



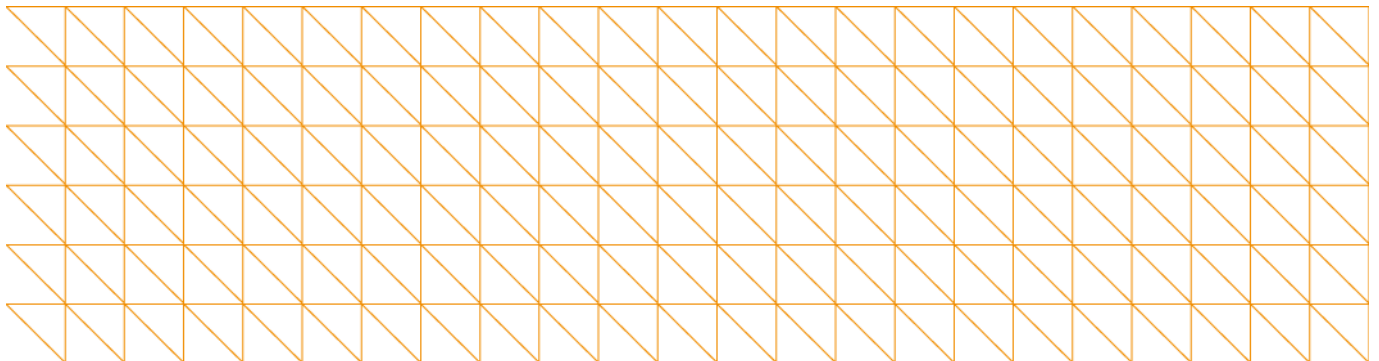
# **Review of Fees for the Lands Tribunal**

(The Lands Chamber of the Upper Tribunal)

**Response to Consultation**

CP(R)44 / 09

25 August 2010







Ministry of  
**JUSTICE**

# **Review of Fees for the Lands Tribunal**

(The Lands Chamber of the Upper Tribunal)

**Response to consultation carried out by Tribunals Service, part of the  
Ministry of Justice. This information is also available on the Ministry of  
Justice website at [www.justice.gov.uk](http://www.justice.gov.uk)**

Tribunals Service

## About this response

**To:** Users and potential users of the Lands Tribunal

**Consultation Duration:** From 02/12/09 to 28/02/10

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## Introduction and contact details

This document is the post-consultation Government Response to the consultation paper, 'Review of Fees for the Lands Tribunal', 2 December 2009.

It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Mary Dallas** at the address below:

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This report is also available on the Ministry's website: [www.justice.gov.uk](http://www.justice.gov.uk).

Alternative format versions of this publication can be requested from Mary Dallas.

## Background

The consultation paper 'Review of Fees for the Lands Tribunal' was published on 2<sup>nd</sup> December 2009; the paper is available on the Ministry of Justice website at [www.justice.gov.uk](http://www.justice.gov.uk). It invited comments on Government proposals to increase the level of income by increasing the fees, aiming to recover 50% of the Lands Tribunal's running costs.

The Lands Tribunal's fees were last assessed in 1996 when they were set aiming to recover at least 50% of its operating costs. The level of fees charged has not been revised since that date and therefore recovery rates have eroded. In 2008/2009 approximately 20% (£0.3 million) of the running costs of the Tribunal was recovered through fees. In the consultation paper the Government proposed to increase the level of fees to enable 50% of the Tribunal's running costs to be recovered in line with the original policy aim.

In order to do this it would be necessary for the current level of fees to be increased across all charging points in the current schedule. Rather than apply a flat increase rigidly to all the Tribunal's fees, a differential approach was taken to reflect that some fee based activities take more administrative and/or judicial time to process. Accordingly, the paper proposed to increase some of the Tribunal's fees two-fold with others increasing three, four or five-fold.

As well as consulting on the above mentioned changes to the Tribunal's current fees, we also asked for feedback on an alternative basis for the calculation of some variable fees. The present scheme (Option A in the consultation document) includes some fees that are calculated by reference to the rateable value, or the amount awarded or determined by the Tribunal. An alternative proposal (Option B) was that that fees be determined by reference to the "amount in issue" i.e. the *difference in value* between the amount claimed or the rateable value proposed by one party, and that which is offered or the rateable value proposed by the other party.

