



Lands Tribunal Act 1949

1949 CHAPTER 42 12 13 and 14 Geo 6

2 Members, officers and expenses of Lands Tribunal [^{F1}for Scotland].

(1) The Lands Tribunal [^{F2}for Scotland] shall consist of a President and such number of other members as the [^{F3}Scottish Ministers] may determine, to be appointed by the [^{F3}Scottish Ministers].

[^{F4}(2) The President shall be a person appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor.

(2A) Of the other members of the Lands Tribunal for Scotland—

- (a) such number as the Lord President of the Court of Session may determine shall be persons appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor; and
- (b) the others shall be persons who have had experience in the valuation of land, appointed after consultation with the chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors.]

(3) In the case of the temporary absence or inability to act of the President, the [^{F5}Scottish Ministers may] appoint another member of the Lands Tribunal [^{F6}for Scotland] to act as deputy for the President, and a member so appointed shall, when so acting, have all the functions of the President.

(4) If a member of the Lands Tribunal [^{F7}for Scotland] becomes, in the opinion of the [^{F8}Scottish Ministers], unfit to continue in office or incapable of performing his duties, the [^{F8}Scottish Ministers] shall forthwith declare his office to be vacant and shall notify the fact in such manner as [^{F9}they think] fit, and thereupon the office shall become vacant.

(5) Subject to the last foregoing subsection, the appointment of a member of the Lands Tribunal [^{F10}for Scotland] shall be for such term as may be determined by the [^{F11}Scottish Ministers][^{F12}, with the approval of the Treasury,] before his appointment, and shall be subject to such conditions as may be so determined, and a person who

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ceases to hold office as a member of the Lands Tribunal [^{F10}for Scotland] shall be eligible for re-appointment thereto.

[^{F13}(5A) No person shall be appointed a member of the Tribunal for a term which extends beyond the day on which he attains the age of [^{F14}75].]

(6) [^{F15}The Scottish Courts and Tribunals Service is to pay] to the members of the Lands Tribunal [^{F16}for Scotland] such remuneration, and such [^{F17}... allowances, [^{F18}...], as the [^{F19}Secretary of State] may, with the approval of the Treasury, determine.

^{F20}(7)

^{F21}(8)

^{F21}(9)

[^{F22}(10) The remuneration [^{F23}and allowances] of members of the Lands Tribunal for Scotland shall be charged on the Scottish Consolidated Fund.]

^{F21}(11)

Textual Amendments

- F1** Words in s. 2 heading inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(a)** (with art. 5)
- F2** Words in s. 2(1) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(b)(i)** (with art. 5)
- F3** Words in s. 2(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(b)(ii)** (with art. 5)
- F4** S. 2(2)(2A) substituted (1.6.2009) for s. 2(2) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(c)** (with art. 5)
- F5** Words in s. 2(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(d)(i)** (with art. 5)
- F6** Words in s. 2(3) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(d)(ii)** (with art. 5)
- F7** Words in s. 2(4) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(e)(i)** (with art. 5)
- F8** Words in s. 2(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(e)(ii)** (with art. 5)
- F9** Words in s. 2(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(e)(iii)** (with art. 5)
- F10** Words in s. 2(5) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(f)(i)** (with art. 5)
- F11** Words in s. 2(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(f)(ii)** (with art. 5)

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- F12** S. 2(5): the requirement for Treasury approval ceased to have effect by virtue of [Scotland Act 1998 \(c. 46\)](#), **s. 55** (“Minister of the Crown” being defined as including the Treasury by s. 126(1) of that Act)
- F13** S. 2(5A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 31** (with s. 27, Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**
- F14** Word in s. 2(5A) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), **Sch. 1 para. 3** (with Sch. 1 para. 43)
- F15** Words in s. 2(6) substituted (S.) (1.4.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2016 \(S.S.I. 2016/142\)](#), arts. 1, 2
- F16** Words in s. 2(6) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(g)(i)** (with art. 5)
- F17** Words in s. 2(6) omitted (10.3.2022 for specified purposes, 10.5.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(b)(ii), **Sch. 2 para. 2(2)**
- F18** Words repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 38(2), **Sch. 4**
- F19** Words in s. 2(6) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(g)(ii)** (with art. 5)
- F20** S. 2(7) repealed (S.) (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 4**; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F21** S. 2(8)(9)(11) omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 12(i)** (with art. 5)
- F22** S. 2(10) inserted (1.7.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 9(b)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**
- F23** Words in s. 2(10) inserted (10.3.2022 for specified purposes, 10.5.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(b)(ii), **Sch. 2 para. 2(3)**

Changes to legislation:

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