



Senior President of Tribunals

PRACTICE DIRECTION

Composition of the First-tier Tribunal in relation to matters that fall to be decided by the Property Chamber

1. In this Practice Direction:
 - (a) “the 2008 Order” means the First-tier Tribunal and Upper Tribunal (Composition of Tribunal) Order 2008;
 - (b) “the Rules” means the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013;
 - (c) “member” means judge or other member;
 - (d) “other member” means a member who is not a judge;
 - (e) “chairman” means any other member who has been authorised to chair proceedings.
2. In exercise of the powers conferred by the 2008 Order the Senior President of Tribunals, having consulted the Lord Chancellor, makes the following determinations and supplementary provision in relation to matters that fall to be decided by the Property Chamber of the First-tier Tribunal on or after 19 June 2023. These supersede all previous determinations about composition in respect of the Property Chamber.
3. Subject to paragraphs 4 – 13 a matter may be decided by one, two or three members as determined by the Chamber President.

Land Registration Cases

4. Each matter must be decided by one judge.

Residential Property Cases

5. The powers of the Chamber President referred to in this Practice Direction may be exercised by a Regional Judge, or in his or her absence or incapacity, a Deputy Regional Judge or Regional Surveyor.
6. Any matter that does not dispose of the proceedings must be decided by one judge or chairman, unless the Chamber President directs that the matter is to be determined by two or three members.
7. A decision that disposes of proceedings must be made by a judge or chairman sitting alone but in the following circumstances may be decided by a judge or chairman sitting with one or two other members:

- (a) where the matter includes a dispute of fact or opinion;
- (b) where the matter requires the application of special expertise; and/or
- (c) any other case where, in the view of the Regional Judge, the overriding objective requires there to be more than one member.

Agricultural Land and Drainage Cases

- 8. The powers of the Chamber President referred to in this Practice Direction may be exercised by the Principal Judge or in his or her absence or incapacity, another judge nominated by the Chamber President.
- 9. Any matter that does not dispose of the proceedings may be decided by one judge.
- 10. A decision to dispose of proceedings which either only involves issues of law or is made by consent may be made by a judge sitting alone otherwise in all other matters a decision to dispose of proceedings the Tribunal must be made by a judge, one other member from the panel of persons who are agricultural landowners or who have experience of owning or managing agricultural land ("the landowners panel") and one from the panel of farmers or in Land Drainage cases, one other member from the panel of drainage experts and one from either the landowners panel or one from the panel of farmers.

All cases

- 11. Where the First-tier Tribunal has given a decision that disposes of proceedings ("the substantive decision"), any matter decided under, or in accordance with Part 6 of the Rules must be decided by the same member or members as gave the substantive decision, unless:
 - (a) the Chamber President directs that it must be decided by a salaried judge sitting alone; or
 - (b) paragraph 12 applies.
- 12. This paragraph applies where complying with paragraph 11 would be impractical or would cause undue delay and, in such a case, the matter decided under, or in accordance with, Part 6 of the Rules must be decided by:
 - (a) if the substantive decision was given by more than one member and the presiding member or any other judge from that constitution is unavailable, the members who gave the substantive decision and are available to decide the matter;
 - (b) otherwise, another judge nominated by the Chamber President.
- 13. Where more than one member is to decide a matter, the "presiding member" for the purposes of article 7 of the 2008 Order is the judge or other member appointed as chairman of the Tribunal. Where the Tribunal comprises more than one judge or chairman, the Chamber President or in Residential Property cases the Regional Judge, Regional Surveyor or Deputy Regional Judge may select the presiding member.

Sir Keith Lindblom
Senior President of Tribunals

19 May 2023