

**1987 No. 643 (S. 51)**

**SCOTTISH LAND COURT**

**The Scottish Land Court (Fees) Amendment Rules 1987**

*Made* - - - - - *26th March 1987*

*Coming into force* *4th May 1987*

The Scottish Land Court, in exercise of the powers conferred by section 29 of the Crofters Holdings (Scotland) Act 1886(a), and now vested in them(b), and of all other powers enabling them in that behalf, and with the approval of the Treasury, hereby make the following Rules:

1. These Rules may be cited as the Scottish Land Court (Fees) Amendment Rules 1987 and shall come into force on 4th May 1987.
2. For the Table of Fees contained in Appendix 1 to the Scottish Land Court Rules 1979(c) there shall be substituted the Table of Fees set out in the Schedule to these Rules.
3. The Scottish Land Court (Fees) Amendment Rules 1983(d) are hereby revoked.

Sealed with the Common Seal of the Scottish Land Court



Scottish Land Court, 1 Grosvenor Crescent, Edinburgh  
18th March 1987

*W.A. Elliott*  
*Duncan D. McDiarmid*  
*A.B. Campbell*  
*R. MacDonald*

We approve,

26th March 1987

*Michael Neubert*  
*Tim Sainsbury*  
Two of the Lords Commissioners of Her Majesty's Treasury

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(a) 1886 c.29; section 29 was amended by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12), Schedule 1, paragraph 6.  
(b) By the Small Landholders (Scotland) Act 1911 (c.49), section 28(1).  
(c) S.I. 1979/379, amended by S.I. 1983/1058.  
(d) S.I. 1983/1058.

SCHEDULE

Rule 2

TABLE OF FEES CHARGEABLE BY AND PAYABLE TO THE COURT

|   | <i>Fee payable</i><br>£ | <i>Fee formerly payable(a)</i><br>£             |
|---|-------------------------|---|
| <i>(1) Small Landholders (Scotland) Acts 1886 to 1931, Crofters (Scotland) Acts 1955 and 1961(b) and Crofting Reform (Scotland) Act 1976(c)</i>   |                         |   |
| (a) Application for a Record of a holding or a croft  |                         |   |
| Principal application (each applicant) .....  | 20.00                   | 10.00   |
| For each respondent .....   | 4.00                    | 2.00  |
| (b) Recording agreements for loan by-   |                         |   |
| (i) the Department of Agriculture and Fisheries for Scotland and  |                         |   |
| (ii) the Highlands and Islands Development Board  |                         |   |
| Each agreement .....  | 10.00                   | 5.00  |
| (c) Other applications  |                         |   |
| Principal application (each crave) .....  | 4.50                    | 4.00  |
| When more than one applicant (each applicant) .   | 4.50                    | 4.00  |
| For each respondent .....   | 1.00                    | 1.00  |
| (d) Appeals and motions for rehearing   |                         |   |
| Each appellant or motioner .....  | 4.50                    | 4.00  |
| Each respondent .....   | 1.00                    | 1.00  |
| <i>(2) Sheep Stocks Valuation (Scotland) Act 1937(d) and Hill Farming Act 1946(e)</i>   |                         |   |
| (a) Valuation of sheep stocks   |                         |   |
| Awards not exceeding £100 .....   | 5.00                    | 5.00  |
| Awards exceeding £100:-   |                         |   |
| For the first £100 thereof .....  | 5.00                    | 5.00  |
| For every additional £100 or part thereof .....   | 2.00                    | 2.00  |
| Where application dismissed or withdrawn before valuation .....   | 20.00                   | 15.00   |
| (b) Determination of questions under sections 5 and 39(1)(b) of the Hill Farming Act 1946   |                         |   |
| Principal application .....   | 20.00                   | 15.00   |
| For each respondent .....   | 7.50                    | 5.00  |
| (c) Appeals and motions for rehearings  |                         |   |
| Each appellant or motioner .....  | 21.00                   | 20.00   |
| <i>(3) Agriculture (Scotland) Act 1948(f), Agricultural Holdings (Scotland) Act 1949(g), Agriculture Act 1958(h), Agriculture (Miscellaneous Provisions) Act 1968(i) and Agricultural Holdings (Amendment) (Scotland) Act 1983(j)</i> |                         |   |
| (a) Arbitrations as to rents  |                         |   |
| Rental as fixed by Court, not exceeding £500....  | 50.00                   | <i>10.00 on fixed rental not exceeding £100</i> |

(a) This column shows the fees formerly payable under the Scottish Land Court Rules 1979 as amended by S.I. 1983/1058.

(b) 1955 c.21 and 1961 c.58.

(c) 1976 c.21.

(d) 1937 c.34.

(e) 1946 c.73.

(f) 1948 c.45.

(g) 1949 c.75.

(h) 1958 c.71.

(i) 1968 c.34.

(j) 1983 c.46.

|  |       |  |
|--|-------|--|
| Rental as fixed by court exceeding £500:-  |       |  |
| For the first £500 .....   | 50.00 | <i>10.00 on fixed rental not exceeding £100</i>                      |
| For every additional £100 or part thereof .....  | 7.50  | <i>5.00 for every additional £100 or part thereof exceeding £100</i> |
| Where application dismissed or withdrawn before compensation fixed .....   | 45.00 | 15.00  |
| (b) Appeals against award by an arbiter  |       |  |
| Fee payable on lodging appeal .....  | 45.00 | -  |
| Rental as fixed by court not exceeding £500 .....  | 25.00 | -  |
| Rental as fixed by court exceeding £500:-  |       |  |
| For the first £500 .....   | 25.00 | -  |
| For every additional £100 or part thereof .....  | 3.00  | -  |
| (c) Claims for compensation  |       |  |
| Awards not exceeding £100 .....  | 10.00 | 10.00  |
| Awards exceeding £100:-  |       |  |
| For the first £100 thereof .....   | 10.00 | 10.00  |
| For every additional £100 or part thereof .....  | 5.00  | 5.00   |
| Where application dismissed or withdrawn before compensation fixed .....   | 20.00 | 15.00  |
| (d) Other Applications   |       |  |
| Principal application (each crave) .....   | 30.00 | 25.00  |
| When more than one applicant (each applicant) .  | 30.00 | 25.00  |
| For each respondent .....  | 15.00 | 10.00  |
| (e) Hearings   |       |  |
| For every day the court sits beyond the first day of a hearing .....   | 40.00 | 35.00  |
| (f) Appeals and motions for rehearing  |       |  |
| Each appellant, or motioner for rehearing .....  | 21.00 | 20.00  |
| (4) <i>Miscellaneous</i>   |       |  |
| (a) For making a copy or copies of the principal application or any part of it, or any order in it, or any original deed, writ, or document in process |       |  |
| For each sheet .....   | 0.75  | 0.70   |
| For certifying such copy .....   | 4.00  | 3.00   |
| (b) Applications not otherwise specified   |       |  |
| Principal application (each crave) .....   | 30.00 | 15.00  |
| When more than one applicant (each applicant) .  | 30.00 | 15.00  |
| For each respondent .....  | 15.00 | 5.00   |

## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules amend the Table of Fees in the Scottish Land Court Rules 1979 for two purposes—

- (1) to increase (with some exceptions) the fees payable in respect of applications to the Scottish Land Court; and
- (2) to impose, at paragraph (3)(b), for the first time, fees in respect of appeals against awards by arbiters.

The Rules also revoke the Scottish Land Court (Fees) Amendment Rules 1983.

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