

Response to a Notice of Reference

Respondent

If the Respondent is not represented all communications from the tribunal and other parties regarding this application will be sent or delivered to this address.

Name	
Address	
Postcode	
Telephone number (if not represented)	
Fax (if not represented)	
Email	
Status (company, individual etc.)	
Do you wish to receive routine communication from the Tribunal by email?	☐ Yes ☐ No

Respondent's representative

If this section is completed all communications from the Tribunal and other parties regarding this application will be sent or delivered to the representative.

Name	
Address	
Postcode	
Telephone number(s)	
Fax number	
DX number	
Email	
Do you wish to receive routine communication from the Tribunal by email?	☐ Yes ☐ No

Professional capacity in which the representative acts, if any:
(state whether solicitor, surveyor or other professional qualification. A representative who is not a solicitor must enclose an authority to act signed by the Respondent.)

--

Expert evidence and procedure

1. Do you intend to call an expert witness: ☐ Yes ☐ No ☐ Unsure

2. Do you wish to call more than one expert witness: ☐ Yes ☐ No ☐ Unsure

Please state the name (if known) and field of expertise of each expert witness whose evidence you wish to rely on:

Name of expert	Field of expertise

3. I/we have read the attached guidance and request the:

A. ☐ Standard procedure

C. ☐ Simplified procedure

B. ☐ Special procedure

D. ☐ Written representations procedure

If you have ticked box B, C or D please explain below why you consider this procedure to be most suitable

--

Statement of Case

If the person making the reference has attached a statement of case to their Notice of Reference (form T371), you must file and serve a statement of your case, including particulars of the facts you rely on.

Signature and date

Signed

--

Dated

--

Name

--

Status

--

Checklist for enclosures

We have enclosed with this notice:

- Authority to act ☐ Yes ☐ No ☐ N/A
- Statement of case ☐ Yes ☐ No

Where to send or deliver the documents

1. After you have completed this form:

You can submit documents and track your case digitally online with the E-Filing service

<https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals>

If a party has appointed a professional representative, all forms and documents must be submitted to the tribunal using the E-filing service.

If you are not a professional representative you can send your documents to:

Upper Tribunal (Lands Chamber)

5th Floor

Rolls Building

Fetter Lane

London

EC4A 1NL

DX: 160042 Strand 4

Email: Lands@justice.gov.uk

Tel: 020 7612 9710

Fax: 0870 761 7751

2. The person who lodged the Notice of Reference (form T371)

Case management procedures note

A step by step summary of our procedures is available on the procedure flowchart for references, which may be viewed online at our website (www.gov.uk/courts-tribunals/upper-tribunal-lands-chamber) or requested from the Lands Chamber office.

Communicating with the Tribunal

Unless you have asked us not to do so, the Tribunal will send routine communications concerning this reference by email, and you may do the same. Copies of all references, notices of hearing, orders and decisions will also be sent by post. If you wish to email the Tribunal please quote the Tribunal's reference number in the subject line of your email.

The reference will be allocated by the Tribunal to one of the following four procedures. The views of the parties will be taken into account in deciding which procedure should apply.

Simplified procedure

This procedure is for the speedy and economical determination of cases in which there is no substantial issue of law or valuation practice and no substantial conflict of fact is likely to arise. It is often suitable where the amount at stake is small. The appeal goes to a hearing as quickly as possible and with the minimum of formality.

In most cases a date for the hearing, normally about three months ahead, will be fixed immediately. The parties may be required to file statements of case. Not later than one month before the hearing, the parties must exchange copies of all other documents, such as witness statements, on which they intend to rely. If an expert's report is relied on it must be exchanged not later than 14 days before the hearing.

The hearing is informal and will almost always be completed in a single day. A lawyer need not be instructed and a surveyor or other professional may act as both advocate and as expert witness or you may choose to represent yourself. Except in compensation cases, to which particular statutory provisions on costs apply, an award of costs will be made only in exceptional circumstances. The usual tribunal fees, such as the hearing fee, are payable.

Written representations procedure

The Tribunal may order that the proceedings be determined without an oral hearing. An order will only be made if the Tribunal, having considered the issues in the case and desirability of minimising costs, decides that oral evidence and argument can properly be dispensed with. Directions will be given to the parties for the filing of representations and documents. If necessary, the tribunal will carry out a site inspection before giving a written decision.

Special procedure

The special procedure is for cases requiring case management by a Judge or Member in view of their complexity, the amount in issue or wider importance. An early case-management hearing will be held for appropriate directions to be given. Where appropriate a date for the final hearing will be fixed at the case-management hearing and the steps which the parties are required to take, and any further case-management hearings will be timetabled by reference to this date.

A high level of co-operation with the Tribunal and between themselves is expected of parties using the special procedure. Each party should consider whether to apply for the determination of a preliminary issue, for permission to call additional expert witnesses, or for any other order. The parties may agree the terms of any order that they wish the Tribunal to make and should seek to reduce areas of disagreement. Not less than seven days before a case-management hearing the parties must file an agreed position statement summarising the subject-matter of the case and to the extent that it is

possible to do so at that stage, the issues. They must also state the areas of expertise of each witness that they propose to rely on and the general scope of their evidence.

Standard procedure

The standard procedure is used where a hearing is necessary and the issues of fact, law or valuation are too complex for the simplified procedure but not so complex or of general importance as to require the special procedure.

Under the standard procedure case management is in the hands of the Registrar who will give such directions as appear to be necessary. Directions given may, as appropriate, use elements of the special procedure (for example, timetabling through to the hearing date) or the simplified procedure. A Registrar will hold a case-management hearing should it appear appropriate to do so. Co-operation between the parties is expected and they should agree appropriate directions for the conduct of the proceedings and make an application to the Registrar for those directions by consent or on notice.

All cases – compliance with directions

Parties are expected to comply with a direction that has been given during the course of proceedings and non-compliance may result in a sanction being imposed. If you are unable to comply with a direction you must make an application promptly for an extension of time or for other variation of the direction(s) before the time for compliance has expired. See rule 6 for full details of the interlocutory application procedure. You should seek the prior agreement of the other parties and, if it is not given, tell them that any objection must be made in writing to the Tribunal within 10 days. To make an application you must set out your reasons, confirm that you have given notice of the application to all other parties and enclose the fee for an interlocutory application. The fee is £128. Please note that all cheques must be made payable to 'HM Courts & Tribunals Service' (not to the Lands Chamber).

Alternative Dispute Resolution/Mediation

The Tribunal supports the resolution of disputes by consent by the parties. Information about mediation services offered directly to Tribunal users is available on our website or may be requested from the Tribunal office. See the Practice Directions for information about staying the proceedings.

More information

Visit our website www.gov.uk/courts-tribunals/upper-tribunal-lands-chamber for further information about proceedings in the Tribunal. You may also request a copy of any of these documents.

1. The Rules and Practice Directions that govern our procedures;
2. The Order that sets the fees for stages in the proceedings and for applications;
3. The Procedure Flowcharts that show the steps in the proceedings; and
4. The Explanatory leaflet that provides an overview of the cases the Tribunal deals with and other information.