

SCHEDULE 5

Article 5(6)

Transitional and saving provisions

Transitional and saving provisions

1. Any proceedings before the Lands Tribunal which are pending immediately before 1st June 2009 shall continue on and after 1st June 2009 as proceedings before the Upper Tribunal.

Commencement Information

I1 Sch. 5 para. 1 in force at 1.6.2009, see [art. 1](#)

2.—(1) The following sub-paragraphs apply where proceedings are continued in the Upper Tribunal by virtue of paragraph 1.

(2) Where a hearing began before 1st June 2009 but was not completed by that date, the Upper Tribunal must be comprised for the continuation of that hearing of the person or persons who began it.

(3) The Upper Tribunal may give any direction to ensure that proceedings are dealt with fairly and, in particular, may—

- (a) apply any provision in procedural rules which applied to the proceedings before 1st June 2009; or
- (b) disapply provisions of Tribunal Procedure Rules.

(4) In sub-paragraph (3) “procedural rules” means provision (whether called rules or not) regulating practice or procedure before a tribunal.

(5) Any direction or order given or made in proceedings which is in force immediately before 1st June 2009 remains in force on and after that date as if it were a direction or order of the Upper Tribunal.

(6) A time period which has started to run before 1st June 2009 and which has not expired shall continue to apply.

(7) An order for costs may only be made if, and to the extent that, an order could have been made before 1st June 2009.

Commencement Information

I2 Sch. 5 para. 2 in force at 1.6.2009, see [art. 1](#)

3. Where an appeal lies to a court from any decision made by the Lands Tribunal before 1st June 2009, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired prior to 1st June 2009, section 13 of the Tribunals, Courts and Enforcement Act 2007⁽¹⁾ (right to appeal to Court of Appeal etc.) shall apply as if the decision were a decision made on or after 1st June 2009 by the Upper Tribunal, and any reference to the Lands Tribunal in legislation relating to such an appeal, express or otherwise, is to be taken as a reference to the Upper Tribunal.

Commencement Information

I3 Sch. 5 para. 3 in force at 1.6.2009, see [art. 1](#)

(1) 2007 c. 15.

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 5. (See end of Document for details)

4. Any case to be remitted by a court on or after 1st June 2009 and which, if it had been remitted before 1st June 2009 would have been remitted to the Lands Tribunal, shall be remitted to the Upper Tribunal.

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Commencement Information

I4 Sch. 5 para. 4 in force at 1.6.2009, see [art. 1](#)

5. Staff appointed to the Lands Tribunal before 1st June 2009 are to be treated on and after that date, for the purpose of any enactment, as if they had been appointed by the Lord Chancellor under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services).

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Commencement Information

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

6. A decision made by the Lands Tribunal before 1st June 2009 is to be treated as a decision of the Upper Tribunal on or after 1st June 2009.

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Commencement Information

I6 Sch. 5 para. 6 in force at 1.6.2009, see [art. 1](#)

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Commencement Information

- I1** Sch. 5 para. 1 in force at 1.6.2009, see [art. 1](#)
- I2** Sch. 5 para. 2 in force at 1.6.2009, see [art. 1](#)
- I3** Sch. 5 para. 3 in force at 1.6.2009, see [art. 1](#)
- I4** Sch. 5 para. 4 in force at 1.6.2009, see [art. 1](#)
- I5** Sch. 5 para. 5 in force at 1.6.2009, see [art. 1](#)
- I6** Sch. 5 para. 6 in force at 1.6.2009, see [art. 1](#)

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 5.