

2009 No. 260

LANDS TRIBUNAL

The Lands Tribunal for Scotland Amendment (Fees) Rules 2009

Made - - - - *19th June 2009*

Coming into force - - *1st July 2009*

The Scottish Ministers make the following Rules, in exercise of the powers conferred by sections 3(6) and (12)(e) of the Lands Tribunal Act 1949(a), and of all other powers enabling them to do so.

In accordance with section 44 of and paragraph 24 of Schedule 7 to, the Tribunals, Courts and Enforcement Act 2007(b), they have consulted with the Administrative Justice and Tribunals Council and that Council has consulted its Scottish Committee(c).

Citation and commencement

1. These Rules may be cited as the Lands Tribunal for Scotland Amendment (Fees) Rules 2009 and come into force on 1st July 2009.

Amendment of Lands Tribunal for Scotland Rules 1971

2.—(1) The Lands Tribunal for Scotland Rules 1971(d) are amended in accordance with paragraph (2).

(2) In the Table of Fees contained in Schedule 2—

(a) after item 17 insert—

“17A. On an application under article 22 or 23 of the Title
Conditions (Scotland) Act 2003 (Development
Management Scheme) Order 2009(e) £150”;

-
- (a) 1949 c.42. Section 3 was amended by section 50(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35) and by S.I. 1972/2002. The functions of the Lord Advocate were transferred to the Secretary of State for Scotland by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678) and to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46); the requirement to obtain Treasury consent was removed by section 55 of that Act.
- (b) 2007 c.15.
- (c) Consultation was previously with the Council on Tribunals and its Scottish Committee under sections 8(1) and (3) of the Tribunals and Inquiries Act 1992 (c.53). Sections 8(1) and (3) of that Act are now repealed. Section 45(1) of the Tribunals, Courts and Enforcement Act 2007 abolishes the Council on Tribunals and its Scottish Committee, with section 44 of and Schedule 7 to that Act establishing the Administrative Justice and Tribunals Council and its Scottish Committee in their place.
- (d) S.I. 1971/218 as amended by the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1996 (S.I. 1996/519) which substituted a new table of fees in Schedule 2, by the Lands Tribunal for Scotland (Amendment) (Fees) Rules 2003 (S.S.I. 2003/521) which inserted an additional table of fees and by the Lands Tribunal for Scotland Amendment (Fees) Rules 2004 (S.S.I. 2004/480).
- (e) S.I. 2009/729.

- (b) in item 20 after “17” insert “, 17A”;
- (c) in item 21 after “Title Conditions (Scotland) Act 2003” insert, “or the Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009”;
- (d) in item 22 after “2003” insert, “and article 22 or 23 of the Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009”;
- (e) in item 23 after “2003” insert “or article 22 or 23 of the Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009”.

FERGUS EWING

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
19th June 2009

EXPLANATORY NOTE

(This note is not part of the Rules)

The Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009 introduces new procedures for application to the Lands Tribunal as respects the variation or discharge of rules of a development management scheme. These Rules set new fees in respect of applications and procedure at the Lands Tribunal in connection with such applications.

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