STATUTORY RULES OF NORTHERN IRELAND

1997 No. 73

LANDS TRIBUNAL

The Lands Tribunal (Amendment) Rules (Northern Ireland) 1997

Made - - - - 20th February 1997

Coming into operation 1st April 1997

The Department of Finance and Personnel(**1**), in exercise of the powers conferred on it by section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(**2**) and of all other powers enabling it in that behalf, after consultation with the President of the Lands Tribunal for Northern Ireland, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Lands Tribunal (Amendment) Rules (Northern Ireland) 1997 and shall come into operation on 1st April 1997.

Interpretation

2. In these Rules—

"the Lands Tribunal Rules" means the Lands Tribunal Rules (Northern Ireland) 1976(**3**);

"the Order" means the Business Tenancies (Northern Ireland) Order 1996(**4**).

Amendment of the Lands Tribunal Rules

3.—(1) The Lands Tribunal Rules are amended in accordance with paragraphs (2) to (4) and subject to the transitional savings in rule 4.

(2) In rule 5—

(a) in paragraph (1)(*a*) after the words "in a register" there are inserted the words "(which may be kept by means of a computer)";

(b) at the end there is added—

(**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 to which there are amendments not relevant to these Rules
(**4**) S.I. 1996/725 (N.I. 5)

"(3) In this rule "computer" means any device for storing and processing information.".

(3) For Part VII of the Lands Tribunal Rules there is substituted Part VII as set out in Part I of the Schedule.

(4) For Forms EA to EG in Schedule 1 to the Lands Tribunal Rules there are substituted Forms EA and EB as set out in Part II of the Schedule.

Transitional savings

4. The amendments of the Lands Tribunal Rules mentioned in rule 3(3) and (4) shall not apply to—

(a) an application to the Lands Tribunal which falls within paragraph 3 of Schedule 2 to the Order (notice to determine served under section 4 of the Business Tenancies Act (Northern Ireland) 1964(**5**) or tenant's request for new tenancy served under section 5 of that Act before commencement of the Order);

(b) an application to the Lands Tribunal which falls within paragraph 10 of Schedule 2 to the Order (compensation for improvements under Part II of the Business Tenancies Act (Northern Ireland) 1964 where notice of improvement served under section 34 of that Act before commencement of the Order);

nor shall those amendments apply to any matters connected with an application such as is mentioned in sub-paragraph (*a*) or (*b*) .

Sealed with the Official Seal of the Department of Finance and Personnel on

20th February 1997.

James McKeown
Assistant Secretary

(**5**) 1964 c. 36 (N.I.)

SCHEDULE Rule 3(3), (4)

Part I

Substituted Part VII of the Lands Tribunal Rules

"Part VII

Proceedings under the Business Tenancies (Northern Ireland) Order 1996The Business Tenancies Rules

Interpretation of this Part

E1. In this Part—

"the Order" means the Business Tenancies (Northern Ireland) Order 1996(**6**);

"tenancy application" has the meaning assigned to it by Article 10(1) of the Order;

any reference to a person, in relation to a notice, request, application or other instrument required or authorised to be served by or on, or made by, a person, includes a reference to an agent of that person;

any reference to a landlord shall, if the estate of the landlord is subject to a mortgage and the mortgagee is in possession or a receiver is in receipt of the rents and profits, be deemed to be a reference to the mortgagee instead of that landlord.

Notice of application under the Order

E2.—(1) A tenancy application may be made by serving on the registrar a written application in Form EA together with the following documents—

(a) where a tenancy application is an application made by a landlord for an order that the tenant is not entitled to the grant of a new tenancy—

(i) a copy of the notice to determine served by the landlord under Article 6, or

(ii) a copy of the notice served by him under Article 7(6)(*b*),

as the case may be;

(b) where a tenancy application is an application made by a tenant for an order for the grant of a new tenancy—

(i) a copy of the notice to determine served by the landlord under Article 6, or

(ii) a copy of the request for a new tenancy served by the tenant under Article 7(3) and, in that case, a copy of the notice served by the landlord under Article 7(6)(*b*),

as the case may be;

and the landlord or, as the case may be, the tenant shall at the same time serve on the tenant or the landlord a copy of the tenancy application and copies of the documents accompanying the tenancy application.

(2) An application to the Lands Tribunal, other than a tenancy application, under any provision of the Order may be made—

(**6**) S.I. 1996/725 (N.I. 5)

(a) by serving on the registrar a written application in Form EB and serving a copy of the application on every party to the proceedings; or

(b) by writing to the registrar, whereupon the registrar or the Tribunal may give such directions to deal justly with the application as may be necessary.

