](#)

Planning and Compensation Act 1991

215. In Part 2 of Schedule 18 to the Planning and Compensation Act 1991(**71**) (compensation provisions referred to in section 80) for the entry for rule 32 of the Lands Tribunal Rules 1996 substitute—

“Rule 32 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2009 (awards with interest by the Upper Tribunal).”.

Commencement Information

I215 Sch. 1 para. 215 in force at 1.6.2009, see [art. 1](#)

Coal Mining Subsidence Act 1991

216. The Coal Mining Subsidence Act 1991(**72**) is amended as follows.

Commencement Information

I216 Sch. 1 para. 216 in force at 1.6.2009, see [art. 1](#)

217. In section 6(4) and (6) (schedule of remedial works) for “Lands Tribunal” substitute “appropriate tribunal”.

(69) 1990 c.31.

(70) 1990 c.41.

(71) 1991 c.34. Part 2 of Schedule 18 was amended by article 2(1) and (3) of the Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999 (S.I. 1999/648).

(72) 1991 c.45.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

Commencement Information

I217 Sch. 1 para. 217 in force at 1.6.2009, see [art. 1](#)

218. In section 40(1) (disputes: general) for “Lands Tribunal” substitute “appropriate tribunal”.

Commencement Information

I218 Sch. 1 para. 218 in force at 1.6.2009, see [art. 1](#)

219. In section 52 (interpretation) omit the definition of “the Lands Tribunal” and insert in the appropriate place—

““the appropriate tribunal” means—

- (a) in relation to England and Wales, the Upper Tribunal;
- (b) in relation to Scotland, the Lands Tribunal for Scotland;”.

Commencement Information

I219 Sch. 1 para. 219 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I216 Sch. 1 para. 216 in force at 1.6.2009, see [art. 1](#)

I217 Sch. 1 para. 217 in force at 1.6.2009, see [art. 1](#)

I218 Sch. 1 para. 218 in force at 1.6.2009, see [art. 1](#)

I219 Sch. 1 para. 219 in force at 1.6.2009, see [art. 1](#)

Water Industry Act 1991

220. The Water Industry Act 1991(73) is amended as follows.

Commencement Information

I220 Sch. 1 para. 220 in force at 1.6.2009, see [art. 1](#)

221. In paragraph 11(3)(a) of Part 2 of Schedule 6 (supplemental provisions relating to right of entry) for “President of the Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I221 Sch. 1 para. 221 in force at 1.6.2009, see [art. 1](#)

222. In paragraph 4 of Schedule 9 (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for subsection 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—

- (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
- (ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
- (b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I222 Sch. 1 para. 222 in force at 1.6.2009, see [art. 1](#)

223. In paragraph 8(6) of Schedule 11 (orders conferring compulsory works powers)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Commencement Information

I223 Sch. 1 para. 223 in force at 1.6.2009, see [art. 1](#)

224. In paragraph 3(1) of Schedule 12 (compensation etc. in respect of pipe-laying and other works powers)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Commencement Information

I224 Sch. 1 para. 224 in force at 1.6.2009, see [art. 1](#)

225. In paragraph 2(4) of Schedule 14 (mineral rights) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I225 Sch. 1 para. 225 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I220 Sch. 1 para. 220 in force at 1.6.2009, see [art. 1](#)

I221 Sch. 1 para. 221 in force at 1.6.2009, see [art. 1](#)

I222 Sch. 1 para. 222 in force at 1.6.2009, see [art. 1](#)

I223 Sch. 1 para. 223 in force at 1.6.2009, see [art. 1](#)

I224 Sch. 1 para. 224 in force at 1.6.2009, see [art. 1](#)

I225 Sch. 1 para. 225 in force at 1.6.2009, see [art. 1](#)

Child Support Act 1991

226.—(1) The amendment made by this paragraph does not have effect at any time after the commencement of paragraph 23 of Schedule 4 to the Northern Ireland Act 2009(74).

(74) 2009 c. 3.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

(2) In paragraph 4 of Schedule 4 to the Child Support Act 1991⁽⁷⁵⁾ (Child Support Commissioners for Northern Ireland)—

- (a) in sub-paragraph (1) for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”; and
- (b) in sub-paragraph (2)(b) for “First Minister and deputy First Minister think” substitute “Lord Chancellor thinks”.

