

Upper Tribunal Lands Chamber procedure flowchart

For claims for compensation for the compulsory purchase of land and other claims for land compensation

The procedure flowchart is designed to assist claimants and acquiring or compensating authorities by giving an overview of the process that the Tribunal follows for references made to it to assess compensation for the compulsory purchase of land or other land compensation claims. It is not a substitute for consulting the legislation relating to your case, the Rules and Practice Directions or from taking professional advice from a solicitor or a chartered surveyor. Depending upon the exact nature of the case the Tribunal may either direct that additional steps be taken or that certain steps be omitted.

- The Tribunal's Rules, Practice Directions, Practice Statement, forms, information about the fees it charges and its recent decisions are available on the Tribunal's website, www.gov.uk/appeal-upper-tribunal-lands
- The Tribunal's staff can answer questions about the Tribunal's processes but they
 cannot give you legal advice nor can they advise you on what is best for your case.
 If you are in doubt you should seek independent legal advice or the advice of a
 chartered surveyor.
- Once commenced, proceedings must be disposed of with all reasonable speed. The
 Tribunal will hear the case as soon as it can, but the parties must also do what is
 required of them within the timescales set. The Tribunal will allow a short stay of
 proceedings where the parties agree to seek Alternative Dispute Resolution, such as
 mediation, but it will not delay the progress of a case simply to allow negotiations
 to continue.
- If you cannot comply with a step or direction within the timescale set, you can apply for an extension of time. Extensions will be given only if the applicant provides a good reason. For any application during the course of the case, including an application for an extension of time, you must enclose the Tribunal's fee of £110 made payable to the 'HM Courts and Tribunals Service' (not the Lands Chamber).

- You must also set out the reasons for the application and you should try to obtain
 the prior consent of the other party. If they do not agree to the application, you
 must confirm that a copy of it has been sent to the other party and that you have
 explained to the other party that any objection they wish to make must be received
 by the Tribunal within 10 days.
- Unless otherwise directed (either by the rules or by a specific direction) a party sending a document to the Tribunal should send one copy only.

Getting the case started

Step 1

The appropriate reference form (depending on the type of reference and who is making it) is downloaded form the Tribunal's website and the rules, practice directions, and explanatory leaflet are viewed.

Alternatively, a copy can be requested from the Tribunal's office.



Either the claimant or the acquiring/compensating authority (the authority) may start the proceedings by filing the notice of reference. If the claimant is commencing the proceedings go to Step 3.

If the authority is commencing the proceedings go to Step 6.

Step 3

Claimant files 2 copies of the Notice of Reference and the supporting documents, including a Statement of Case, and the lodging fee. The Tribunal acknowledges receipt and gives the reference a case number.

The fee is £275.

Step 4

The Tribunal sends a copy of the Notice of Reference and supporting documents to the authority. The authority must provide a Response form and Statement of Case to the Tribunal and the claimant.

The authority is given one month to respond.

Step 5

The authority sends to the Tribunal and to the claimant its Statement of Case. Now go to Step 10.

Step 6

The authority lodges 2 copies of the Notice of Reference and supporting documents and the lodging fee. The Tribunal acknowledges receipt and gives the reference a case number.

The fee is £275.

Step 7

The Tribunal sends a copy of the Notice of Reference and supporting documents to the claimant. Claimant must provide a Response form and Statement of Case to the Tribunal and the authority.

The claimant is given one month to respond.

Step 8

The claimant sends their Response and Statement of Case to the Tribunal and to the authority.

Step 10

The parties are informed which procedure the Registrar has directed will be followed. For the standard procedure continue to page 4. For the special procedure now go to page 5.

For the simplified procedure now go to page 6. For the written representations procedure go to page 7.

Step 9

The authority must send the Tribunal and the claimant its Statement of Case.

The authority must file and serve its Statement of Case within 1 month of receiving the claimant's Statement of Case.

Commencing an appeal

Step 11

When the parties' Statements of Cases are received the parties send to the Tribunal and exchange with each other their expert witness report and statements of witnesses of fact.

The parties usually have 2 months to send and exchange their expert report and witness statements.

Step 12

The parties send in and exchange their expert witness report and statements of witnesses of fact.

