[2017] UKFTT 0547 (PC)

**PROPERTY CHAMBER**
**FIRST-TIER TRIBUNAL**
**LAND REGISTRATION DIVISION**

**IN THE MATTER OF A REFERENCE FROM HM LAND REGISTRY**

**LAND REGISTRATION ACT 2002**

**REF No 2016/0667**

**BETWEEN**

**(1) SIMON PETER POON TIP**
**(2) LAVINIA POON TIP**

**Applicants**

**and**

**JILL LAWRENCE**

**Respondent**

**Property Address: 17 Westminster Road, Hanwell, London W7 3TU**
**Title number: MX178756**

**Before: Judge McAllister**
**Alfred Place, London**
**29 March 2017**

**Representation: Mr Jonathan Fowles of Counsel instructed by Holmes & Hills LLP appeared for the Applicants; Mr Charles Auld of Counsel instructed by Harrison Clark Rickerbys appeared for the Respondent**

## DECISION

### Introduction

1. By an application dated 13 April 2015 the Applicants applied for registration as proprietors of the property at 17 Westminster Road, Hanwell, London ('the Property') on the basis of adverse possession, pursuant to Schedule 6 to the Land Registration Act 2002 ('the Act'). The Property is a semi-detached 3 bedroomed Georgian house with a front and rear garden.

2. The Property is registered in the names of Ronald Frederick Kelland and Audrey Kelland. They purchased the Property in 1972. Audrey Kelland (also known as Audrey Lecky, which is how I shall refer to her in this decision) was Mr Kelland's long term partner. It seems that she and Mr Kelland separated in 1980. She moved out of the Property and, it would appear, had no further dealings with the Property on the basis that Mr Kelland would pay some money to her and take over the outstanding mortgage repayments in return for her share of the Property.

3. Mr Kelland and Mrs Lawrence (the Respondent) married in 1993. Mr Kelland changed his name by deed poll on 8 June 1993 and became known as Mr Lawrence. He died in 2001. A caution was registered against the proprietorship register by Mrs Lawrence on 26 March 2002 to protect a claim against his estate under the Inheritance (Provision for Family and Dependants) Act 1975. The address given for the Respondent on the register is : ' *Care of Cripps Harries Hall'* at their address in Tunbridge Wells. The caution is perhaps a little surprising, in view of the fact that Mrs Lawrence is one of the executors appointed by, and the sole legatee of, Mr Lawrence's residuary estate, under a will dated 8 June 1993. Mrs Lawrence has not taken out probate of the will.

4. The application before me is an application dated 27 February 2017 to strike out part of the Respondent's Statement of Case under Rule 9(3)(e) and Rule 9 (7)(a) of the Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules ('the 2003 Rules'). The basis of the application, put simply, is that Mrs Lecky's counter-notice under paragraph 3 of Schedule 6 was served out of time, and accordingly the Applicants cannot be required to show that they can meet one of the three conditions set out in paragraph 5 of Schedule 6. Two further incidental and connected points are also the subject of the application.

5. For the reasons set out below, I find that the points taken in paragraphs 7-13 of the Respondent's Statement of Case have no reasonable prospects of success, and in all the circumstances, I will order that they be struck out. I will also give further directions to bring this reference to trial.

**Adverse Possession under the 2002 Act**

6. The scheme of the new provisions relating to adverse possession in the 2002 Act is well know. Paragraph 1(1) of Schedule 6 (to which section 97 refers) allows a person who has been in adverse possession for a period of ten years ending on the date of the application to apply to the Registrar to be registered as proprietor.

7. Paragraph 2 (1) of the Schedule requires the Registrar to give notice of the application to certain people. These are:
   *(a) the proprietor of the estate to which the application relates,*
   *(b) the proprietor of any registered charge on the estate,*
   *(c) where the estate is leasehold, the proprietor of any superior registered estate,*
   *(d) any person who is registered in accordance with rules as a person to be notified under this paragraph, and*
   *(e) such other person as the rules may provide.*

   Paragraph 2(1)(e) has been given effect to by Rule 188A, dealing with dissolved companies.