Commencement Information

I226 Sch. 1 para. 226 in force at 1.6.2009, see [art. 1](#)

Water Resources Act 1991

227. The Water Resources Act 1991⁽⁷⁶⁾ is amended as follows.

Commencement Information

I227 Sch. 1 para. 227 in force at 1.6.2009, see [art. 1](#)

228. In section 61(5) (compensation where licence modified on direction of the Secretary of State)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Commencement Information

I228 Sch. 1 para. 228 in force at 1.6.2009, see [art. 1](#)

229. In section 62(5) (compensation for owner of fishing rights applying under section 55)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Commencement Information

I229 Sch. 1 para. 229 in force at 1.6.2009, see [art. 1](#)

230. In section 63(4)(b) (Secretary of State to indemnify Agency in certain cases) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I230 Sch. 1 para. 230 in force at 1.6.2009, see [art. 1](#)

231. In paragraphs 3(2) and 4(2), (3) and (4) of Schedule 9 (compensation in respect of drought orders) for “Lands Tribunal” substitute “Upper Tribunal”.

⁽⁷⁵⁾ 1991 c.48. In paragraph 4 of Schedule 4, sub-paragraph (2)(b) was amended by section 26 of, and paragraph 23(3) of Schedule 6 to, the [Judicial Pensions and Retirement Act 1993](#) (c.8), and sub-paragraphs (1) and (2)(a) were amended by article 9(1) of, and paragraph 97(7)(a) and (d) of Schedule 3 to, the [Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833).

⁽⁷⁶⁾ 1991 c.57.

Commencement Information

I231 Sch. 1 para. 231 in force at 1.6.2009, see [art. 1](#)

232. In paragraph 4 of Schedule 18 (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for subsection 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
- (b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I232 Sch. 1 para. 232 in force at 1.6.2009, see [art. 1](#)

233. In paragraph 8(6) of Schedule 19 (orders conferring compulsory works powers)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Commencement Information

I233 Sch. 1 para. 233 in force at 1.6.2009, see [art. 1](#)

234. In paragraph 6(3)(a) of Schedule 20 (supplemental provisions with respect to powers of entry) for “President of the Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I234 Sch. 1 para. 234 in force at 1.6.2009, see [art. 1](#)

235. In Schedule 21 (compensation etc. in respect of certain works powers)—

- (a) in paragraph 3(1)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) for “sections 2 and” substitute “section”; and
- (b) in paragraph 5(2) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I235 Sch. 1 para. 235 in force at 1.6.2009, see [art. 1](#)

236. In paragraph 2(4) of Schedule 23 (mineral rights) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I236 Sch. 1 para. 236 in force at 1.6.2009, see [art. 1](#)

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

Commencement Information

- I227** Sch. 1 para. 227 in force at 1.6.2009, see [art. 1](#)
- I228** Sch. 1 para. 228 in force at 1.6.2009, see [art. 1](#)
- I229** Sch. 1 para. 229 in force at 1.6.2009, see [art. 1](#)
- I230** Sch. 1 para. 230 in force at 1.6.2009, see [art. 1](#)
- I231** Sch. 1 para. 231 in force at 1.6.2009, see [art. 1](#)
- I232** Sch. 1 para. 232 in force at 1.6.2009, see [art. 1](#)
- I233** Sch. 1 para. 233 in force at 1.6.2009, see [art. 1](#)
- I234** Sch. 1 para. 234 in force at 1.6.2009, see [art. 1](#)
- I235** Sch. 1 para. 235 in force at 1.6.2009, see [art. 1](#)
- I236** Sch. 1 para. 236 in force at 1.6.2009, see [art. 1](#)

Land Drainage Act 1991

237. The Land Drainage Act 1991(77) is amended as follows.

Commencement Information

- I237** Sch. 1 para. 237 in force at 1.6.2009, see [art. 1](#)

238. In section 14(6) (general drainage powers of boards and local authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I238** Sch. 1 para. 238 in force at 1.6.2009, see [art. 1](#)

239. In section 22(7) (powers of ministers to authorise landowners to carry out drainage works) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I239** Sch. 1 para. 239 in force at 1.6.2009, see [art. 1](#)

240. In section 29(6) (effect of order under section 28) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I240** Sch. 1 para. 240 in force at 1.6.2009, see [art. 1](#)