Step 13

The Tribunal sends listing questionnaires to both parties asking for their availability dates for the hearing, preferred venue and time estimate for the duration of the hearing.

Step 14

The parties reply to the listing questionnaires. If a party does not reply, the Tribunal may list the hearing at a venue and on dates that may not be convenient to the party.

Step 15

The Tribunal fixes the hearing. The parties are notified of the date(s) and venue. The parties must inform their witnesses.

Step 16

The person who lodged the Reference must consult with the other party and prepare and file a statement of agreed facts and issues.

The Statement must be received by the Tribunal not less than 14 days before the hearing.

Step 17

The final hearing takes place. The decision is usually reserved; that is, it is not given at the end of the hearing.

Step 18

The decision is sent to the parties. They are invited to send in written submissions as to who should bear the costs of the case, unless the Tribunal has already directed that each party must bear their own costs.

Costs submissions must be filed within 14 days of the request.

Step 19

The parties send in their submissions as to who should be ordered to bear the costs of the case.

Step 20

The Tribunal considers the submissions received and makes a decision on the costs of the case. It is incorporated as an addendum to the main decision and sent to the parties. The decision takes effect from this point.

Step 21

If no costs award is made the matter ends here, but the hearing fee must be paid.

The hearing fee is 2% of the amount awarded or determined, (subject to a minimum fee of £275 and a maximum fee of £16,500) or if no amount is awarded, £550.

Step 22

If a costs order is made the parties will be sent a copy of the Tribunal's detailed assessment of costs procedure flowchart, which explains the detailed assessment procedure.

Special procedure

Step Special A

The case is allocated to a Member of the Tribunal to supervise in conjunction with the Registrars. The parties are notified of a case management hearing to be held by the Member.



Step Special B

The case management hearing takes place.
The Member gives a full programme of directions tailored to the case in question. They will include directions for the parties send to the Tribunal and exchange with each other Statements of Cases (if they have not already been done) and the disclosure of expert and other witness evidence and documents.



Step Special C

Subject to any particular directions the member gives at the case management hearing, the procedure followed will broadly follow that of the standard procedure which commences at Step 11 on page 3. However, further case management hearings may be held or the case listed for final hearing.

Simplified procedure

Step A

The Tribunal will fix the hearing date and notify the parties, usually about three months ahead (subject to courtroom availability).



Not less than one month before the hearing date, each party must send to the other copies of all documents that they intend to rely on.

Step C

Not less than 14 days before the hearing date, each party must send to the other party a copy of their expert witness report if they wish to rely on one, and a list of the witnesses that they will be calling.

Step D

Not less than 7 days before the hearing date, the appellant must send to the Tribunal a Statement of agreed facts and issues.

Step E

The final hearing takes place, almost always being completed in a single day. The Member hearing the case usually gives their decision later in writing. Costs orders are not normally made in simplified procedure cases.

Step F

The Tribunal's hearing fee must be paid by the party who lodged the Reference, unless the Tribunal directs the respondent should pay it.

The hearing fee is 2% of the amount awarded or determined, subject to a minimum fee of £275 and a maximum fee of £16,500, or if no amount is awarded, £550.

Written Representations procedure

Step WR1

At any time during one of the other procedures the parties may apply to the Tribunal for the appeal to be determined by way of written representations rather than at an oral hearing.



Step WR2

When an application is made the Tribunal decides whether or not it will direct the written representations procedure to be used.



Step WR3

If the Tribunal refuses the application the appeal continues under one of the other procedures.

Step WR4

If the Tribunal grants the application it will direct a timetable for the submission of written representations. The claimant will normally be given one month to submit their written representations to the Tribunal and send a copy to the authority.



Step WR5

The authority submits its written representations within the time directed, normally within one month of receipt of the claimant's written representations.



Step WR6

The claimant sends to the Tribunal and the authority a response to the authority's written representations. The claimant will normally be given 14 days to do so.

Step WR7

Once the parties, written representations are received, the Tribunal will determine the appeal. Its decision will be sent to the parties. Normally, no costs orders are made in cases determined under the written representations procedure.

The determination fee is 2% of the rateable value as determined by the Tribunal subject to a minimum fee of £275 and a maximum of £16,500, or if no amount is awarded £550.