8. Rule 194 of the Land Registration Rules 2003 ('the Rules') provides:

   ' *(1) Any person who can satisfy the registrar that he has an interest in a registered estate in land or a registered rentcharge which would be prejudiced by the registration of any other person as proprietor of the estate under Schedule 6 to the Act or as proprietor of a registered rentcharge under that Schedule as applied by rule 191 may apply to be registered as a person to be notified under paragraph 2(1)(d) of Schedule 6.*'

9. By paragraph 2(2), notice under the paragraph must include notice of the effect of paragraph 4.

10. On receipt of the notice of the application, the recipient of a notice under paragraph 2 may (i) consent to the application (ii) object to the application (because, for instance the applicant was not in possession at all) and/or (iii) serve a counter notice under paragraph 3 requiring the registrar to deal with the squatter's application under

paragraph 5. The counter notice must be given to the registrar by 12 on the sixty-fifth business day (approximately three months) after the date of issue of the notice. (Rule 189). There is no jurisdiction to extend this time limit.

11. Paragraph 4 provides that if an application is not required to be dealt with under paragraph 5, the applicant is entitled to be entered in the register as the new proprietor. But of course the applicant must show that he has in fact been in adverse possession for ten years.

12. If the registered proprietor requires the applicant to satisfy one of the three conditions set out in Schedule 5, the applicant will not be registered as the new proprietor unless he can do so. In such a case, adverse possession for ten years or more will not be sufficient. The three conditions, in outline, are: first, that it would be unconscionable because of an equity by estoppel to seek to dispossess the applicant and the circumstances are such that the applicant ought to be registered as proprietor; secondly that the applicant is for some other reason entitled to be registered as proprietor; and thirdly that the land the application relates to is adjacent to the land belonging to the applicant, the exact line of the boundary has not been determined, and the applicant reasonably believed for at least ten years of the period of adverse possession that the land to which the application relates belongs to him.

13. In addition to fulfilling his obligations under paragraph 2 of Schedule 6, the registrar may give notice of the application to any person where he considers it necessary or desirable (Rule 17). Land Registry treat this rule as authorising it to serve notice of an application under paragraph 1 of Schedule 6 to any person they may think has an interest in the property. The practice is to allow 15 working days for a reply. A counter notice is not served with this notice (see Land Registry Practice Guide, para 6.3)

14. The starting point relating to notices in general is set out in Rule 8(1)(c). The proprietorship register of a registered estate must contain an address for service of the proprietor of the registered estate in accordance with rule 198. By Rule 198 (1) '*a person who is (or as a result of an application be) a person within paragraph (2) must give the registrar an address for service to which all notices and other communications to him by the registrar may be sent, as provided by paragraph (3).*

15. Paragraph 198(2) provides (so far as material) that the persons referred to in paragraph (1) are: *' (a) the registered proprietor of a registered estate or charge.....(c) a cautioner named in an individual caution register ... (e) a person entitled to be notified of an application for adverse possession under rule 194... '*

16. Paragraph 198(3) provides that a person within paragraph (1) must give an address for service which is a postal address, whether or not in the United Kingdom, and paragraph 198(4) further provides that one or two additional addresses for service may be given , which address must be a postal address or box number at a United Kingdom document exchange or an electronic address.

17. Rule 199 (1) provides that all notices which the registrar is required to give may be served, so far as relevant, *'(a) by post, to any postal address in the United Kingdom entered in the register as the address for service'*. The address in the proprietorship register for Ronald Frederick Kelland and Audrey Kelland is the address of the Property. The address for the Respondent is, as stated above, care of solicitors, Cripps Harries Hall.

18. Finally, rule 199(4) provides that service of a notice which is served in accordance with rule 199 shall be regarded as having taken place at the time shown in the table below. In the case of post to an address in the United Kingdom, the time of service is the second working day after posting.

**The procedural background**

19. The ADV1 application made by the Applicants states, at box 11, that the Applicants intended to rely on paragraph 5(2) of Schedule 6 to the Act [if required to do so]. The Statement of Truth made by the First Applicant states, under box 12, that : *' Should a person given notice under paragraph 2 of Schedule 6 to the [Act] require the application to be dealt with under paragraph 5 of that Act, the facts supporting my reliance on one or more of the conditions set out under that paragraph are as follows: 'I rely on the provisions of paragraph 5(2) of Schedule 6 and the facts outlined in my statement of truth dated 5 March 2015'* The Statement of Truth dated 5 March 2015

sets out in some detail the works which the Applicants claim to have carried out to the Property since they took possession on 24 February 2005.