The consultation period closed on 28<sup>th</sup> February 2010 and this report summarises the responses, includes Government comment on the responses and indicates how the consultation process has influenced the final shape of the proposals.

A list of respondents is at Annex B.

## Summary of responses

1. A total of 14 responses to the consultation paper were received. Of these, one half of responses were from members of professional bodies including the Royal Institution of Chartered Surveyors (RICS), the Residential Landlords Association (RLA) and the Compulsory Purchase Association (CPA). Five responses came from public bodies including the Residential Property Tribunal Service (RPTS) and the Administrative Justice and Tribunals Council (AJTC); the Law Society and the Bar Council also responded (see **Annex A** for a full list of respondents.)
2. The responses were collated and analysed for comments on the proposals, suggestions for how they could be improved and feedback on how the proposals would impact users of the Lands Tribunal.
3. The following points were made in the responses:
  - the majority of respondents stated they understood the need and believed it was reasonable and appropriate for the fees to be increased;
  - a number of respondents expressed support for some of the proposals;
  - a small number of respondents questioned the policy of seeking to recover the running costs of tribunals;
  - although they understood the need for increases to the fees, some respondents expressed concern over the level of the proposed increases;
  - some respondents were concerned that the increases could hinder access to justice for some members of society;
  - the proposed increases for interlocutory and consent orders were criticised by a number of respondents;
  - the proposed maximum fee for hearings was also singled out for criticism by a small number of respondents;
  - respondents also commented on the estimate in the impact assessment of the consultation that there may be a 20% decrease in the number of appeals to the Lands Tribunal.
  - a number of respondents voiced concerns over the failure to review the fees on a regular basis.

A summary and examples of specific responses to each question is included below.

### **Government Response**

4. The Government believes that users of tribunals should not necessarily all be fully subsidised by the taxpayer. Matters that come before the Lands Tribunal are private disputes between individuals or companies, it is not right therefore that the taxpayer at large should provide a general, untargeted subsidy for resolution of these disputes through a tribunal. They believe that it is right that as much of the cost of providing this service as possible is borne by those who benefit from it.
5. Consequently, they believe it is fair and in the best interests of the taxpayer that it seeks to recover as much of this as possible through a system of fees paid by parties that use the service. The fees proposals made in the consultation were only seeking to return the Tribunal to the cost recovery position of 50% that was sought when the system of fees was established in 1996.
6. After considering the responses to the consultation the Government has amended slightly some of the specific fee proposals, resulting in lower fees for certain categories (and consequently an estimated 48% recovery). Please see page 18 for more details.
7. Fairness and access to justice is protected by a fee concession and remission system which will be retained. In addition, the Government recognises that courts and tribunals are not necessarily the best way to resolve disputes. The Government actively encourages and promotes mediation and other methods of dispute resolution and provides information about where to access free advice.

## Responses to specific questions

**Question 1. Do you agree, given the length of time since the last increase in the fees, that it is reasonable to increase the fees for lodging and processing cases by the proposed amounts? How may the proposal be improved?**

1. Overall all respondents felt it was reasonable to increase fees for lodging and processing cases but the majority felt some increases were excessive. Specific concerns were raised by some about access to justice issues and the proposed increases to fees for interlocutory and consent orders.
2. A number of respondents expressed support for some of the proposals; the Royal Institution of Chartered Surveyors (RICS) strongly supported the proposal to replace the current Rating Appeal Lodging Fee (i.e. 1% of the Rateable Value determined by the Valuation Tribunal) with a fixed fee of £250. The Rating Surveyors' Association (RSA) and the Institute of Revenues, Rating and Valuation (IRRV) also welcomed the reform of the charges for lodging rating appeals, stating that they believed that the change reflects the degree of administration needed. The Compulsory Purchase Association (CPA) agreed with the increases to the lodging fees, including the increases for restrictive covenants, rights to light and absent owner applications.
3. A small number of respondents questioned the policy of seeking to recover the running costs of tribunals through fees; the Law Society felt that it is the duty of Government to provide a system of justice and redress from public funds so that access is available to all. The Residential Landlords Association's (RLA) view was that Tribunals and Courts have an important role for those who are not parties as they lay down legal principles; and so were concerned about full cost recovery of fees as a matter of principle – they were pleased to note that the proposals were only aiming for 50% cost recovery. The Bar Council expressed concern that “the rates proposed are at the top end of what might be expected in the tribunals system”,
4. Although they understood the need for increases to the fees, many respondents expressed their concern over the level of the proposed increases. The Law Society believed the proposed increases in fees are disproportionate, the RPTS thought the rises very steep, although accepted that there is a large catching-up element. The RSA believed the quantum of increase across Order Fees to be “not consistent”. The Bar Council felt that “the likely impact has not been properly identified or considered”. RLA were concerned at the sudden "hike" in fees; they appreciated that the fees were set a considerable time ago but believed this to be a very substantial rise to take place in one go and, suggested that consideration be given to phasing in the increase, over say two years, rather than a sudden rise as proposed by the consultation paper.

