
STATUTORY INSTRUMENTS

1993 No. 296 (S.26)

LANDS TRIBUNAL

The Lands Tribunal for Scotland
(Amendment) (Fees) Rules 1993

Made - - - - 15th February 1993

Coming into force - - 1st April 1993

The Lord Advocate, in exercise of the powers conferred by section 3(6) and (12)(e) of the Lands Tribunal Act 1949(1) and now vested in him(2) and of all other powers enabling him in that behalf, and with the approval of the Treasury, hereby makes the following Rules:

1. These Rules may be cited as the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1993 and shall come into force on 1st April 1993.
2. For the Table of Fees contained in Schedule 2 to the Lands Tribunal for Scotland Rules 1971(3), there shall be substituted the Table of Fees set out in the Schedule to these Rules.
3. The Lands Tribunal for Scotland (Amendment) (Fees) Rules 1992(4) are hereby revoked.

Lord Advocate's Chambers
5th February 1993

Rodger of Earlsferry
Lord Advocate

(1) 1949 c. 42; subsection (12)(e) of section 3 was inserted by the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), section 50(2) and amended by article 3(3)(c) of S.I. 1972/2002: the amendments to subsection (6) of section 3 are not relevant to these Rules.
(2) S.I. 1972/2002.
(3) S.I. 1971/218; relevant amending instrument is S.I. 1992/402.
(4) S.I. 1992/402.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We approve,

15th February 1993

T.J.R. Wood
T. Kirkhope
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Rule 2

FEES

Item	Fee payable	Fee formerly payable ⁽⁵⁾
Applications etc.	£105.00	£100.00
<p>1. On an application under the Conveyancing and Feudal Reform (Scotland) Act 1970⁽⁶⁾: —</p> <p>(i) section 1 (land obligations) —initial application</p>		
(ii) section 1—subsequent application	£ 55.00	£ 55.00
(iii) section 4 (feu duties)	£ 60.00	£ 60.00
<p>2. On an application relating to disputed compensation under Part III of these Rules or where the Tribunal is acting under a reference by consent under section 1(5) of the Lands Tribunal Act 1949:—</p> <p>(i) where the disputed amount does not exceed £20,000.00 being either a lump sum or a rent or other annual payment</p>	£ 60.00	£ 55.00
(ii) where the disputed amount exceeds £20,000.00 being either a lump sum or a rent or other annual payment	£105.00	£100.00
(iii) where the application or reference does not involve a disputed amount	£ 60.00	£ 55.00

⁽⁵⁾ This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1992/402 before the coming into force of the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1993 (S.I. 1993/296) on 1st April 1993.

⁽⁶⁾ 1970 c. 35.

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Item	Fee payable	Fee formerly payable ⁽⁵⁾
3. On an appeal under section 1(3A)(7) of the Lands Tribunal Act 1949 (valuation for rating):—	£100.00	£100.00
(i) where the net annual value does not exceed £10,000.00		
(ii) where the net annual value exceeds £10,000.00 but not £50,000.00	£150.00	£150.00
(iii) where the net annual value exceeds £50,000.00 but not £100,000.00	£300.00	£300.00
(iv) where the net annual value exceeds £100,000.00	£500.00	£500.00
4. On an appeal under section 1(3BA)(8) of the Lands Tribunal Act 1949 (non-referral of valuation appeal or complaint)	£ 60.00	£ 55.00
5. On an appeal under section 25 of the Land Registration (Scotland) Act 1979(9) (appeal from action or omission of the Keeper of the Registers of Scotland)	£ 60.00	£55.00
6. On any other application (not being an appeal under Part IV or Part VA or a reference under Part V of these Rules)	£ 42.00	£ 40.00
Hearing Fees, etc.	£125.00 for each day on which the Tribunal sits	£120.00 for each day on which the Tribunal sits
(a) (a) On the hearing of an application under section 1 of the Conveyancing and Feudal Reform (Scotland) Act 1970		
(b) (b) On the making of an order under:—	£ 65.00	£ 60.00

(5) This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1992/402 before the coming into force of the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1993 (S.I. 1993/296) on 1st April 1993.

