

**PILOT PRACTICE DIRECTION: CONTINGENCY ARRANGEMENTS IN THE FIRST-TIER TRIBUNAL AND
THE UPPER TRIBUNAL – AMENDMENT RELATING TO INSPECTIONS BY THE FIRST-TIER TRIBUNAL
PROPERTY CHAMBER**

Background

1. Paragraphs 10 and 11 of the Pilot Practice Direction: Contingency Arrangements in the First-tier Tribunal and the Upper Tribunal, concerning inspections of properties and land are revoked and replaced by the new paragraphs 10 and 11 below. This applies in respect of all decisions on inspections made by the First-tier Tribunal Property Chamber on or after 1 July 2020. The remainder of the Pilot Practice Direction continues in force.
2. The Pilot Practice Direction, as amended, will remain in force for a period of six months from its original issue date (19/3/2020), although it may be reviewed again within that period should it become inappropriate or unnecessary and may be revoked at any time.
3. The Lord Chancellor has approved this amendment in accordance with s23 Tribunals, Courts and Enforcement Act 2007.

Inspections

10. In March 2020, inspections of properties and land under the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 were suspended with immediate effect. With effect from 1 July 2020 the following arrangements will instead apply:
 - (a) In relation to the inspection of the interior of buildings and premises, the suspension will remain in effect. To mitigate the impact of the suspension, the Tribunal may consider the following:
 - i Parties may be permitted to produce photographs and/or videos of the condition or other relevant aspects of the property or land;
 - ii External “drive by” inspections by Tribunals may be permitted in appropriate cases.
 - (b) In relation to the inspection of the exterior of buildings or parcels of land, Tribunals will have the discretion to carry out an inspection of the property that is the subject matter of the dispute between the parties. That discretion will be exercised by a judge or a valuer chairman who will take all relevant considerations into account, including the representations of the parties and the need for appropriate social distancing. If a judge or a valuer chairman directs that an external inspection may take place, then the judge or valuer chairman may also place conditions on how the inspection shall be conducted, including, where appropriate, a direction that the parties shall not be entitled to accompany the judge /valuer chairman or Tribunal members.
11. If an inspection is essential to deal with the case fairly and justly and in accordance with the overriding objective and cannot be accommodated in accordance with paragraph 10(b), then the case should be stayed pending the amendment or withdrawal of this Practice Direction.

Sir Ernest Ryder

Senior President of Tribunals

23/6/2020