5. Some respondents were concerned that the increases could hinder access to justice for some members of society. The Central Association of Agricultural Valuers (CAAV) felt that in some cases the levels of fees proposed will deter some individuals from making an application to the Lands Tribunal in order to resolve a dispute. The RPTS stated they believe strongly in access to justice and thought that the proposed size of the rise will run counter to this. The AJTC felt wider considerations as to the impact on access to justice ought to be taken into account. The Bar Council thought a decrease in appeals and applications with real merit, for no other reason than the amounts being charged in fees, would inevitably involve a restriction on access to justice
6. The proposed increases for interlocutory and consent orders were criticised by a number of respondents. The Treasury Solicitor's Department believed that "where an interlocutory application does not require a hearing the proposed increase is excessive". Similarly for consent orders: "the increase is considerable especially if the order is approved as drawn by parties". The RLA felt the fee for interlocutory and consent applications represented a substantial rise as well as being a large fee for processes which are often straight forward and dealt with on paper without the need for a great deal of judicial input. The RICS stated an unopposed application requiring only approval by a Registrar should not justify a fee of more than £100 and the application fee for making a Consent Order when such applications are drafted by the parties should not justify a fee of more than £150. The IRRV questioned the justification for the increases proposed for interlocutory applications and consent orders "as these are much higher than in the Courts", and suggested that the proposals would make the Lands Tribunal the most expensive forum in which to litigate.
7. Hearing fees were also mentioned by respondents; the Bar Council promoted the need for a detailed review of the impact of the proposals for final hearing fees on different types of application and appeal. The IRRV thought "there is merit in considering the charging of a fixed daily fee according to the number of days a hearing takes."
8. The impact assessment in the consultation estimated there may be a 20% decrease in the number of appeals to the Lands Tribunal if the changes were introduced as proposed. The following respondents commented on this:
  - The Bar Council noted that there may be a 20% drop in "demand" as a result of the fee increases, but believe the basis for that figure is unclear.
  - The RPTS noted that there is an underlying assumption that there will be an estimated 20% fall in demand. They state "since the consultation document does not argue that there is a problem with vexatious or frivolous appeals", they considered that most of those "put off from appealing by the higher fees will feel a sense of justice denied (whether or not that feeling is justified by the merits of their case)."

- The AJTC felt that before changing the fee scheme it would be appropriate to further investigate the other avenues of redress available to this 20% who will be dissuaded from going to the tribunal.