241. In section 46(6) (hearing and determination of appeals under section 45) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I241** Sch. 1 para. 241 in force at 1.6.2009, see [art. 1](#)

242. In section 64(5) (powers of entry for internal drainage boards and local authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I242 Sch. 1 para. 242 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I237 Sch. 1 para. 237 in force at 1.6.2009, see [art. 1](#)

I238 Sch. 1 para. 238 in force at 1.6.2009, see [art. 1](#)

I239 Sch. 1 para. 239 in force at 1.6.2009, see [art. 1](#)

I240 Sch. 1 para. 240 in force at 1.6.2009, see [art. 1](#)

I241 Sch. 1 para. 241 in force at 1.6.2009, see [art. 1](#)

I242 Sch. 1 para. 242 in force at 1.6.2009, see [art. 1](#)

Transport and Works Act 1992

243. In section 53(6) of the Transport and Works Act 1992(**78**) (rights to enter land) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

Commencement Information

I243 Sch. 1 para. 243 in force at 1.6.2009, see [art. 1](#)

Tribunals and Inquiries Act 1992

244. The Tribunals and Inquiries Act 1992(**79**) is amended as follows.

Commencement Information

I244 Sch. 1 para. 244 in force at 1.6.2009, see [art. 1](#)

245. In section 11(1) (appeals from certain tribunals) omit “, 44”.

Commencement Information

I245 Sch. 1 para. 245 in force at 1.6.2009, see [art. 1](#)

246. In Part 1 of Schedule 1 (tribunals under direct supervision of council) omit the entry at paragraph 27 relating to the Lands Tribunal.

Commencement Information

I246 Sch. 1 para. 246 in force at 1.6.2009, see [art. 1](#)

(78) 1992 c.42.

(79) 1992 c.53.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

Commencement Information

- I244** Sch. 1 para. 244 in force at 1.6.2009, see [art. 1](#)
- I245** Sch. 1 para. 245 in force at 1.6.2009, see [art. 1](#)
- I246** Sch. 1 para. 246 in force at 1.6.2009, see [art. 1](#)

Judicial Pensions and Retirement Act 1993

247. The Judicial Pensions and Retirement Act 1993(**80**) is amended as follows.

Commencement Information

- I247** Sch. 1 para. 247 in force at 1.6.2009, see [art. 1](#)

248. In Part 2 of Schedule 1 (the offices which may be qualifying judicial offices – members of tribunals) in the entry for President or other member of the Lands Tribunal, the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland, omit “the Lands Tribunal,”.

Commencement Information

- I248** Sch. 1 para. 248 in force at 1.6.2009, see [art. 1](#)

249. In Schedule 5 (retirement provisions: the relevant offices) in the entry for President or other member of the Lands Tribunal, the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland, omit “the Lands Tribunal,”.

Commencement Information

- I249** Sch. 1 para. 249 in force at 1.6.2009, see [art. 1](#)

250. In Schedule 7 (retirement dates: transitional provisions) in paragraph 5(2)(b) and (5)(x) omit “of the Lands Tribunal, or”.

Commencement Information

- I250** Sch. 1 para. 250 in force at 1.6.2009, see [art. 1](#)

Commencement Information

- I247** Sch. 1 para. 247 in force at 1.6.2009, see [art. 1](#)
- I248** Sch. 1 para. 248 in force at 1.6.2009, see [art. 1](#)
- I249** Sch. 1 para. 249 in force at 1.6.2009, see [art. 1](#)
- I250** Sch. 1 para. 250 in force at 1.6.2009, see [art. 1](#)

Cardiff Bay Barrage Act 1993

251. The Cardiff Bay Barrage Act 1993(81) is amended as follows.

Commencement Information

I251 Sch. 1 para. 251 in force at 1.6.2009, see [art. 1](#)

252. In paragraph 13(2) of Schedule 2 (works: supplementary – compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I252 Sch. 1 para. 252 in force at 1.6.2009, see [art. 1](#)

253. In paragraph 6(3) of Schedule 5 (temporary occupation and use of land) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I253 Sch. 1 para. 253 in force at 1.6.2009, see [art. 1](#)

254. In paragraphs 16(4) and 27(2) of Schedule 7 (groundwater damage protection) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I254 Sch. 1 para. 254 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I251 Sch. 1 para. 251 in force at 1.6.2009, see [art. 1](#)

