



TRIBUTUNALS
JUDICIARY

PRACTICE STATEMENT

**COMPOSITION OF TRIBUNALS IN RELATION TO MATTERS THAT FALL TO BE
DECIDED BY THE LANDS CHAMBER OF THE UPPER TRIBUNAL
ON OR AFTER 1 JUNE 2009**

1. In this Practice Statement;
 - a. "the 2007 Act" means the Tribunals, Courts and Enforcement Act 2007;
 - b. "the 2008 Order" means the First-tier Tribunal and Upper Tribunal (Composition of Tribunal) Order 2008;
 - c. "the 1996 Rules" means the Lands Tribunal Rules 1996;
 - d. "the Chamber President" means the Chamber President of the Lands Chamber;
 - e. "the Qualifications Order" means the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008;
 - f. "Member" means judge or other member;
 - g. "Other member" means a member who is not a judge and has any of the qualifications set out in article 2(2)(h) of the Qualifications Order.
2. In exercise of the powers conferred by the 2008 Order the Senior President of Tribunals makes the following determinations and supplementary provision in relation to matters that fall to be decided by the Lands Chamber of the Upper Tribunal:-
3. Subject to paragraphs 4 to 6 below:
 - a. A matter must be decided by one, two or three members as determined by the Chamber President.
 - b. Where a matter is to be decided by one member the Chamber President may determine that the member is one of the other members.
 - c. Where a matter is to be decided by two or three members the number of members who are to be judges and the number of members who are to be other members must be determined by the Chamber President.
4. In rule 52 (costs) of the 1996 Rules "the Tribunal" is the Chamber President.
5. Where the Upper Tribunal has given a decision that disposes of proceedings ("the substantive decision"), any matter decided under, or in accordance with, Part 8A of the 1996 Rules or section 10 of the 2007 Act must be decided by the same member or members of the Upper Tribunal as gave the substantive decision.

6. Paragraph 5 does not apply where complying with it would be impractical or would cause undue delay and, in such a case, the matter decided under, or in accordance with, Part 8A of the 1996 Rules or section 10 of the 2007 Act must be decided by –
 - a. if the substantive decision was given by more than one member of the Upper Tribunal and the presiding member or any other judge from that constitution is available, the members of the Upper Tribunal who gave the substantive decision and are available to decide the matter;
 - b. otherwise, another judge of the Upper Tribunal nominated by the Chamber President.

7. Where more than one member of the Upper Tribunal is to decide a matter, the “presiding member” for the purposes of article 7 of the 2008 Order is –
 - a. the Chamber President where he is one of the members; or
 - b. if the Chamber President is not one of the members, a member nominated by the Chamber President.

8. In proceedings under the Land Compensation Act 1961 where notices to treat have been served for the acquisition of several interests in any land then, if the acquiring authority so desire, the disputed claims of the persons entitled to those interests must, so far as practicable, be heard and determined by the same member or members of the Upper Tribunal.

LORD JUSTICE CARNWATH
SENIOR PRESIDENT OF TRIBUNALS
9 June 2009