20. No copy of the notice (the B107 notice) served by the registrar on Audrey Lecky at the Property under paragraph 2 of Schedule 6 was available at the hearing. The hearing also proceeded on the basis that no admissions were made as to whether or not the registrar had given notice to Mrs Lecky and, impliedly at least, on the basis that Mrs Lawrence had not herself been notified of the application.

21. Following the hearing I made further enquiries of Land Registry, and received copies of a number of documents. On 14 May 2015 Land Registry served B107 notices on Ronald Frederick Kelland and Audrey Kelland at the Property, a further notice (B117-2) on Mrs Lawrence, care of Cripps Harries Hall, and a similar notice on Barclays Bank. The B107 notices enclosed forms NAP, ie the notice which requires the recipient to state whether or not he or she consents to the application or requires the registrar to deal with the application under paragraph 5 of Schedule 6 and/or objects on the grounds set out in the counter notice.

22. The notice served on Mrs Lawrence and the Bank states in terms: '*You can consent to the application or object to it. If you want to consent, you can return this notice with the form of consent at the end signed. Please note that, not being a registered proprietor, you cannot give a counter notice to the Chief Land Registrar requiring that the application be dealt with under paragraph 5 of Schedule 6 to the Land Registration Act 2002.*'

23. Mrs Lawrence sent an email to Land Registry on 12 August 2015, referring to a telephone call on that day. The email stated that she wishes to object to the application as the Property belonged to her late husband, and that she was in the process of obtaining legal advice. Land Registry replied the following day, saying that they could not consider her objection as it did not set out any legal grounds for objection to the application. Time for her to object was extended to 20 August 2015.

24. On 18 August 2015 Mills & Reeve, the solicitors then acting for Mrs Lawrence wrote to Land Registry objecting to the application for adverse possession and stating that

their client was entitled to serve a counter notice requiring the matter to be dealt with under paragraph 5 of Schedule 6. This is not correct. The only relevant person who could have served a counter notice was Audrey Lecky. Mills & Reeve's letter also raised the argument that the Property is held on trust by Mr Lawrence'e estate for the benefit of Mrs Lawrence.

25. In the event, Audrey Lecky served a NAP notice dated 17 September 2015 on Land Registry, stating that she required the registrar to deal with the application under paragraph 5. The Land Registry's response, set out in their letter dated 23 September 2015, was that her objection was groundless, and pointing out that the period for requiring the application to be dealt with under paragraph 5 had expired. This letter also stated that the notice sent by Land Registry to the Property of the application had been returned 'not known at this address'. Further correspondence followed between the solicitors acting for Mrs Lawrence, those acting for Audrey Lecky and the Land Registry. The principal argument put forward on behalf of both Mrs Lawrence and Mrs Lecky is that the Property was subject to a trust, and accordingly paragraph 12 of Schedule 6 applied. This is not a point I need to consider for present purposes.

26. Although only those persons or entities identified by paragraph 2(1)(d) or added to the list by Rule 194) can serve a counter notice, anyone may object to the application (section 73(1) of the Act). It is therefore open to Mrs Lawrence to object. It is this objection which led Land Registry to refer the matter to the Tribunal on 23 August 2016. Land Registry have taken the email dated 13 August 2016 as the date of her objection. The Case Summary from Land Registry also noted that no notice to the registrar requiring the application to be dealt with under paragraph 5 of Schedule 6 was given within the period specified in Rule 189 of the Rules. There is no objection by Audrey Lecky.

27. For the purposes of this application I will proceed on the basis that it would be open to Mrs Lawrence to adopt the requirement that the Applicants establish one of the three conditions set out in paragraph 5 of Schedule 6, if the counter notice served by Mrs Lecky is effective, even though Mrs Lawrence could not, in her own right, have served a counter notice (unless she had applied under Rule 194 to be registered as a person to be notified under paragraph 2(1)(d) of Schedule 6).

