1964. No. 201 **[C]**

LANDS TRIBUNAL

Rules

RULES, DATED 11TH DECEMBER, 1964, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 9 OF THE LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964.

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The Ministry of Finance, 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(**a**) 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) 1964 and shall come into operation on 1st January, 1965.

Interpretation

2.—(1) In these rules,

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

"the Tribunal" means the Lands Tribunal for Northern Ireland;

"the Ministry" means the Ministry of Finance;

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

(2) A form referred to by number means the form so numbered in Schedule 1.

PART II

APPEALS AGAINST DETERMINATIONS BY THE MINISTRY UNDER THE FINANCE (1909-10) ACT 1910 OR THE FINANCE ACT (NORTHERN IRELAND) 1957

Notice of appeal

3. An appeal under section 33 or section 60 of the Finance (1909-10) Act 1910(**b**) or under section 3 of the Finance Act (Northern Ireland) 1957(**c**) may be instituted by sending to the registrar in duplicate a written notice of appeal in accordance with form 1, within 30 days after the Ministry has given notice to the appellant of its assessment, refusal, apportionment or determination as the case may be.

Entry of appeal

4.—(1) Upon receiving a notice of appeal, the registrar shall enter particulars of the appeal in the register of appeals against determinations and shall

(**a**) 1964. c. 29 (N.I.).
(**b**) 10 Edw. 7 & 1 Geo. 5. c. 8.
(**c**) 1957. c. 15.

inform the appellant and the Ministry of the number of the appeal entered in the register, which shall thereafter constitute the title of the appeal, and shall send to the Ministry the duplicate notice of appeal.

(2) Upon receiving the duplicate notice of appeal, the Ministry shall forthwith send to the registrar a copy of the determination referred to therein, and shall forthwith send a copy of such determination together with a copy of the notice of appeal to every person shown in the records kept under section 30(1) of the Finance Act (1909-10) Act 1910 as having an interest in the land affected by the appeal.

Appearance by persons other than appellants

5.—(1) Where an appeal against a determination is pending, any person who claims a right to be heard under the enactment conferring the right of appeal shall, if he intends to appear at the hearing, give written notice of his intention to the registrar, the Ministry and the appellant.

(2) Notice of intention to appear given by a person who has received a notice from the Ministry under rule 4(2) that an appeal has been made to the Tribunal shall be given not later than 21 days after receipt by him of that notice; and notice of intention to appear given by any other person shall be given not later than 3 days before the day fixed for the hearing.

(3) Every person giving notice of intention to appear under this rule shall state in the notice:—

(*a*) whether he has been notified of the appeal, and, if so, by whom and on what date he was so notified;

(*b*) the interest in land whereby he claims to be a person entitled to be heard on the appeal;

(*c*) whether he intends to appear separately or jointly with some other person;

(*d*) the grounds on which he intends to rely;

(*e*) whether he does or does not propose to call an expert witness;

(*f*) an address at which documents may be served upon him.

(4) The registrar shall supply each person giving notice of intention to appear 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, the title of the appeal, and where not already in his possession, a copy of the notice of appeal.

(5) Each person having given such notice shall thenceforward be a party to the appeal.

Power to require further particulars

6.—(1) The registrar may, at any time after receiving notice of appeal or notice of intention to appear, require the person giving the notice to furnish a statement setting out further and better particulars of the grounds on which he intends to rely and any facts and contentions relevant thereto.

(2) The statement shall be sent in duplicate to the registrar within such time as he may direct, not being less than 14 days after the date of the requirement, and copies of the statement shall be sent to such other persons, if any (being persons who have given notice of appeal or notice of intention to appear in relation to the same proceedings), as the registrar may direct.

(3) Upon receiving such statement, the registrar shall forthwith send the duplicate copy thereof to the Ministry.

Power to require particulars of determination

7. The Tribunal may at any time request the Ministry to furnish particulars of any determination which appear to be requisite for the decision of the appeal, and thereupon the Ministry shall furnish the particulars to the registrar, the appellant, and any person who has been made a party to the appeal under rule 5(5).

PART III

APPEALS AGAINST VALUATIONS FOR RATING PURPOSES

Notice of appeal

8. An appeal against the valuation for rating purposes of any tenement or hereditament made by the Commissioner of Valuation, on first appeal, to the said Commissioner may be instituted by sending to the registrar a written notice of appeal in accordance with form 2.

The appellant shall at the same time send a copy of the notice of appeal to the rating authority who shall forthwith forward it to the Commissioner of Valuation.

If the cause of the appeal shall be such as to require alteration to be made in the valuation of any tenement or hereditament for which any other person or persons is or are liable to be rated, the appellant shall also, at the same time, send a copy of the written notice of appeal to each such person who may, if he so desires, appear on such appeal.

Time for giving notice

9.—(1) A notice of appeal under this Part shall be given to the registrar within 21 days from the date of issue by the Commissioner of Valuation of his decision on first appeal.

(2) Where a person to whom a copy of notice of appeal has been sent by an appellant under rule 8 desires to appear on the appeal he shall give to the registrar, not later than 21 days from the date of the notice of appeal, written notice of his intention to appear on the appeal stating—

(*a*) whether he intends to appear separately or jointly with some other person;

(*b*) the grounds on which he intends to rely;

(*c*) whether he does or does not propose to call an expert witness to give evidence in support of any valuation;

(*d*) an address at which documents may be served upon him.

Entry of appeal

10. Upon receiving a notice of appeal, the registrar shall enter particulars of the appeal in the register of appeals against valuations for rating purposes and shall inform the appellant and the Commissioner of Valuation of the number of the appeal entered in the register, which shall thereafter constitute the title of the appeal.

Appearance by other interested persons

11.—(1) Any person (not being a person served with notice of the appeal under rule 8) who claims to be entitled under the enactments conferring the