



Small Landholders (Scotland) Act 1911

1911 CHAPTER 49

25 Jurisdiction of Land Court

- (1) The Land Court shall be a body corporate with a common seal. Judicial notice shall be taken by all courts of justice of the corporate seal of the Land Court, and any order or other instrument purporting to be signed with it shall be received as evidence without further proof. All orders and determinations of the Land Court shall be in writing.
- (2) For the purposes of the Landholders Acts, the Land Court shall have full power and jurisdiction to hear and determine all matters, whether of law or fact, and no other court shall review the orders or determinations of the Land Court: Provided that the Land Court may, if they think fit, and shall, on the request of any party, state a special case on any question of law arising in any proceedings pending before them, for the opinion of either Division of the Court of Session, who are hereby authorised finally to determine the same.
- (3) The Land Court may, without prejudice to any provision contained in section seven of this Act, ascertain the facts in any case by hearing parties and examining witnesses, or by means of affidavits, or by such other mode of inquiry as they may deem appropriate, and may require the production of all books, papers, plans, and documents relating to the case, and, without prejudice to the provisions of section twenty-four of the Act of 1886, they may summon and examine on oath such witnesses as they think fit to call or allow to appear before them. They may, when sitting in open court, report in writing to the Lord Ordinary on the Bills any person who has been guilty of contempt of court; and the Lord Ordinary may punish such person as if the contempt had been committed in his own court: Provided that, when the Chairman is so sitting, he shall have the same power as the Lord Ordinary to punish contempt of court.
- (4) The Land Court may determine the amount of the expenses in any proceedings before the Court and the proportion to be borne by the different parties.
- (5) Three members of the Land Court shall be a quorum: Provided that it shall be lawful for the Land Court to delegate such of their powers as they think expedient to any one member or to any two members of the Court, with or without the assistance of one or more land valuers, assessors, or other skilled persons, and from time to time to revoke, alter, or modify any such delegation of powers ; but any order or determination

Status: This is the original version (as it was originally enacted).

arrived at under such delegation shall be subject to review upon appeal by three or more members of the Court (including, where such court of review consists of three members, not more than one member who was a party to such order or determination) sitting together, one of whom shall be the Chairman of the Land Court.

- (6) An order of the Land Court may be presented to the sheriff, and the sheriff, if satisfied that the order has been duly recorded, shall pronounce decree in conformity with such order on which execution and diligence shall proceed.