**<u>Application by the Applicants to strike out part of the Respondent's Statement of Case</u>**

28. The application dated 27 February 2017 is to strike out paragraphs 7-13 of the Respondent's Statement of Case.

29. Rule 9(3) of the 2003 Rules provides that '*the Tribunal may strike out the whole or part of the proceedings or case if...(e) the Tribunal considers there is no reasonable prospect of the applicant's proceedings or case or part of it, succeeding.'* Rule 9(7)(a) provides: '*This rule applies to a respondent as it applies to an applicant except that – (a) a reference to the striking out of the proceedings or case or part of them is to be read as reference to the barring of the respondent from taking further part in the proceedings or part of them.'*

30. Mr Auld submitted that the words 'no reasonable prospect of success' are closer to the test used in CPR R 3.4(2)(a) than the test used in CPR 24, and that, if this is correct, the test to be applied is, in effect, whether or not the offending parts of the Respondent's statement of Case are bound to fail. In *Barrett v Enfield Borough Coucil* [2001] 2 AC 550, Lord Browne-Wilkinson stated that unless it is possible to give a certain answer to the question whether the plaintiff's claim should succeed the case is inappropriate to be struck out. In part this is because, as he explained further, it is important to base a decision on the actual facts found at trial and not on hypothetical facts.

31. It seems to me, however, that the appropriate test is CPR 24: the respondent's case needs to be better than merely arguable. The point was considered by Judge Rhys in *Seamus Quinn v Unique Pub Properties Limited* [UKFTT 0580] where he noted the difference between CPR Part 24 'no real prospect' and 'no reasonable prospect' in Rule 9 but where he also expressed the view that he could not see that there was any intention to apply a radically different test. As he points out, the need to show a 'real'

prospect of success is intended to weed out cases which are false, fanciful or imaginary. The court should not conduct a 'mini trial': summary judgment is designed to deal with those cases which are not fit for trial at all (see *Three Rivers DC v Bank of England* [2001] UKHL 16 at paragraph 95.)

32. I agree with Mr Auld that a certain degree of caution is needed when dealing with an application to strike out part of a case. There may well be cases where it is only when the evidence has been heard, and the offending part placed in the context of the case as a whole, that the merits of that part can be properly assessed.

33. The paragraphs which are the subject of this application all relate to the provision set out above regarding paragraph 5 of Schedule 6, and flow from the fact that no counter notice was served in time. But they can be further divided into three parts. The first, covering paragraphs 7-11, deals with the provisions considered above in relation to the counter notice to be given by the registered proprietor under paragraph 3(2) of Schedule 6. Mrs Lawrence's case is that the applicants would fail to establish the condition set out in paragraph 5(4) of Schedule 6 to the Act, and that it is irrelevant that the counter notice was served (by Mrs Lecky) outside the 65 day time limit. The second issue relates to the question whether Article 1 of the First Protocol of the ECHR is engaged. The third issue relates to the alleged defectiveness of the Applicant's Statement of Truth.

34. The failure by a respondent to require that the application be dealt with under paragraph 5 has been considered in a number of cases. In *Hopkins v Beacon* [2011] EWHC 2899 Vos J, as he then was, held, in dismissing an appeal against the Deputy Adjudicator's finding that the respondent had not informed the Registrar that he wished the matter to be dealt with under paragraph 5, that the test is whether the Registrar, as a reasonable recipient, was put on notice of the respondent's intention to invoke the provisions of paragraph 5. The relevant test on notices, applied in that case, is as set out in *Mannai Investment Company v Eagle Star Life Insurance Company Limited* [1997] AC 749

35. Vos J considered the scheme of Schedule 6 in some detail. He noted that paragraph 3(1) *allows* (my emphasis) a person who has received a notice from the Registrar to

require that the application be dealt with under paragraph 5. Rule 189 gives a time limit of 65 days. So, if no notice is given within 65 day, paragraph 4 kicks in to allow the applicant to succeed unless he has not been in adverse possession (or for some other reason cannot succeed). The starting point is service of the paragraph 2 notice.

36. Mr Auld referred me *Baxter v Mannion* [2010] 1 WLR 1965, [2011] 1 WLR 1594. and In that case I held at first instance that the failure of the registered proprietor to serve a counter notice within the prescribed time did not prevent him from applying subsequently to rectify the register on the ground of a mistake, namely that the applicant had not been in adverse possession for the requisite ten year period. The applicant's appeals, both to the High Court and the Court of Appeal, failed. The case turned, essentially, on the meaning of 'mistake' under paragraph 5(a) of Schedule 4 to the Act. The Applicant had failed to satisfy paragraph 1 of Schedule 6.