(3) Where a declaration has been made pursuant to Article 14(2) of the Order and the tenant requires that the Tribunal shall make an order under Article 14(2)(*b*), the tenant shall, within 14 days after the making of the declaration, give notice of his requirement to the registrar who shall, on the making of the order by the Tribunal, serve a copy on any party to the proceedings.

Entry of application

E3. Upon receiving an application the registrar shall enter particulars thereof in the register and shall inform each of the parties to the proceedings of the number of the application entered in the register, which shall thereafter constitute the title of the proceedings.

Service of notices on and appearances by interested persons under the Order

E4.—(1) Where a tenancy application is made and the tenant in relation to the tenancy application is not the immediate tenant of the landlord as defined in the Order—

(a) the first-mentioned tenant shall, within 7 days after his making the tenancy application or (as the case may be) the service on him of the tenancy application made by the landlord as so defined, serve a copy of the tenancy application on his immediate landlord; and

(b) the immediate landlord, within 7 days after the receipt of a copy of the tenancy application, shall, if he is not the immediate tenant of the landlord as so defined, serve a notice on his immediate superior landlord informing such superior landlord of the tenancy application, the name and address of the tenant in relation to it and, in general terms, that tenant's proposals for a new tenancy, (and so on from landlord to landlord).

(2) Where a tenancy application is made and the landlord as defined in the Order is neither the freeholder of the property to which the application relates nor a tenant under a lease having more than 15 years unexpired at the date of the termination of the current tenancy—

(a) the landlord as so defined shall, within 7 days after his making the tenancy application or (as the case may be) the service on him of the tenancy application made by the tenant in relation to the tenancy application, serve a notice on his immediate superior landlord informing such superior landlord of the tenancy application, the name and address of the tenant in relation to it and, in general terms, that tenant's proposals for a new tenancy; and

(b) the immediate superior landlord shall, if he is neither the freeholder nor a tenant under a lease having more than 15 years unexpired as aforesaid, serve a similar notice on his immediate superior landlord (and so on from landlord to landlord).

(3) When such a notice as is referred to in paragraphs (1) and (2) is served by a landlord on his immediate superior landlord, the first-mentioned landlord shall at the same time inform the tenant in relation to the tenancy application of such service by serving a notice on that tenant containing the name and address of that superior landlord and, so far as is known, the nature and duration of that superior landlord's estate; and on receipt of such a notice the tenant shall, if he has not already done so, serve a copy of the tenancy application on that superior landlord (service by the tenant of a copy of the tenancy application being sufficient notice of it for the purposes of Article 17(3) of the Order).

(4) Any landlord, other than the landlord as defined in the Order, having a reversionary estate which is likely to be affected by the grant of a reversionary tenancy and who has had served on him the notices referred to in paragraphs (1), (2) and (3), as the case requires, shall give the registrar, within 21 days after the service on him of such notice, written notice of his intention to appear at the hearing, stating the estate in the property concerned whereby he claims entitlement to be heard on the application and the grounds on which he intends to rely by virtue of Article 17(4) of the Order; and such a notice of intention to appear shall suffice as an application to be made a party to the proceedings for the purposes of that Article 17(4).

(5) The registrar shall supply the parties to the proceedings, and each person giving notice of intention to appear such as is mentioned in paragraph (4) and who satisfies the registrar that he is a person qualified to give such a notice, with a copy of any other notice of intention to appear.

General power to notify interested persons

E5.—(1) The registrar may direct any party to the proceedings to serve notice of any application, or to serve any document upon any person whom the registrar considers may be affected by the proceedings and may join any such person as a party to the proceedings and give him notice in writing that he has been so joined notwithstanding that he has not applied to be so joined.

(2) Any person joined by the registrar as a party under paragraph (1) may apply to the registrar within 14 days after the date of the notice given to him by the registrar thereunder, to have his name removed from the proceedings on the ground that he has no interest, or no sufficient interest, in the proceedings to justify his appearance as a party therein.

Fees

E6. The fees specified in Schedule 2 shall be payable to the registrar in respect of the matters mentioned in the said Schedule in accordance with rule 40 of the General Rules.”

Part II

Substituted Forms in Schedule 1 to the Lands Tribunal Rules

“Part VII

Form EAThe Business Tenancies (Northern Ireland) Order 1996 Tenancy Application