STATUTORY RULES OF NORTHERN IRELAND

2007 No. 409

LANDS TRIBUNAL

The Lands Tribunal (Amendment) Rules (Northern Ireland) 2007

Made - - - - 24th September 2007

Coming into operation 5th November 2007

The Department of Finance and Personnel(**1**) makes the following Rules in exercise of the powers conferred by section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) Act 1964(**2**).

In accordance with that section it has consulted with the President of the Lands Tribunal for Northern Ireland.

Citation and commencement

1. These Rules may be cited as the Lands Tribunal (Amendment) Rules (Northern Ireland) 2007 and shall come into operation on 5th November 2007.

Amendment of the Lands Tribunal Rules (Northern Ireland) 1976

2. The Lands Tribunal Rules (Northern Ireland) 1976(**3**) shall be amended in accordance with rules 3 to 15.

Interpretation

3. In rule 2(1)—

(a) for the definition of "the Rates Order" there shall be substituted the following definition—

> ""the Rates Order" means the Rates (Northern Ireland) Order 1977(**4**);";

(b) for the definitions of "the Commissioner", "district valuer", "net annual value" and "rateable value" there shall be substituted the following definitions—

> ""capital value", "capital value list", "the Commissioner, "district valuer", "NAV list", "net annual value" and "rateable value" have the same meaning respectively as in the Rates Order;"; and

(**1**) Formerly the Department of Finance; see S.I. 1982/338 ((N.I. 6) Article 3
(**2**) 1964 c. 29 (N.I.)
(**3**) S.R. 1976 No. 146 as amended by S.R. 1977 No. 354 and S.R. 1997 No. 73
(**4**) S.I. 1977/2157 (N.I. 28)

(c) after the definition of "statutory provision" there shall be inserted the following definition—

""the Valuation Tribunal" means the Northern Ireland Valuation Tribunal.".

Appeals from decision or direction of the Valuation Tribunal

4. In rule A1—

(a) in paragraphs (1) and (2) for the words "21 days" there shall be substituted the words "28 days"; and

(b) at the end there shall be added the following paragraphs—

"(4) Subject to paragraphs (11) and (12), an appeal under Article 54A of the Rates Order against a decision or direction of the Valuation Tribunal shall be instituted by serving on the registrar a notice of appeal in accordance with Form AC within 28 days from the date of the grant of leave of appeal by the President of the Valuation Tribunal.

(5) A notice of appeal under paragraph (4) shall be accompanied by—

(a) a copy of the decision or direction of the Valuation Tribunal against which the appeal is made; and

(b) a copy of the decision of the President of the Valuation Tribunal granting leave to appeal.

(6) An application for leave to appeal under Article 54A of the Rates Order against a decision or direction of the Valuation Tribunal may be made to the Lands Tribunal only where the applicant has been refused leave to appeal by the President of the Valuation Tribunal.

(7) An application to the Lands Tribunal for leave to appeal under Article 54A of the Rates Order against a decision or direction of the Valuation Tribunal shall be made by serving on the registrar a notice of application in accordance with Form AD within 28 days from the date of refusal of leave to appeal by the President of the Valuation Tribunal.

(8) A notice of application under paragraph (7) shall be accompanied by—

(a) a copy of the decision or direction of the Valuation Tribunal against which leave to appeal is being sought; and

(b) a copy of the decision of the President of the Valuation Tribunal refusing leave to appeal.

(9) If the matter of an appeal would be such as to require alteration to be made in the amount of rate payable by any person other than the applicant, or in the valuation of any hereditament for which any such person is liable to be rated, the applicant shall also at the same time serve a copy of the notice of application on each such person who may within 28 days from the date of the notice of application serve notice on the registrar of his intention to appear as a party on such application stating—

(a) his interest in the matter; and

(b) an address for service of documents upon him.

(10) Any other person not served with a copy of a notice of application under paragraph (9) who claims to be entitled to appear and be heard on such application, may serve notice on the registrar of his intention to appear stating—

(a) his interest in the matter; and

(b) an address for service of documents upon him.

