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Administrative Justice Policy & TPC Secretariat
Tribunal Procedure Committee Secretariat
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5 December 2012

Dear Sirs

**Re: Consultation on proposed changes to the Tribunal
Procedure (Upper Tribunal)(Lands Chamber) Rules 2010**

Thank you for providing to us details of the consultation on the proposed consequential changes to the Upper Tribunal Lands Chamber (UTLC) rules to enable appeals from the Property Chamber to be dealt with.

Comments on the consultation paper on behalf of the FPRA are:

1. Badly funded respondents to matters, especially those who have successfully represented themselves before the LVT can be very vulnerable to the risks of an adverse award for costs. We are therefore of the view that the rules should allow for parties to be relieved of a costs liability. In our view, this has not been fully taken into account in the draft rules.

- 1.1. One example of such a matter could be that an unrepresented Right to Manage Company (RMC) who 'wins' a matter at an LVT but the leaseholder who is represented by a solicitor appeals to the Upper Tribunal and 'wins on appeal'. RMC's are generally non-profit making and funds are held in trust, the result of such a case may therefore be that the RMC would need to fund the costs from its members' private funds

- 1.2. We are of the view that allowance for a 20c order and a limit on costs, as in the present LVT system should be included in the new rules. This recognises that litigants may either have no funds to use – or may be limited to a leaseholders' own income.
2. As it is intended that LVT's are open to lay people to present their own cases, any appeal procedure should reflect this and all guidance produced by the UTLC and in due course the Property Chamber should be easily accessible to all and drafted in a clear manner, this is to include all information regarding potential costs awards.

The Federation of Private Residents Associations (FPRA) is a not-for-profit advice, support and representative organisation for private residential leaseholders, tenants' and residents' associations, and leaseholder and resident owned freehold ownership and management companies.

We are the national voice of leaseholders and are frequently consulted by government, and represent leaseholders on the RPTS/LVT National User Group panel.

We look forward to seeing the results of the consultation in due course.

Yours faithfully

Robert Levene
For FPRA