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TRIBUTUNALS
JUDICIARY

PRACTICE STATEMENT

**COMPOSITION OF TRIBUNALS
IN THE PROPERTY CHAMBER
ON OR AFTER 15 NOVEMBER 2013**

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 2013 Rules” means the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013;
 - d. “the Qualifications Order” means the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008;
 - e. “Member” means judge or other member;
 - f. “Other member” means a member who is not a judge
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 Property Chamber of the First-tier Tribunal:-
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. The powers of the Chamber President referred to in this statement may be exercised by the Principal Judge or in his or her absence or incapacity, another judge nominated by the Principal Judge or in default by the Chamber President.

Residential Property Cases

5. The powers of the Chamber President referred to in this statement may be exercised by a Regional Judge, or in his or her absence or incapacity, a Deputy Regional Judge or Deputy Regional Valuer.
6. Any matter that does not dispose of the proceedings may be decided by one judge of the First-tier Tribunal or one other member of the First-tier Tribunal who has been authorised to chair proceedings 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 of the First-tier Tribunal or another member of the First-tier Tribunal who has been authorised to chair proceedings sitting alone but in the following circumstances may be decided by a Judge or a 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 statement 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 of the First-tier Tribunal.
10. A decision to dispose of proceedings by consent may be made by a Judge of the First-tier Tribunal sitting alone otherwise in all other matters a decision to dispose of proceedings the Tribunal must be made by a judge, one 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 member from the panel of drainage experts and one from either the landowners panel or one from the farmers panel.

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 2013 Rules must be decided by the same member or members of the First-tier Tribunal, as gave the substantive decision.
12. Paragraph 11 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 6 of the 2013 Rules must be decided by –
 - a. if the substantive decision was given by more than one member of the First-tier Tribunal and the presiding member or any other judge from that constitution is unavailable, the members of the First-tier Tribunal who gave the substantive decision and are available to decide the matter;
 - b. otherwise, another judge of the First-tier Tribunal nominated by the Chamber President.
13. Where more than one member of the First-tier Tribunal 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 Tribunal judge or other member appointed as a chairman, the Chamber President or in Residential Property cases the Regional judge or Deputy Regional Judge may select the presiding member.

SIR JEREMY SULLIVAN
SENIOR PRESIDENT OF TRIBUNALS
15 November 2013