I252 Sch. 1 para. 252 in force at 1.6.2009, see [art. 1](#)

I253 Sch. 1 para. 253 in force at 1.6.2009, see [art. 1](#)

I254 Sch. 1 para. 254 in force at 1.6.2009, see [art. 1](#)

Coal Industry Act 1994

255. The Coal Industry Act 1994(82) is amended as follows.

Commencement Information

I255 Sch. 1 para. 255 in force at 1.6.2009, see [art. 1](#)

256. In section 47 (disputes etc. as to subsidence matters)—

- (a) in subsections (1), (2)(b), (4) and (9)(d) for “Lands Tribunal” substitute “appropriate tribunal”;

(81) 1993 c.42.

(82) 1994 c.21. Schedule 1B was inserted by section 85(2) of and Schedule 6 to the [Water Act 2003 \(c.37\)](#).

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

- (b) in subsection (4) for “that Tribunal” substitute “that tribunal”; and
- (c) in subsection (10) omit the definition of “the Lands Tribunal” and insert in the appropriate place—
 - ““the appropriate tribunal” means—
 - (a) in relation to England and Wales, the Upper Tribunal;
 - (b) in relation to Scotland, the Lands Tribunal for Scotland; and”.

Commencement Information

I256 Sch. 1 para. 256 in force at 1.6.2009, see [art. 1](#)

257. In section 59(2)(e) (information to be kept confidential by the Authority) for “Lands Tribunal or” substitute “Upper Tribunal or”.

Commencement Information

I257 Sch. 1 para. 257 in force at 1.6.2009, see [art. 1](#)

258. In paragraph 4 of Schedule 1B (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
- (b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I258 Sch. 1 para. 258 in force at 1.6.2009, see [art. 1](#)

259. In paragraph 6(5) and (6) of Part 1 of Schedule 7 (retained interests in copyhold land) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I259 Sch. 1 para. 259 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I255 Sch. 1 para. 255 in force at 1.6.2009, see [art. 1](#)

I256 Sch. 1 para. 256 in force at 1.6.2009, see [art. 1](#)

I257 Sch. 1 para. 257 in force at 1.6.2009, see [art. 1](#)

I258 Sch. 1 para. 258 in force at 1.6.2009, see [art. 1](#)

I259 Sch. 1 para. 259 in force at 1.6.2009, see [art. 1](#)

British Waterways Act 1995

- 260.** In section 2(1) of the British Waterways Act 1995⁽⁸³⁾ (interpretation)—
- (a) in the definition of “the specified provisions” for “sections 2(2) to (5) and” substitute “section”; and
 - (b) in the definition of “the tribunal” for “Lands Tribunal or” substitute “Upper Tribunal or”.

Commencement Information

I260 Sch. 1 para. 260 in force at 1.6.2009, see [art. 1](#)

Housing Act 1996

261. In Schedule 5 of the Housing Act 1996⁽⁸⁴⁾ (text of Part 2 of the Landlord and Tenant Act 1987, as amended) in section 24A(6) and (7) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I261 Sch. 1 para. 261 in force at 1.6.2009, see [art. 1](#)

Channel Tunnel Rail Link Act 1996

262.—(1) Part 3 of Schedule 4 to the Channel Tunnel Rail Link Act 1996⁽⁸⁵⁾ (acquisition of land within limits shown on deposited plans) is amended as follows.

(2) In paragraph 9(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) in paragraph (c)—
 - (aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and
 - (bb) for “them” substitute “the Upper Tribunal”;
- (b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;
- (c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (d) in subsection (1D)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “them” substitute “the Upper Tribunal”.

(3) In paragraph 9(10), in the provision substituted for section 58 of the Land Compensation Act 1973, for “Lands Tribunal” substitute “Upper Tribunal”.

(4) In paragraph 11—

- (a) in sub-paragraph (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in sub-paragraphs (6) to (11) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.

⁽⁸³⁾ 1995 c.i.

⁽⁸⁴⁾ 1996 c.52.

⁽⁸⁵⁾ 1996 c.61.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

(5) In paragraph 12(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I262 Sch. 1 para. 262 in force at 1.6.2009, see [art. 1](#)

Government of Wales Act 1998

263. In paragraph 15(4) of Schedule 13 to the Government of Wales Act 1998(**86**) (Welsh Development Agency: Land Provisions)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and 4” substitute “section 4”.