## Response

9. The Government found comments from the respondents extremely useful in developing their proposals for increases. They believe that overall the system of charging fees to users of the Lands Tribunal is reasonable and fair; the fees are based upon the resources needed to deal with a case, access to justice is protected through the remission and concession scheme and overall that it is in the best interests of the taxpayer and the justice system to charge fees where appropriate.
10. The Government understands why respondents expressed concern about the level of the proposed increases. However it feels that the proposals should be considered in the context of the original policy aims of cost recovery through fees of 50%, the fact that fees have not changed since 1996 and the change in property values since then.
11. After considering the feedback, the Government has reviewed the proposed increases. It has amended the proposals for increases to interlocutory and consent orders from £150 to £100 and from £250 to £150 respectively and reduced the proposed cap on variable hearing fees from £20,000 to £15,000.
12. Although comments were not sought on the underlying principle of charging fees to tribunal users we note the comments disagreeing with this. However the Government does not believe it to be fair or reasonable for the taxpayer to provide a full subsidy for all tribunal users. They believe that the Lands Tribunal is an instance where users, that can afford to, should contribute to the cost of running the service. The Government remains committed to ensuring those facing financial hardship are supported by a system of concessions and remissions.
13. The comments on the estimate of a decrease of 20% in appeals to the Lands Tribunal were also noted; we will monitor this when the new fees are introduced. However, this does not imply that justice will be denied to any users or potential users of the Lands Tribunal. The estimated decrease was based upon the theory of supply and demand, will not apply evenly across all Lands Tribunals jurisdictions and the tribunal is not the route to justice for many cases.
14. Mediation or arbitration are available for parties in some cases, such as compulsory purchase and other land compensation, rating appeals and appeals for Leasehold Valuation Tribunals; the Government encourages the full use of these services. It is assumed that increased fees will encourage more users, who would previously have not, to seek and use these services, and for others to seek them earlier in the life of a case.

15. It is recognised that mediation or arbitration is not available for some other cases, such as applications for rights of light certificates or Absent Owner applications. Increased fees charged in these cases would be mitigated by the fact that applicants are largely the owners of commercial property in central London, with the income to meet the increased fees, or by Local or Central Government Departments.
-

**Question 2. Do you agree with the proposal to create fixed hearing fees for non-monetary cases? How may the proposal be improved?**

1. All respondents felt it was reasonable to increase fees overall but the majority felt some increases were excessive. Only two respondents commented specifically on fixed hearing fees. The Law Society agreed with the principle of fixed hearing fees for non-monetary cases but considered the proposed fees to be unreasonable as the increase would be between 100% and 180%. The CPA agreed with the proposed changes to fixed hearing fees for non-monetary cases.

**Response**

2. The Government considers that the proposed increases in fixed hearing fees to be in line with the aim of increasing the cost recovery rate of the fees regime to almost 50%, fair in the context of the overall fees proposals and in line with the overall fees policy objectives. The size of the increase noted by the Law Society reflects not only that fees have remained static since 1996, but also that the proposed fees should more accurately reflect the true cost of providing the service for non-monetary cases.
-

**Question 3. Which of the two options for determining hearing fees outlined above do you prefer? How may the proposal be improved?**

1. Respondents' preferences were balanced with a small majority (6 to 5) preferring Option A, i.e. fees based on the rateable value or the amount awarded or determined by the tribunal. The majority of respondents who were in favour of Option B were generally from surveyors' and valuers' bodies, whereas those in favour of Option A constituted a wider constituency including lawyers, and included applicants and beneficiaries of tribunal decisions.
2. Respondents in favour of Option A were very concerned that Option B would be open to abuse and might result in unfairly high fees being payable. For example, in its response the Bar Council pointed out that, if a respondent proposed an unreasonably high or low claim or rateable value then this might distort the fee payable by an unsuccessful applicant or appellant or render an application or appeal too expensive to contemplate pursuing.
3. The CPA's strong preference would be for Option A. They were concerned that "fees based on the amount in dispute are vulnerable to distortion by the position of one of the parties" and that "determination of the amount of compensation by the Tribunal after having heard the arguments of both sides is a sounder basis upon which to calculate fees and is more likely to result in a fee proportionate to the compensation properly payable."
4. The respondent from Cambridgeshire County Council argued that Option B could have a disastrous effect on highway authorities' power to create public rights of way as they use the Lands Tribunal to determine the amount of compensation payable for section 26 Highways Act 1980 creation orders for footpaths and bridleways. These are often along field edges or farm tracks, and they value the land at agricultural value. Under Option B a landowner might seek to inflate the fees payable by the applicant irrespective of the real value of the land determined by the tribunal, limiting the number of applications highway authorities could afford to make.
5. Other respondents favoured Option B; the CAAV considered this option had some additional merit and believed it would offer an incentive to the parties to minimise the difference in their claims before a hearing takes place.
6. IRRV also preferred Option B as they believed this would avoid any disincentive to parties faced with a case where they may be a small amount at stake relative to the total rateable value but where the issue in dispute is of significance.