(7) Section 1(3A) was inserted by the Rating and Valuation (Amendment) (Scotland) Act 1984 (c. 31), section 12(1).

(8) Section 1(3BA) was inserted by the Local Government and Housing Act 1989 (c. 42), Schedule 6, paragraph 1.

(9) 1979 c. 33.

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Item	Fee payable	Fee formerly payable ⁽⁵⁾
(i) section 1 of the Conveyancing and Feudal Reform (Scotland) Act 1970, or		
(ii) section 4 of that Act	£ 65.00	£ 60.00
8. On the hearing of an application under Part III or an appeal under Part VC of these Rules or where the Tribunal is acting under a reference by consent—	£ 50.00 in respect of every £5,000.00 or part of £5,000.00 of such lump sum but not less than £125.00 for each day on which the Tribunal sits and not exceeding in any case £5,000.00	£ 40.00 in respect of every £1,000.00 or part of £1,000.00 of such lump sum but not less than £120.00 for each day on which the Tribunal sits and not exceeding in any case £4,000.00
(a) Where the amount is determined in terms of a lump sum—		
(b) (b) Where the amount is determined in terms of rent or other annual payment—	£ 50.00 in respect of every £500.00 or part of £500.00 of such rent or other annual payment but not less than £125.00 for each day on which the Tribunal sits and not exceeding in any case £5,000.00	£40.00 in respect of every £100.00 or part of £100.00 of such rent or other annual payment but not less than £120.00 for each day on which the Tribunal sits and not exceeding in any case £4,000.00
(c) (c) Where there is a settlement as to amount, for each day on which the Tribunal sits	£125.00	£120.00
9. On the hearing of any other application or appeal or reference including the hearing of preliminary pleas-in-law or legal debates in which no fee is payable by reference to an amount determined	£125.00 for each day on which the Tribunal sits	£120.00 for each day on which the Tribunal sits
Miscellaneous fees	£ 7.00	£ 6.50
10. On certifying a copy of an order or determination of the Tribunal		
11. For each sheet of a copy of all or part of any document	£ 1.20	£ 1.10
12. On a case for the decision of the Court of Session or the Lands Valuation Appeal	£ 50.00	£ 50.00

(5) This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1992/402 before the coming into force of the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1993 (S.I. 1993/296) on 1st April 1993.

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Item	Fee payable	Fee formerly payable ⁽⁵⁾
Court (in respect of references under Part VC of these Rules)—an application for appeal by way of stated case (to include drafting of case and any necessary copies)		
13. On the placing of an advertisement under section 1 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (Note—advertisements are invariably required in applications involving (a) missing superiors, (b) alcohol and (c) major developments which may have widespread implications)	100 per cent of the cost of the advertisement in an appropriate newspaper (charge is restricted to the cost of one advertisement irrespective of the number of advertisements placed)	100 per cent of the cost of the advertisement in an appropriate newspaper (charge is restricted to the cost of one advertisement irrespective of the number of advertisements placed)
14. On an application for the cancellation of a hearing	£ 60.00	£ 60.00
15. On an application during the course of proceedings which is not specifically referred to in the above table of fees (eg an application for (i) an extension to the period in which answers or adjustments are required to be lodged, or (ii) the continuation or sisting of an application)	£ 30.00	£ 30.00

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend, from 1st April 1993, the Lands Tribunal for Scotland Rules 1971 for the purpose of increasing most of the fees payable to the Tribunal. The fees set out in the Table in the Schedule to the Rules were most recently amended with effect from 1st April 1992.

⁽⁵⁾ This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1992/402 before the coming into force of the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1993 (S.I. 1993/296) on 1st April 1993.