SCOTTISH STATUTORY INSTRUMENTS

2017 No. 426

LANDS TRIBUNAL

The Lands Tribunal for Scotland Amendment (Fees) Rules 2017

Made - - - -	*30th November 2017*
Laid before the Scottish Parliament - - - -	*4th December 2017*
Coming into force - -	*21st December 2017*

The Scottish Ministers make the following Rules in exercise of the powers conferred by section 3(6) and (12)(e) of the Lands Tribunal Act 1949(**1**) and all other powers enabling them to do so.

Citation and commencement

1. These Rules may be cited as the Lands Tribunal for Scotland Amendment (Fees) Rules 2017, and come into force on 21st December 2017.

Table of Fees

2. In the Table of Fees contained in schedule 2 of the Lands Tribunal for Scotland Rules 1971(**2**), after item 36 insert the items and corresponding fees set out in the table in the schedule to these Rules.

St Andrew's House,
Edinburgh
30th November 2017

ANNABELLE EWING
Authorised to sign by the Scottish Ministers

(**1**) 1949 c.42. Section 3 was relevantly amended by section 50(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35), S.I. 1972/2002 and S.I. 2009/1307. The functions of the Lord Advocate were transferred to the Secretary of State for Scotland by S.I. 1999/678 and to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) and, for the purposes of the Electronic Communications Code in schedule 3A of the Communications Act 2003 (c.21) ("the 2003 Act") which was inserted by schedule 1 of the Digital Economy Act 2017 (c.30), by paragraph 106 of schedule 3A of the 2003 Act. The requirement to obtain Treasury consent was removed by section 55 of the Scotland Act 1998 (and paragraph 106 of schedule 3A of the 2003 Act).

(**2**) S.I. 1971/218 as amended by S.I. 1996/519 which substituted a new table of fees in schedule 2, S.S.I. 2003/521 which inserted an additional table of fees, S.S.I. 2004/480, S.S.I. 2009/260, S.S.I. 2014/24 and S.S.I. 2015/199.

SCHEDULE Rule 2

Fees

Item	*Fee Payable*
37. On an application under paragraph 20, 25, 26, 27, 32, 33, 40, 41, 43, 53, 69, 70, 71, 79, 80, 82 or 93 of schedule 3A of the Communications Act 2003	£150
38. On an application under paragraph 34(10) or 35(2)(c) of schedule 3A of the Communications Act 2003	£45
39. On the hearing of an application under items 37 and 38 above	£155 for each day on which the Tribunal sits
40. On the making of an order under paragraph 20, 25, 26, 27, 34, 44, 79 or 80 of schedule 3A of the Communications Act 2003 which imposes an agreement on parties	£88

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Lands Tribunal for Scotland Rules 1971 and come into force on 21st December 2017.

They add new fees in respect of applications to the Lands Tribunal for Scotland under schedule 3A of the Communications Act 2003 ("the Electronic Communications Code") (which was inserted by schedule 1 of the Digital Economy Act 2017) and associated regulations to be made by the Secretary of State under paragraph 95 of the Electronic Communications Code.

A Business and Regulatory Impact Assessment has not been provided for this instrument as Impact Assessments for the Digital Economy Act 2017 and the Electronic Communications Code have previously been carried out by the United Kingdom Government. The overarching Impact Assessment is at https://www.parliament.uk/documents/impact-assessments/IA16-012.pdf. A Regulatory Impact Assessment on the Code is at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524895/ECC_Impact_Assessment.pdf. A Financial Impact on the Code Changes is at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523787/Analysys_Mason_-_Financial_impact_of_ECC_changes_-_Final_report__3_.pdf.