## Response

7. Whilst respecting the views expressed by all respondents the Government acknowledges the serious concerns expressed by some of them about Option B. It recognises the potential for distortion of the level of fees payable that it could introduce if it were put in place and the resultant risk of unnecessarily restricting access to justice as argued by some respondents. The Government notes that the risk of distortion may be particularly relevant to compulsory purchase and that compulsory purchase and other land compensation claims have comprised the Lands Tribunal's greatest number of cases in most recent years.
  8. Considering this and that the system of variable hearing fees that is currently in force (Option A) has operated successfully for many years the Government believes that there is not a strong enough case to change the system. It has therefore decided to retain the current method of calculating Variable Hearing Fees (Option A).
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**Question 4. Overall, do you think the proposed package of revisions is reasonable, given our target of moving to 50% of cost recovery? How may the proposal be improved?**

1. Not all respondents commented on the 50% cost recovery rate but ARMA and CPA believed the package of revisions to be reasonable and AJTC recognised that the principle of charging fees in the Lands Tribunal is well established and expressed understanding of the intention to return to 50% cost recovery however, they suggested that in future regular inflation based reviews should take place to avoid large increases caused by the failure to review fees since 1996.
2. The Law Society consider the proposed increases in fees to be far too high and cannot be justified in relation to inflation over the period 1996 - 2009. They believe the Government should accept that it is unreasonable to seek 50% cost recovery and should accept a lesser target. The Bar Council expressed concern that there may be further increases in the future to move the level of recovery beyond the 50% currently proposed. They said that they trusted that the Government will consult again if there are proposals to do this.
3. RICS expressed concern that the target figure of 50% has been determined arbitrarily, the IRRV believes that such fee increases will serve to exclude many from the full process of appeal, and CAAV are concerned that in some cases the levels of fees proposed will deter some individuals from making an application to the Tribunal to resolve a dispute.
4. The RSA are not unsympathetic to the notion that the Tribunal should be conscious of its costs but notes that the volume of determined rating cases has declined sharply in recent years and expressed the view that this situation "owes much to the expense of pursuing cases through the tribunal system". The RSA felt that a review of fees of the Lands Tribunal is too simplistic and they "should be reviewed within a wider review of the tribunal system".

## Response

5. The proposal to increase fees is based upon a policy aim of returning the cost recovery rate to that aimed for in 1996 when the current level of fees was set. The Government acknowledges that the scale of increases proposed may have surprised some respondents. But as stated in the consultation document the cost recovery rate since 1996 has eroded due to changes in the cost base and mix of cases brought before the tribunal. During this time property values have risen considerably.
  6. The Government acknowledges that had costs been reviewed periodically since they were introduced then fees would have been increased gradually over time. However, given that original policy aim was to recover 50% of the cost of the tribunal through fees and the consultation proposals aim to return to that level, then gradual increases might have lead us to a similar level of fees proposed now, but by periodic incremental rises. It does not accept that any decline in the number cases referred to the Tribunal over recent years can be attributed to the cost of putting such cases through the tribunals system.
  7. However, the Government is grateful for the views of the respondents with regard to particular fees proposals that have caused concern and has modified some proposed increases in the light of these comments. It intends to set the fee for an interlocutory order at **£100** (£150 proposed in the consultation) and the fee for a consent order at **£150** (£250 proposed in the consultation). In addition it intends to set the cap on variable hearing fees at **£15,000** (£20,000 proposed in the consultation).
  8. In addition, the Government would like to make clear that it is not its intention to deny justice to any applicant and that the fees remission scheme available to applicants who cannot afford to pay fees will remain in place. The overall proposals are only seeking to return the rate of cost recovery of the Lands Tribunal to that originally set and the level of fees to what they would have been if fees had been regularly reviewed since 1996. The Government will publicly consult on any future proposals to increase the fees above the rate of inflation and increase rate of cost recovery through fees.
-

**Question 5. We are particularly interested on your views on the Impact Assessment. Are you aware of any other factors that we need to be aware of with regard to the increase of fees affecting:**

- a) small firms**
- b) the wider private sector; and**
- c) the public sector**

1. The Law Society believe the very substantial increase in fees for the Lands Tribunal will have a disproportionate impact on smaller firms and individuals on lower incomes.
2. The respondent from Cambridgeshire County Council is very concerned about the potential impact on highway authorities if, Option B were adopted, with respect to hearings to determine the amount of compensation payable for section 26 Highways Act 1980 creation orders, which gives highway authorities the power to create new public rights of way.
3. ARMA consider lessees wishing to dispute service charge cases will be upset by the large proportionate increase in fees.
4. The RICS do not see any of the proposed changes as bearing disproportionately on any particular sector of the economy or any of the classes identified in the question.