Commencement Information

I263 Sch. 1 para. 263 in force at 1.6.2009, see [art. 1](#)

Regional Development Agencies Act 1998

264. In paragraph 4 of Part 2 of Schedule 5 to the Regional Development Agencies Act 1998(**87**) (acquisition of land), in the provisions substituted for sections 7 and 8 of the Compulsory Purchase Act 1965, in section 8(1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I264 Sch. 1 para. 264 in force at 1.6.2009, see [art. 1](#)

Postal Services Act 2000

265. The Postal Services Act 2000(**88**) is amended as follows.

Commencement Information

I265 Sch. 1 para. 265 in force at 1.6.2009, see [art. 1](#)

266. In paragraph 8 of Part 2 of Schedule 5 (acquisition of land), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsections (1A) and (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (1B) for “Lands Tribunal make” substitute “Upper Tribunal makes”.

Commencement Information

I266 Sch. 1 para. 266 in force at 1.6.2009, see [art. 1](#)

267. In paragraph 5(2) of Schedule 6 (further provisions relating to land)—

(86) 1998 c.38.

(87) 1998 c.45.

(88) 2000 c.26.

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Commencement Information

I267 Sch. 1 para. 267 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I265 Sch. 1 para. 265 in force at 1.6.2009, see [art. 1](#)

I266 Sch. 1 para. 266 in force at 1.6.2009, see [art. 1](#)

I267 Sch. 1 para. 267 in force at 1.6.2009, see [art. 1](#)

Fur Farming (Prohibition) Act 2000

268. In section 5(6) of the Fur Farming (Prohibition) Act 2000(**89**) (compensation for existing businesses) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I268 Sch. 1 para. 268 in force at 1.6.2009, see [art. 1](#)

Commonhold and Leasehold Reform Act 2002

269. In section 175 of the Commonhold and Leasehold Reform Act 2002(**90**) (appeals)—

- (a) in subsections (1), (2)(b), (4), (5) and (6) for “Lands Tribunal” in each place substitute “Upper Tribunal”; and
- (b) omit subsections (3) and (10).

Commencement Information

I269 Sch. 1 para. 269 in force at 1.6.2009, see [art. 1](#)

Finance Act 2003

270. In paragraph 45 of Part 7 of Schedule 10 to the Finance Act 2003(**91**) (appeals against Revenue decisions on tax: questions to be determined by the relevant Lands Tribunal)—

- (a) in the heading and sub-paragraph (1) for “Lands Tribunal” substitute “tribunal”; and
- (b) in sub-paragraph (2)—
 - (i) for “regulation “the relevant Lands Tribunal”” substitute “paragraph “the relevant tribunal””; and
 - (ii) in paragraph (a) for “Lands Tribunal” substitute “Upper Tribunal”.

(89) 2000 c.33.

(90) 2002 c.15.

(91) 2003 c. 14. Paragraph 45 was inserted by paragraph 393 of Schedule 1 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56).

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

Commencement Information

I270 Sch. 1 para. 270 in force at 1.6.2009, see [art. 1](#)

Housing Act 2004

271. The Housing Act 2004(92) is amended as follows.

Commencement Information

I271 Sch. 1 para. 271 in force at 1.6.2009, see [art. 1](#)

272. In section 42(4)(b)(i) and (ii) (recovery of expenses of taking emergency remedial action) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I272 Sch. 1 para. 272 in force at 1.6.2009, see [art. 1](#)

273. In section 50(7)(a) (recovery of charge under section 49) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I273 Sch. 1 para. 273 in force at 1.6.2009, see [art. 1](#)

274. In section 143(4)(a) and (b) (appeals against overcrowding notices) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I274 Sch. 1 para. 274 in force at 1.6.2009, see [art. 1](#)

275. In section 181(3) (exceptions to the right to buy: determination whether exception for dwelling-house suitable for elderly persons applies), in the inserted paragraph (5B), for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I275 Sch. 1 para. 275 in force at 1.6.2009, see [art. 1](#)

276. In section 231 (appeals from residential property tribunals)—

- (a) in subsections (1) and (3) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) for subsection (2) substitute—

“(2) But the appeal may only be made with the permission of the residential property tribunal or the Upper Tribunal.”; and

- (c) omit subsection (5).

