



Upper Tribunal Lands Chamber procedure flowchart

For appeals from The First-tier Tribunal (Property Chamber) and Leasehold Valuation and Residential Property Tribunals

The procedure flowchart on the following pages is designed to assist both appellants and respondents by giving an overview of the process that the Tribunal follows in respect of appeals from decisions of the First-tier Tribunal (Property Chamber) and the Leasehold Valuation and Residential Property Tribunals in Wales. It is not a substitute for consulting the legislation relating to your case, the Rules and the Practice Directions, Practice Statement, 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.

For your guidance

- 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 may apply to the Tribunal for an extension of time.
- Extensions will be granted only where the applicant shows good reason.
 All applications during the course of the case, including applications for extensions of time, must be accompanied by the Tribunal's fee of £110 made payable to 'HM Courts and Tribunals Service'. They must also set out fully the reasons for the application and you must confirm that a copy of it has been sent to the other party.
- 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.
- In this document all references to the Property Chamber should also be taken to apply also to appeals from the Leasehold Valuation and Residential Property Tribunals in Wales.

Applying for permission to appeal

Step 1

If the Property Chamber has already given permission to appeal go to Step 9 on page 4. If the Property Chamber has refused permission to appeal go to Step 2.



Step 2

Appellant contacts the Tribunal's office. The Tribunal sends/gives the appellant a form for application for permission to appeal, explanatory leaflet and procedure flowchart.

Alternatively, the appellant may obtain the form and documents from the Tribunal's website.

Application for permission to appeal must be received by the Tribunal within 14 days of the Property Chamber's decision refusing permission to appeal.

Step 3

Appellant sends the application for permission to appeal, supporting documents and the application fee to the Tribunal.

Except for appeals relating to land registration matters for which no fees are payable, the Tribunal's fee for an application for permission to appeal is £220.

Step 4

The Tribunal acknowledges the application and gives it a case number.



Step 5

Except where the Tribunal decides to dismiss the application without requiring representations from the other party under Rule 21(8), the Tribunal sends a copy of the application to the other party to the proceedings in the Property Chamber. The other party is asked to say if they wish to make representations in respect of the application.

The other party is given 14 days to send in their representations.



Step 6

Other party sends in their representations.

Step 7

The Tribunal considers the application and the other party's representations usually without a hearing. The Tribunal's decision is sent to the parties.



Step 8

If permission to appeal is refused, the matter ends here. If permission to appeal is given the tribunal will give directions for the conduct of the appeal.

Commencing an appeal

Step 9

The appellant must send Notice of Appeal to the Tribunal so that it is received by the Tribunal within one month of either the Property Chamber or the Tribunal having sent the appellant permission to appeal. It must be accompanied by copies of the documents set out in Rule 24(4), the lodging fee and the appellant's Statement of Case.

Except for appeals relating to land registration matters, for which no fees are payable, the lodging fee is £275.

\rightarrow

The Tribunal sends a copy of the Notice of appeal and other documents it has received to the other party to the proceedings in the Property Chamber and asks them if they wish to be a respondent to the appeal.

Step 10

The Tribunal will ask both parties for their availability dates for hearings, preferred venue and time estimate for the duration of the hearing.



Step 11

The other party must, if they wish to respond to the appeal, send a Respondent's Notice to the Tribunal and to the appellant so that it is received by the Tribunal within one month of the Tribunal sending a copy of the Notice of Appeal to the Respondent.

Step 12

Respondent sends to the Tribunal and to the appellant their Respondent's Notice and Statement of Case.

Within one month of the Tribunal sending a copy of the Notice of Appeal to the Respondent.



Step 13

Appellant may send to the Tribunal and the respondent a reply to the Respondent's statement of case.

Within one month of receiving a copy of the Respondent's Notice.

Standard procedure

Step 14

If the appeal is to be dealt with as a rehearing (but not if it is to be a review only) both parties are directed to send to the Tribunal and to exchange with the other party their expert witnesses' reports and statements of witnesses of fact.

The parties will be given two months to send in and exchange their experts' reports and witness

Step 15

The parties send in and exchange their expert witnesses' reports and statements of witnesses of fact

Step 16

The Appellant must consult with the Respondent and prepare and send to the Tribunal a Statement of agreed facts and issues.

The Statement of agreed facts and issues must be sent to the Tribunal so it is received not less than 14 days before the hearing.

Step 17

The hearing takes place. The Tribunal may inspect the site and necessary comparable sites before or after the hearing. The decision is usually given later in writing.



Step 18

The Tribunal's decision is sent to the parties. The Appellant must pay the hearing fee, unless the Tribunal directs the Respondent to pay it.

Except for appeals relating to land registration matters, for which no fees are payable, the hearing fee is 2% of the amount determined by the Tribunal, subject to a minimum fee of £275 and a maximum fee of £16,500.

Special procedure

Step Special A

The appeal is allocated to a Member of the Tribunal to supervise in conjunction with the registrar. 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 directions tailored to the case in question. However, they will include directions for the parties to send to the Tribunal and to exchange with each other Statements of Case (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 be that of the standard procedure which commences at Step 15 on page 4. However, further case management hearings may be held or the case listed for hearing.

Written Representations procedure

Step WR1

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 the standard procedure.

Step WR4

If the Tribunal grants the application it will direct a timetable for filing and service of the written representations. The appellant will normally be given one month to send their written representations to the Tribunal and send a copy to the respondent.



Step WR5

The respondent submits their written representations within the time directed, normally within one month of receipt of the appellant's written representations.



Step WR6

The appellant sends to the Tribunal and to the respondent a response to the respondent's written representations. The Appellant 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.

Except for appeals relating to land registration matters, for which no fees are payable, 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.