### **Response**

5. The Government is grateful to the respondents who answered this question and having considered their responses, and the fact that a remission scheme for those unable to pay will remain, believes that the fees are fair and at the level that they would have been had they been regularly reviewed since 1996.
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Question 6. **We are also interested on your views on how an increase of fees may affect certain groups of people. We are particularly interested on your views on aspects around:**

- a) **race equality**
- b) **disability equality; and**
- c) **gender equality**

**Do you have any evidence of equality impacts that have not been identified within the equality impact assessment? How can they be mitigated against?**

1. Respondents could not see any reason why any particular group should be impacted against.

**Response**

2. The Government has concluded the proposals do not affect any particular group in society more adversely than others.
-

## Conclusion and next steps

1. After careful consideration of the comments from respondents, the Government has decided to proceed with the increases proposed in the consultation, subject to some adjustments to address particular concerns raised. It will also retain the current method of calculating variable hearing fees, i.e. Option A - fees based on the rateable value or the amount awarded or determined by the tribunal. They believe the revisions to the proposals outlined below will strike the right balance between achieving sufficient revenue whilst maintaining fair access to the Lands Tribunal for potential users.
2. The adjustments to the fee levels proposed in the consultation document are:
  - the fee for interlocutory order to be set at **£100** (£150 proposed in the consultation);
  - the fee for consent order to be set at **£150** (£250 proposed in the consultation); and
  - the cap on variable hearing fees to be set at **£15,000** (£20,000 proposed in the consultation).
3. The Government estimates that following implementation this would generate income equivalent to 48% of the Lands Tribunal running costs, compared to the estimated 51% which would have been generated by the original proposals in the consultation document. It is estimated that the income from fees for the Lands Tribunal will increase to £0.7million for 2011/12 compared to the £0.3million in 2008/9 which was a cost recovery rate of 20%.
4. **Annex A** contains a table showing the current and new fees.

### Next steps

5. The fees will be increased by laying a Statutory Instrument in both Houses, which will be subject to a negative resolution procedure; it is intended to implement the new fees as set out at Annex A in November 2010.

## Annex A – Table of revised fees

Current Jurisdiction and Fees	Current Fee	New Fee
<p><b>Appeals from Leasehold Valuation Tribunals</b></p> <p><u>Permission to appeal fee.</u> There is a preliminary stage to this process in that the appellant has to seek permission (leave) to appeal if it has not already been granted by the LVT.</p> <p><u>Appeal lodging fee</u></p> <p><u>Hearing</u> The hearing fee is currently 2% of the amount determined by the Tribunal, subject to a minimum fee of £100 and a maximum fee of £5,000.</p> <p><b>Appeals from Residential Property Tribunals</b></p> <p><u>Permission to appeal fee.</u> There is a preliminary stage to this process in that the appellant has to seek permission (leave) to appeal if it has not already been granted by the RPT.</p> <p><u>Appeal lodging fee</u></p> <p><u>Final hearing fee</u></p> <p><b>Rating Appeals</b></p> <p>There is no preliminary stage to these appeals. A fee is paid on lodging rating appeals, currently 1% of the rateable value determined by the Valuation Tribunal, subject to a maximum fee of £5,000 and a minimum fee of £50.</p> <p>The final hearing fee is currently 5% of the rateable value determined by the Lands Tribunal, subject to a maximum fee of £5,000 and a minimum fee of £100.</p>	<p>£40</p> <p>£50</p> <p>£100 - £5,000</p> <p>£40</p> <p>£50</p> <p>£200</p> <p>£50 - £5,000</p> <p>£100 - £5,000</p>	<p>£200</p> <p>£250</p> <p>2% of the amount determined by the Tribunal £250 - £15,000</p> <p>£200</p> <p>£250</p> <p>£500</p> <p>Fixed lodgement fee of £250</p> <p>5% rateable value determined by the Tribunal £250 - £15,000</p>