37. In this case, by contrast, it is submitted on behalf of the Applicants that there is no mistake: Land Registry properly used the machinery of the Act by sending notices to the appropriate addresses of all those they considered had to be, and ought to be, informed of the application.

38. The decisions in this jurisdiction, both before and after *Hopkins,* have also taken a narrow interpretation of the provisions relating to the late service of a counter notice. It is immaterial that if a paragraph 5 had been invoked, the applicant's claim would have failed (see for instance *Dickenson v Longhurst Homes,* (2008) REF 2007/1276 and *King v Suffolk County Council* [2017] UKFTT 006 (PC))

39. Mr Auld submits that the key question is whether or not Audrey Lecky received the notice. This is a question which, he submits, requires findings of fact. It is also relevant to establish whether, as a matter of fact, the Applicants would have succeeded in establishing one of the three conditions set out in paragraph 5 of Schedule 6. If not, it would be open to the Tribunal to conclude that the failure to give notice was not significant.

40. With respect to those arguments, it seems to me that this approach fundamentally misunderstands the structure of the relevant provisions of the Act. The starting point is

the proprietor's address for service. As seen above, the registered proprietor must give an address for service to which all notices and other communications to him by the registrar may be sent. The Rules provide that it must be a postal address, but alternative addresses can be given. As is stated in *Ruoff & Roper, Registered Conveyancing* at para 4.005: '*It cannot be too strongly stressed that a proprietor ought at all times to keep his address or addresses in the register up to date. To fail to do so is to incur risk. There are many reasons why the Land Registry may wish to get in touch with a proprietor..... there is the protection against applications by squatters introduced by the Land Registration Act 2003 (that is, the need for the squatter to establish not only adverse possession but also one of the three conditions set out in Sch 6.) This protection is lost if the Land Registry's notices do not reach the proprietor.*'

41. The period of 65 days is a generous one: it allows for a period of temporary absence. It was the intention of those who drafted the legislation that the scheme of the proposed legislation relating to adverse possession was to produce a decisive result (see para 14.6 in *Land Registration for the Twenty-First century – A Conveyancing Revolution* (Law Commission No 271, 2001). The need for decisiveness was illustrated in *Best v Curtis* [Ref 2015/0130) in which Judge Cooke held that a person who had been given a notice under Rule 17 of the Rules (but who was not a person entitled to a notice under paragraph 2 of Schedule 6) could not rely on paragraph 5 of Schedule 6, even though he had served a counter-notice. Mr Curtis was the son of the registered proprietor, who had died in 1988. He took out letters of administration after notice had been served on him under Rule 17. Judge Cooke held that a personal representative of a deceased proprietor is not within paragraph 2 of Schedule 6 unless he had applied to be registered as a person to be so notified under Rule 194 (and, in any event, on the facts, Mr Curtis had not taken out letters of administration at the relevant date).

42. As Judge Cooke pointed out, if Mr Curtis' arguments were correct, the registrar would need to carry out research to establish whether or not the registered proprietor was dead, find out whether a grant had been issued, research the family tree and so on. Finality and the need to produce a decisive result are at the heart of the new scheme. In the same way, if it is alleged that no notice was received, or that time for serving a

counter notice can be extended, one can ask rhetorically, how long does the Registrar have to wait? At what point, does it become too late?

43. Consistent with this objective, it seems to me clear that Rule 199 is a deeming provision. Rule 199(1) provides in terms that *' All notices which the registrar is required to **give** may be **served** by... '*. There is therefore no distinction between giving a notice under paragraph 2 of Schedule 6 and serving the notice. Rule 189 also specifies that the *'period for the purpose of paragraph 3(2) of Schedule 6 to the Act is the period ending at 12 noon on the sixty-fifth day **after the date of issue of the notice.**'*

44. It is also important to note that the scheme of the Act allows Mrs Lawrence to object to the application (and indeed, it was open to her to be registered as a person entitled to be notified under paragraph 2 of Schedule 6 in her capacity as executor). The Act envisages a two stage process: the application for adverse possession will fail in any event if the applicant cannot show ten years adverse possession. If title is obtained by misrepresentation, it will be set aside as a mistake. In addition, and only in the event that the applicant can show adverse possession, the applicant may need to establish one of the three conditions set out in paragraph 5 of Schedule 6 if required to do so. If the registered proprietor (and anyone else entitled to be notified under paragraph 2) is given notice properly, (that is, by being sent to the address which the Registry holds under Rule 198) and, for whatever reason, no counter notice is served within 65 working days, it is simply too late to require the applicant to fulfil one of the three conditions in paragraph 5. The decisions cited above are all of a piece: if the registered proprietor (or other person entitled to a notice under paragraph 2) does not make it clear that paragraph 5 is being invoked within 65 days, he or she cannot raise the point at any later stage.

