

Member of the Lands Tribunal for N. Ireland

Michael Curry

The Lands Tribunal for Northern Ireland resolves a wide range of disputes about the value of land and buildings, and about their occupation, use or development. Users regard it as playing a vital role in the field of land policy and valuation practice.

The tribunal's unique feature is its combination of members with property and legal expertise. Persons serving on it are barristers or solicitors of seven years' standing or persons experienced in the valuation of land.

There are at present only two members; one of whom is a High Court Judge who serves as part-time President of the tribunal, the other is a chartered surveyor who serves in a full-time capacity, Mr Michael Curry.

In this interview, Michael Curry shares with us an insight into his work at the tribunal.

What does the Lands Tribunal do exactly?

The functions of the tribunal include resolving disputes about rent reviews; compensation for compulsory acquisition ranging from the value of city centre premises to unfit houses; rating appeals including appeals from the NI Valuation Tribunal; business tenancies including rent, duration and other terms for lease renewals; and restrictive covenants impeding the development of land.

Describe your typical working day in the Lands Tribunal

My day falls into one of two categories - either an all-day formal court hearing, or meetings ('mentions') with representatives of parties in dispute followed by work on a decision.

Unless there is a case to be heard, my day in the office begins with a series of mentions. An early start and offices in the Royal Courts of Justice facilitates counsel to both attend the mention and appear in other courts. As I have several hundred live cases, mentions continue for much of the morning.

The mention allows a discussion of the real differences between the parties (sometimes for the first time). By applying some authority, expertise and specialist knowledge, I assist the parties to assess the strength of their cases, help them understand how they may resolve their dispute and encourage early settlement by monitoring progress. In the increasing number of cases which are not resolved, the mentions allow me to adopt a flexible approach to resolution, tailored to the needs of the dispute.

Between and after the mentions the Registrar will bring files to me for directions on new cases and cases in which something that ought to have

been done by a party has not been done. I will also deal with other matters, perhaps to do with facilitating tribunal reform or supporting the property professions. I may then have a short hearing, perhaps by conference call, on a straightforward matter. On most days there is no all-day hearing scheduled and I spend the rest of the day on crafting decisions.

Can you give some idea of the kind of work you deal with?

Although called a 'Tribunal', that term reflects the combination of legal and technical expertise of the Court and does not mean there will be more than one person hearing the case. Each member has full judicial powers so I deal with the entire range of work of the tribunal, usually on my own but with the President on exceptionally important or sensitive cases.

Do you find the role challenging?

The Lands Tribunal for Northern Ireland and its equivalents in England & Wales and Scotland all share the respect of their users for delivery of expertise and independence in the dispute resolution process. The challenge of continuing to do that is both a responsible and satisfying role. The decisions will contribute guidance on the approach to new property issues not only for the Province but, to some extent, the rest of the United Kingdom. There is only a limited right of appeal to the Court of Appeal and there is no limit to the value which may be at issue.

How much time do you commit to the role?

My own appointment is full time.

Consideration is being given to a broader panel of part-time salaried members. This would enable individuals who cannot, or choose not, to commit to a full-time post to serve in a judicial capacity on the tribunal. The commitment of part-time members would need to be sufficient to provide continuous case management, consistent decision making, and deal with long and complex cases.

The value placed on manifest independence is reflected in an absolute bar on members practising outside the tribunal.

Is the role conducive to a good work/life balance?

My workload is unpredictable and very heavy at times.

Salaried, part-time working would provide a better opportunity for good work/life balance.

I must give reasons for all my decisions and (apart from arbitration awards) these are published. The crafting of a written decision in a large and complex case may take weeks or months and thinking about cases is not easily confined to office hours.

Although, waking up with an idea that may crack an issue is a good start to a day!

Further information

Further information on the work of the Northern Ireland Lands Tribunal can be found at

<http://www.courtsni.gov.uk/en-GB/Tribunals/LandsTribunal/Pages/default.aspx>