<p><b><u>Compulsory Purchase Compensation and Land Compensation references</u></b></p> <p>There is no preliminary stage to lodging these cases. A fee is paid on lodging these cases, which is currently £50.</p> <p>The final hearing fee is currently 2% of the amount awarded or determined by the Lands Tribunal, subject to a maximum fee of £5,000 and a minimum fee of £100.</p>	<p>£50</p> <p>£100 - £5,000</p>	<p>£250</p> <p>2% of the amount awarded or determined by the Tribunal £250 - £15,000</p>
<p><b><u>Applications to discharge or modify restrictive covenants</u></b></p> <p>The current fee for lodging an application is £200</p> <p>The preliminary hearing (if one is necessary, to determine whether or not an objector is entitled to object) fee is £250</p> <p>The final hearing fee is £350</p> <p>Engrossing the final order fee</p>	<p>£200</p> <p>£250</p> <p>£350</p> <p>£100</p>	<p>£800</p> <p>£500</p> <p>£1,000</p> <p>£200</p>
<p><b><u>Detailed assessment of costs</u></b></p> <p>In cases where an order for costs is made but a detailed assessment is required, the Registrar will make that assessment either at a hearing or based on the documents filed. The current fee is 5% of the costs assessed.</p>	<p>5%</p>	<p>5%</p>

**Miscellaneous Fees**

The Lands Tribunal Fees Order also provides for the following fees:

Review of Fees for the Lands Tribunal Summary of responses

Current Jurisdiction and Fees	Current Fee	New Fee
Lodging an appeal (other than a rating appeal) or a reference	£50	£250
Lodging an absent owner application	£100	£500
Lodging a rights to light application		
<ul style="list-style-type: none"> <li>▪ For a definitive certificate</li> </ul>	£250	£1,200
<ul style="list-style-type: none"> <li>▪ For a temporary and definitive certificate</li> </ul>	£300	£1,500
Interlocutory or consent order application		
<ul style="list-style-type: none"> <li>▪ Interlocutory application</li> </ul>	£40	£100
<ul style="list-style-type: none"> <li>▪ Consent order application</li> </ul>	£100	£150
Hearing a reference or other appeal (not rental values)	2% of the amount awarded (determined by the Tribunal or agreed by the parties following a hearing) subject to a minimum fee of £100 and maximum fee of £5,000	2% of the amount awarded or determined £250 - £15,000
Hearing a reference or other appeal (rental values)	2% of rent or other payment subject to a minimum fee of £100 and maximum fee of £5,000	2% of rent or other payment £250 - £15,000
Hearing (no amount awarded)	£200	£500
Copies of documents	£1	£1 per page. Minimum charge of £10
<b>Fees exemption scheme</b>		
The Lands Tribunal operates a fees exemption scheme, which is adopted from the Court of Appeal.		

## **Annex B – List of respondents**

Administrative Justice and Tribunals Council (AJTC)

Association of Residential Managing Agents (ARMA)

Bar Council

Cambridgeshire County Council

Central Association of Agricultural Valuers (CAAV)

Communities and Local Government (CLG)

Compulsory Purchase Association (CPA)

Institute of Revenues, Rating and Valuation (IRRV)

Planning & Environmental Law Committee  
Law Society

The Rating Surveyors' Association (RSA)

Residential Landlords Association (RLA)

Residential Property Tribunal Service (RPTS)

Royal Institution of Chartered Surveyors (RICS)

Treasury Solicitor's Department



## **Consultation Co-ordinator contact details**

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Julia Bradford, Ministry of Justice Consultation Co-ordinator, on 020 3334 4496, or email her at [consultation@justice.gsi.gov.uk](mailto:consultation@justice.gsi.gov.uk).

Alternatively, you may wish to write to the address below:

**Julia Bradford**  
**Consultation Co-ordinator**  
**Ministry of Justice**  
**102 Petty France**  
**London SW1H 9AJ**

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under the **How to respond** section of this paper at page 2.

## The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

**These criteria must be reproduced within all consultation documents.**



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