

POLICY NOTE

THE LANDS TRIBUNAL FOR SCOTLAND AMENDMENT (FEES) RULES 2020

SSI 2020/22

The powers to make these rules are conferred by section 3(6) and (12)(e) of the Lands Tribunal Act 1949. The instrument is laid in the Scottish Parliament by virtue of section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

Purpose of the instrument.

To update the Lands Tribunal Fees in relation to appeals against a decision of the Scottish Ministers to refuse reimbursement for the cost of running a ballot, and for the general fee. This will bring them into line with other fees payable to the Lands Tribunal.

Policy Objective

This instrument makes provision for Lands Tribunal fees by amending the table of fees in Schedule 2 to the Lands Tribunal for Scotland Rules 1971 (“the 1971 Rules”).

Rule 2(2) makes provision raising the fee at item 6 of schedule 2 of the 1971 Rules. That fee relates to an application made to the Lands Tribunal (not being an appeal under Part IV or Part VA, or a reference under Part V, of the 1971 Rules) which is not separately listed in the schedule. The fee is raised from £52 to £150 to bring it into line with other fees payable to the Lands Tribunal.

Regulation 16(1) of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018 gives a right to appeal to the Lands Tribunal against a decision of the Scottish Ministers’ to refuse reimbursement for the cost of running a ballot. Rule 2(3) creates a fee of £150, payable to the Lands Tribunal, where such an appeal is made.

Regulation 18(1) of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020 gives a right to appeal to the Lands Tribunal against a decision of the Scottish Ministers’ to refuse reimbursement for the cost of running a ballot. Rule 2(3) creates a fee of £150, payable to the Lands Tribunal, where such an appeal is made.

Equality Impact Assessment and Financial Impact

An EQIA was not prepared for this instrument, due to the extremely low volume of cases that these changes would affect. The fees being amended by Rule 2(2) have not changed in the last 23 years, and relate to cases which are rarely raised.

With reference to the fees introduced for appeals under the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous

Provisions) (Scotland) Regulations 2018 and the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020 there are not expected to be a high volume of cases so the effect is thought to be negligible.

Civil Law and Legal System Division
February 2020