

1990 No. 477 (S.62)

LANDS TRIBUNAL

**The Lands Tribunal for Scotland (Amendment) (Fees)
Rules 1990**

Made - - - - - *6th March 1990*
Coming into force *1st April 1990*

In exercise of the powers conferred by section 3 of the Lands Tribunal Act 1949(a) and now vested in me(b) and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following Rules:

1. These Rules may be cited as the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1990 and shall come into force on 1st April 1990.
2. For the Table of Fees contained in Schedule 2 to the Lands Tribunal for Scotland Rules 1971(c) 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 1988(d) are hereby revoked.

Lord Advocate's Chambers
2nd March 1990

Fraser of Carmyllie
Lord Advocate

We approve,

6th March 1990

John Taylor
Stephen Dorrell
Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1949 c.42; section 3 was amended by the Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35), section 50(2) and by S.I. 1972/2002.
(b) S.I. 1972/2002.
(c) S.I. 1971/218; relevant amending instrument is S.I. 1988/2105.
(d) S.I. 1988/2105.

SCHEDULE

Rule 2

FEES

| <i>Item</i> | <i>Fee payable</i> | <i>Fee formerly payable(a)</i> |
|--|--|--|
| Applications etc. | | |
| 1. On an application under section 1 or 4 of the Conveyancing and Feudal Reform (Scotland) Act 1970(b) | £ 50.00 | £40.00 |
| 2. On an application under Part III of these Rules or where the Tribunal is acting under a reference by consent | £ 40.00 | £25.00 |
| 3. On any other application (not being an appeal under Part IV or Part VA or a reference under Part V or Part VC of these Rules) | £ 30.00 | £20.00 |
| Hearing Fees, etc. | | |
| 4.(a) On the hearing of an application under section 1 of the Conveyancing and Feudal Reform (Scotland) Act 1970 | £100.00 | £75.00 |
| (b) On the making of an order under: | | |
| (i) section 1 of the Conveyancing and Feudal Reform (Scotland) Act 1970, or | £ 50.00 | £35.00 |
| (ii) section 4 of that Act | £ 50.00 | — |
| 5. On the hearing of an application under Part III of these Rules or in relation to any dispute relating to the assessment of betterment levy referred to the Tribunal under section 47 of the Land Commission Act 1967(c) or where the Tribunal is acting under a reference by consent— | | |
| (a) Where the amount is determined in terms of a lump sum— | £40.00 in respect of every £1,000.00 or part of £1,000.00 of such lump sum but not less than £100.00 for each day on which the Tribunal sits and not exceeding in any case £4,000.00 | £30.00 in respect of every £1,000.00 or part of £1,000.00 of such lump sum but not exceeding in any case £3,000.00 |
| (b) Where the amount is determined in terms of rent or other annual payment— | £40.00 in respect of every £50.00 or part of £50.00 of such rent or other annual payment but not less than £100.00 for each day on which the Tribunal sits and not exceeding in any case £4,000.00 | £30.00 in respect of every £50.00 or part of £50.00 of such rent or other annual payment but not exceeding in any case £3,000.00 |

(a) This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1988/2105 before the coming into force of these Rules.

(b) 1970 c.35.

(c) 1967 c.1.

| <i>Item</i> | <i>Fee payable</i> | <i>Fee formerly payable</i> |
|---|---|--|
| (c) Where there is a settlement as to amount, for each day on which the Tribunal sits | £100.00 | £75.00 |
| 6. On the hearing of any other 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 | £100.00 for each day on which the Tribunal sits | £75.00 for each day on which the Tribunal sits |
| Miscellaneous fees | | |
| 7. On supplying and certifying a copy of an order or determination of the Tribunal | £ 5.00 | £ 2.50 |
| 8. For each sheet of a copy of all or part of any document (other than a copy to which item 7 applies) | £ 1.10 | £ 1.00 |
| 9. On a case for the decision of the Court of Session or the Lands Valuation Appeal 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) | £ 40.00 | £20.00 |
| 10. 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) | — |
| 11. 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, (ii) the continuation or sisting of an application and (iii) the postponement of a hearing). | £ 20.00 | — |

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Lands Tribunal for Scotland Rules 1971 for the purpose of increasing the fees payable to the Tribunal. They also extend the scope for charging the fees at Items 4(b) and 6, and introduce new fees at Items 10 and 11 to the Table of Fees.

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