1976 No. 146

LANDS TRIBUNAL

The Lands Tribunal Rules (Northern Ireland) 1976

Made . . . . . 4th *May* 1976

Coming into operation . . . . . 1st *July* 1976

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

PART I

INTRODUCTORY

Citation and commencement

1. These rules may be cited as the Lands Tribunal Rules (Northern Ireland) 1976 and shall come into operation on 1st July 1976.

Interpretation

2. In these Rules, save where otherwise provided by these rules—

(1) "the Act" means the Lands Tribunal and Compensation Act (Northern Ireland) 1964;

"the Department" means the Department of Finance;

"the Rates Order" means the Rates (Northern Ireland) Order 1972(c);

"the President" means the President of the Lands Tribunal;

"the Tribunal" means the member or members of the Lands Tribunal selected to deal with a case under the provisions of section 8 of the Act;

"the registrar" and "the office" mean respectively the registrar and the office for the time being of the Tribunal;

"General Commissioners" and "Special Commissioners" have the same meaning respectively as in the Taxes Management Act 1970(d);

"the Commissioner", "district valuer", "net annual value" and "rateable value" have the same meaning respectively as in the Rates Order (defined above);

"served" means served in accordance with rule 36 of the General Rules;

"statutory provision" has the same meaning as in section 1(*f*) of the Interpretation Act (Northern Ireland) 1954(e);

(2) "the General Rules" means the rules in Part II;

"the Rating Rules" means the rules in Part III;

"the Rules for Tax Cases" means the rules in Part IV;

"the Estate Duty Rules" means the rules in Part V;

"the Land Development Values Rules" means the rules in Part VI;

"the Business Tenancies Rules" means the rules in Part VII;

(a) Formerly Ministry: see 1973 c. 36 s. 40 Sch. 5 para. 8(1).
(b) 1964 c. 29 (N.I.).
(c) S.I. 1972/1633 (N.I. 16).
(d) 1970 c. 9.
(e) 1954 c. 33 (N.I.).

"the Miscellaneous Statutory Provisions Rules" means the rules in Part VIII;

(3) a form referred to by number or by letter means the form so numbered or lettered in Schedule 1.

PART II

THE GENERAL RULES

Application

3.—(1) The General Rules in this Part shall, unless otherwise provided, apply to all proceedings before the Tribunal.

(2) In their application to each of the jurisdictions to which Parts III to VIII relate, the General Rules shall have effect as respectively modified by each Part and as if proceedings in the exercise of that jurisdiction were instituted by a notice of reference.

Institution of proceedings

4.—(1) Save where otherwise provided a person may institute proceedings by serving on the registrar a notice of reference as nearly as possible in accordance with Form 1 together with sufficient copies for service on each other party to the proceedings.

(2) The party instituting the proceedings shall in the following cases send to the registrar with the notice of reference —

(*a*) on a claim for compensation for damage to land caused in the execution of powers of entry under a statutory provision, a copy of any notice in writing given to him by the authority which exercised the power of entry;

(*b*) on a claim for compensation for depreciation in the value of land or property caused by the execution, or use of works under a statutory provision, a copy of any order, document, notice or instrument authorising or specifying the execution or use of works relevant to his claim;

(*c*) on a reference under section 6(6) of the Act, a copy of the agreement to arbitrate;

(*d*) in any other case, the party instituting the proceedings shall send to the registrar with the notice of reference, a copy of any order, document, notice or instrument which he claims gives rise to the question for determination.

Entry of reference

5.—(1) Upon receiving a notice of reference, the registrar shall —

(*a*) enter particulars of the reference in a register and shall inform each of the parties to the proceedings of the number of the reference entered in the register, which shall thereafter constitute the title of the proceedings, and

(*b*) send a copy of the notice of reference to each of the parties to the proceedings (other than the party or parties by whom the notice of reference is given), and inform him that he has been made a party to the proceedings, subject to his right to apply to the registrar within 14 days from the date of the sending of such notice of reference to have his name removed from the proceedings upon the ground that he has no interest, or no sufficient interest, in the proceedings to justify his appearance as a party therein.