45. In my judgment, therefore, the allegation by Mrs Lawrence that it is still open to her to require the Applicant to make out one of the three conditions set out in paragraph 5 of Schedule 6 has no reasonable prospect of succeeding.

46. I can deal briefly with the other two points raised by the Respondent and objected to by the Applicant. Paragraph 12 of the Respondent's Statement of Case alleges that, as

it appears that the relevant notice under paragraph 2 of Schedule 6 was sent to the Property, it follows that the failure to respond within 65 days is a breach of Article 1 of the First Protocol to the Convention for the Protection of Human Rights because, by definition, on facts such as these, the registered owner will not be in possession of the property.

47. In *JA Pye (Oxford) Ltd v United Kingdom* 920080 46 E.H.R.R. 45 the Grand Chamber of the European Court of Human Rights held that there had been no violation of Art 1 of Protocol No 1 in relation to the pre 2002 Act law on adverse possession. It is of interest to note that, in the dissenting judgment of the Grand Chamber, the point was made that the 2002 Act provides 'effective safeguards to protect a registered [owner] from losing beneficial ownership of land through oversight or inadvertence '(see para 0-123). The point is also dealt with in *Adverse Possession,* 2nd Ed, by Jourdan and Radley Gardner at paragraphs 3-32 ro 3-49, and in the decision of Judge Cooke in *Best* at paragraph 48, where she pointed out that Mrs Curtis' estate could have protected itself.

48. In this case, of course, both Mrs Lawrence and Mrs Lecky could have, but did not, take steps to protect their position: Mrs Lawrence, as stated above, by applying under Rule 194, and Mrs Lecky by giving a different address for service. There is therefore nothing in the Article 1 point.

49. The final point relates to the procedure to be adopted when making an application under paragraph 1 of Schedule 6. Rule 188(1)(a) provides that an application under paragraph 1 must be accompanied by a statutory declaration [or statement of truth], in effect, providing evidence of adverse possession for ten years. Rule 188(2) further provides that the statutory declaration [or statement of truth] must also:
    a. *if, should a person given notice under paragraph 2 of Schedule 6 to the Act require the application to be dealt with under paragraph 5 of that Schedule, it is intended to rely on one of the conditions set out in paragraph 5 of Schedule 6 to the Act, contain the facts supporting such reliance'.*

50. The allegation in paragraph 13 of the Respondent's Statement of Case is that the applicant's application is defective because the statement made by the Applicants

gives no basis for the finding of an equity by estoppel. A number of points arise. As the Applicant is not required to fulfil any of the conditions in paragraph 5, there is no need to give these details. In any event, one of the conditions is that the applicant is 'for any other reason entitled to be registered as the proprietor of the estate' and, in practice, arguments relying on that ground are sometimes developed during the reference, or even at the hearing. It is also the case that the Statement of Truth made by the Applicants on 5 March 2015 is detailed, at least insofar as the work done to the Property by the Applicants is concerned. This is essentially a pleading point, and it is clear that the application is not defective as a result. This point, too, therefore has no reasonable prospect of success.

## Conclusion

51. In conclusion, the application to strike raises straightforward legal issues which are not dependant on further evidence being adduced. Deciding the application at this stage will, as Mr Fowles has submitted, reduce the scope of the evidence to be given at trial. It will not be necessary to investigate whether the Applicants can make out an equity by estoppel.

52. Standard directions for disclosure and witness statements were given on 11 January 2017. This timetable has already slipped. In the circumstances further standard directions and a further form ALRHRG are enclosed with this decision.

53. The Applicants seek their costs of today. A schedule in the sum of £7,898.40 has been filed and served. In principle, it seems to me that the Applicants are entitled to their costs, but the Respondent may make such representations as to liability and quantum as she deems appropriate by 9 May 2017.

**BY ORDER OF THE TRIBUNAL**

Ann McAllister

**Dated this 25th day of April 2017.**