Commencement Information

I276 Sch. 1 para. 276 in force at 1.6.2009, see [art. 1](#)

277. In section 255(7)(a) and (b) (HMO declarations) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I277 Sch. 1 para. 277 in force at 1.6.2009, see [art. 1](#)

278. In paragraphs 19(2)(a) and (b) and 20(3)(a) and (b) of Part 3 of Schedule 1 (procedure and appeals relating to improvement notices) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I278 Sch. 1 para. 278 in force at 1.6.2009, see [art. 1](#)

279. In paragraphs 14(2)(a) and (b) and 15(3)(a) and (b) of Part 3 of Schedule 2 (procedure and appeals relating to prohibition orders) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I279 Sch. 1 para. 279 in force at 1.6.2009, see [art. 1](#)

280. In paragraph 11(6)(a) and (b) of Part 3 of Schedule 3 (improvement notices: enforcement action by local housing authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I280 Sch. 1 para. 280 in force at 1.6.2009, see [art. 1](#)

281. In paragraph 35(3)(a) and (b) of Part 3 of Schedule 5 (licences under Parts 2 and 3: procedure and appeals) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I281 Sch. 1 para. 281 in force at 1.6.2009, see [art. 1](#)

282. In paragraphs 27(3)(a) and (b) and 31(3)(a) and (b) of Part 3 of Schedule 6 (management orders: procedure and appeals) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I282 Sch. 1 para. 282 in force at 1.6.2009, see [art. 1](#)

283. In paragraphs 29(3)(a) and (b) and 33(3)(a) and (b) of Part 4 of Schedule 7 (further provisions regarding empty dwelling management orders) for “Lands Tribunal” substitute “Upper Tribunal”.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1. (See end of Document for details)

Commencement Information

I283 Sch. 1 para. 283 in force at 1.6.2009, see [art. 1](#)

Commencement Information

- I271** Sch. 1 para. 271 in force at 1.6.2009, see [art. 1](#)
- I272** Sch. 1 para. 272 in force at 1.6.2009, see [art. 1](#)
- I273** Sch. 1 para. 273 in force at 1.6.2009, see [art. 1](#)
- I274** Sch. 1 para. 274 in force at 1.6.2009, see [art. 1](#)
- I275** Sch. 1 para. 275 in force at 1.6.2009, see [art. 1](#)
- I276** Sch. 1 para. 276 in force at 1.6.2009, see [art. 1](#)
- I277** Sch. 1 para. 277 in force at 1.6.2009, see [art. 1](#)
- I278** Sch. 1 para. 278 in force at 1.6.2009, see [art. 1](#)
- I279** Sch. 1 para. 279 in force at 1.6.2009, see [art. 1](#)
- I280** Sch. 1 para. 280 in force at 1.6.2009, see [art. 1](#)
- I281** Sch. 1 para. 281 in force at 1.6.2009, see [art. 1](#)
- I282** Sch. 1 para. 282 in force at 1.6.2009, see [art. 1](#)
- I283** Sch. 1 para. 283 in force at 1.6.2009, see [art. 1](#)

Constitutional Reform Act 2005

284. The Constitutional Reform Act 2005(93) is amended as follows.

Commencement Information

I284 Sch. 1 para. 284 in force at 1.6.2009, see [art. 1](#)

285. In Schedule 7 (protected functions of the Lord Chancellor) omit the entry relating to the Lands Tribunal Act 1949.

Commencement Information

I285 Sch. 1 para. 285 in force at 1.6.2009, see [art. 1](#)

286. In Part 3 of Schedule 14 (appointments by the Lord Chancellor: offices to which paragraph 12(2)(d) of Schedule 12 applies) omit the entry relating to a President or Member of the Lands Tribunal.

Commencement Information

I286 Sch. 1 para. 286 in force at 1.6.2009, see [art. 1](#)

Commencement Information

- I284** Sch. 1 para. 284 in force at 1.6.2009, see [art. 1](#)
- I285** Sch. 1 para. 285 in force at 1.6.2009, see [art. 1](#)

I286 Sch. 1 para. 286 in force at 1.6.2009, see [art. 1](#)

London Olympic Games and Paralympic Games Act 2006

287. In section 4 of the London Olympic Games and Paralympic Games Act 2006(**94**) (general functions)—

- (a) in subsection (5)(a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (6)(a) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

Commencement Information

I287 Sch. 1 para. 287 in force at 1.6.2009, see [art. 1](#)

Criminal Justice and Immigration Act 2008

288. In section 135 of the Criminal Justice and Immigration Act 2008(**95**) (support: supplemental)—

- (a) omit subsection (3); and
- (b) in subsection (4) omit “other”.