(11) Where the Lands Tribunal grants leave to appeal under Article 54A of the Rates Order, the notice of application for leave shall be taken to constitute the notice of appeal and to have been received by the Lands Tribunal on the date on which leave to appeal is granted.

(12) If on consideration of an application for leave to appeal the Lands Tribunal is minded to grant leave, it may, with the consent of all the parties, treat the application as the appeal.".

Application for extension of time

5. In rule A2—

(a) for the words "rule A1(1) or rule A1(2)" there shall be substituted the words "rule A 1(1), (2) or (4) or making an application under rule A 1(7)";

(b) after the words "notice of appeal" there shall be inserted the words "or, as the case may be, application", and

(c) for the words "21 days" there shall be substituted the words "28 days".

Notification of certain appeals to district council

6. In rule A3—

(a) for the words "rule A1(1) or rule A1(2), the appellant" there shall be substituted the words "rule A1(1), (2) or (4) or an application under rule A1(7), the appellant or applicant"; and

(b) after the words "notice of appeal" there shall be inserted the words "or application".

Notification to other interested persons

7. In rule A4 for the words "21 days" there shall be substituted the words "28 days".

Entry of appeal

8. In rule A6—

(a) after the word "appeal" where it first occurs there shall be inserted the words "or notice of application for leave to appeal";

(b) after the word "appeal" where it occurs elsewhere there shall be inserted the words "or application"; and

(c) after the word "appellant" there shall be inserted the words "or applicant".

Notification of appearances by the registrar

9. In rule A7—

(a) after the word "appeal" wherever it occurs there shall be inserted the words "or application"; and

(b) after the word "rule" there shall be inserted the words "A1(10) or".

Appeal against a determination of the Department under Article 13(2)(b) of the Rates Order or against a decision or direction of the Valuation Tribunal under Article 13(3) of that Order

10. In rule A8—

(a) for paragraph (1) there shall be inserted the following paragraphs—

"(1) This rule applies to an appeal against—

(a) a determination of the Department under Article 13(2)(b) of the Rates Order; or

(b) a decision or direction of the Valuation Tribunal under Article 13(3) of that Order.

(1A) The appellant shall serve on the registrar a statement of his case including the facts to be proved and the points of law (if any) on which he intends to rely at the hearing of the appeal together with copies of the statement for the Department and any other party to the appeal.

(1B) The statement and copies referred to in paragraph (1A) shall be served on the registrar within 28 days after the expiration of the time limited by rule A1(1) or (4) for giving notice of appeal or, in a case falling within rule A1(11), within 28 days of the date on which the Lands Tribunal grants leave to appeal and the registrar shall as soon as practicable after receipt of the statement and copies serve a copy of the statement on each other party to the appeal."; and

(b) for the heading to that Article there shall be substituted the following heading—

"Appeal against a determination of the Department under Article 13(2)(b) of the Rates Order or against a decision or direction of the Valuation Tribunal under Article 13(3) of that Order".

Other appeals

11. In rule A9—

(a) in paragraph (1) there shall be added at the end the words "in an appeal under Article 54 or 54A of the Rates Order other than an appeal against a decision or direction of the Valuation Tribunal under Article 13(3) of that Order";

(b) for paragraph (2) there shall be substituted the following paragraphs—

"(2) The appellant shall serve on the registrar the following statements with a copy of each statement for each of the other parties to the appeal—

(a) a statement of his case, including the facts to be proved and the points of law (if any) on which he intends to rely at the hearing of the appeal;

(b) a statement giving the address, description and valuation as shown in the valuation lists then current of the comparable hereditaments to which he intends to refer at the hearing, or a statement that he does not propose so to refer to any hereditament other than the subject of the appeal.

(2A) The statements and copies referred to in paragraph (2) shall be served on the registrar within 28 days after the expiration of the time limited by rule A1(2) or (4) for giving notice of appeal, or in a case of an appeal under rule A1(3), after the date of the notice of transfer, or in a case falling within rule A1(11), within 28 days of the date on which the Lands Tribunal grants leave to appeal and the registrar shall as soon as practicable after receipt of the statements and copies serve on each of the other parties to the appeal copies of the appellant's statements."; and

(c) for the heading there shall be substituted the following heading—

"Other Appeals".