

1988 No. 1933 (S.184)

**SCOTTISH LAND COURT**

**The Scottish Land Court (Fees) Amendment Rules 1988**

*Made* - - - - - *31st October 1988*

*Coming into force* *5th December 1988*

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 1988 and shall come into force on 5th December 1988.
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 1987(d) are hereby revoked.

Sealed with the Common Seal of the Scottish Land Court



Scottish Land Court, 1 Grosvenor Crescent, Edinburgh  
6th October 1988

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

We approve,

31st October 1988

*David Lightbown*  
*David Maclean*  
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. 1987/643.  
(d) S.I. 1987/643.

SCHEDULE

Rule 2

TABLE OF FEES CHARGEABLE BY AND PAYABLE TO THE COURT

	<i>Fee payable</i>	<i>Fee formerly payable(a)</i>
	£	£
<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) .....	40.00	20.00
For each respondent .....	5.00	4.00
(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 .....	20.00	10.00
(c) Other applications		
Principal application .....	15.00	4.50
When more than one applicant (each additional applicant) .....	10.00	4.50
For each respondent .....	2.00	1.00
(d) Appeals and motions for rehearing		
Each appellant or motioner .....	20.00	4.50
Each respondent .....	2.00	1.00
(e) Hearing fee payable by applicant		
For each day or part thereof the Court sits or inspects	25.00	—
<i>(2) Sheep Stocks Valuation (Scotland) Act 1937(d) Hill Farming Act 1946(e), Agriculture (Scotland) Act 1948(f), Agricultural Holdings (Scotland) Act 1949(g), Agriculture Act 1958(h), Agricultural (Miscellaneous Provisions) 1968(i) and Agricultural Holdings (Amendment) (Scotland) Act 1983(j) and Agriculture Act 1986(k)</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 .....	50.00	20.00
(b) Determination of questions under sections 5 and 39(1)(b) of the Hill Farming Act 1946		
Principal application .....	30.00	20.00
For each respondent .....	10.00	7.50
(c) Arbitrations as to rents		
Rental as fixed by Court, not exceeding £500 .....	50.00	50.00
Rental as fixed by court exceeding £500:—		
For the first £500 .....	50.00	50.00
For every additional £100 or part thereof .....	7.50	7.50
Where application dismissed or withdrawn before rent fixed .....	50.00	45.00

(a) This column shows the fees formerly payable under the Scottish Land Court Rules 1979 as amended by S.I. 1987/643.

(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.

(k) 1986 c.49.

	<i>Fee payable</i>	<i>Fee formerly payable(a)</i>
	£	£
(d) Appeals against award by an arbiter		
Fee payable on lodging appeal .....	50.00	45.00
Rental as fixed by court not exceeding £500 .....	25.00	25.00
Rental as fixed by court exceeding £500:-		
For the first £500 .....	25.00	25.00
For every additional £100 or part thereof .....	3.00	3.00
(e) 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 .....	50.00	20.00
(f) Other Applications		
Principal application .....	50.00	30.00
When more than one applicant (each additional applicant) .....	30.00	30.00
For each respondent .....	20.00	15.00
(g) Appeals and motions for rehearing		
Each appellant, or motioner for rehearing .....	25.00	21.00
(h) Hearings		
For every day the court sits – or part thereof – payable by the applicant .....	40.00	40.00
(i) Additional fee		
Where the application is dismissed or withdrawn after the hearing order has been received by each party – payable by the applicant .....	50.00	—
(3) <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 .....	0.80	0.75
For certifying such copy .....	5.00	4.00
(b) Applications not otherwise specified		
Principal application .....	50.00	30.00
When more than one applicant (each additional applicant) .....	30.00	30.00
For each respondent .....	20.00	15.00
(c) Hearings		
For every day the Court sits or part thereof – payable by the applicant .....	40.00	—
(d) Additional fee		
Where the application is dismissed or withdrawn after the hearing order has been received by each party – payable by the applicant .....	50.00	—

(a) This column shows the fees formerly payable under the Scottish Land Court Rules 1979 as amended by S.I. 1987/643.

## **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 paragraphs (1)(e), (2)(i), (3)(c) and (d) for the first time, fees in respect of Hearings and additional fees where an application is dismissed or withdrawn.

The Rules also revoke the Scottish Land Court (Fees) Amendment Rules 1987.

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