Commencement Information

I288 Sch. 1 para. 288 in force at 1.6.2009, see [art. 1](#)

Housing and Regeneration Act 2008

289. In paragraph 11 of Part 1 of Schedule 2 to the Housing and Regeneration Act 2008(**96**) (acquisition of land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(b)(i) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I289 Sch. 1 para. 289 in force at 1.6.2009, see [art. 1](#)

Crossrail Act 2008

290.—(1) Part 3 of Schedule 6 to the Crossrail Act 2008(**97**) (acquisition of land shown within limits on deposited plans) is amended as follows.

(2) In paragraph 7(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and

(94) 2006 c.12.

(95) 2008 c.4.

(96) 2008 c.17.

(97) 2008 c.18.

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1*. (See end of Document for details)

- (ii) in paragraph (c)—
 - (aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and
 - (bb) for “them” substitute “the Upper Tribunal”;
 - (b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;
 - (c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (d) in subsection (1D)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “them” substitute “the Upper Tribunal”.
- (3) In paragraph 7(10), in the provision substituted for section 58 of the Land Compensation Act 1973, in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”.
- (4) In paragraph 14(5) for “Lands Tribunal” substitute “Upper Tribunal”.
- (5) In paragraph 15(1) to (6) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.
- (6) In paragraph 16(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I290 Sch. 1 para. 290 in force at 1.6.2009, see [art. 1](#)

Planning Act 2008

291. The Planning Act 2008(**98**) is amended as follows.

Commencement Information

I291 Sch. 1 para. 291 in force at 1.6.2009, see [art. 1](#)

292. In section 53(8) (rights of entry) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I292 Sch. 1 para. 292 in force at 1.6.2009, see [art. 1](#)

293. In section 152(4) (compensation in case where no right to claim in nuisance) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I293 Sch. 1 para. 293 in force at 1.6.2009, see [art. 1](#)

294. In section 165 (rights of entry: supplementary provisions)—

- (a) in subsection (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (6) for “sections 2 and” substitute “section”.

Commencement Information

I294 Sch. 1 para. 294 in force at 1.6.2009, see [art. 1](#)

295. In section 192(7) (tree preservation orders), in the provision to be inserted as section 202E(6) in the Town and Country Planning Act 1990, omit “the Lands Tribunal,”.

Commencement Information

I295 Sch. 1 para. 295 in force at 1.6.2009, see [art. 1](#)

296. In section 219 (compensation) —

- (a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (7) for “sections 2 and” substitute “section”.

Commencement Information

I296 Sch. 1 para. 296 in force at 1.6.2009, see [art. 1](#)

297. In paragraphs 6(6)(a) and 7(3)(d) of Schedule 6 (changes to, and revocation of, orders granting development consent) omit “the Lands Tribunal,”.

Commencement Information

I297 Sch. 1 para. 297 in force at 1.6.2009, see [art. 1](#)

298. In Schedule 12 (application of Act to Scotland: modifications)—

- (a) in paragraphs 7(b), 20(a) and 22(b) for “Lands Tribunal were” substitute “Upper Tribunal were”; and
- (b) in paragraph 22(c) for “sections 2 and” substitute “section”.

Commencement Information

I298 Sch. 1 para. 298 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I291 Sch. 1 para. 291 in force at 1.6.2009, see [art. 1](#)

I292 Sch. 1 para. 292 in force at 1.6.2009, see [art. 1](#)

I293 Sch. 1 para. 293 in force at 1.6.2009, see [art. 1](#)

I294 Sch. 1 para. 294 in force at 1.6.2009, see [art. 1](#)

I295 Sch. 1 para. 295 in force at 1.6.2009, see [art. 1](#)

I296 Sch. 1 para. 296 in force at 1.6.2009, see [art. 1](#)

I297 Sch. 1 para. 297 in force at 1.6.2009, see [art. 1](#)

I298 Sch. 1 para. 298 in force at 1.6.2009, see [art. 1](#)

Status:

Point in time view as at 01/06/2009.

Changes to legislation:

There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 1.