
STATUTORY INSTRUMENTS

1992 No. 402 (S.41)

LANDS TRIBUNAL

**The Lands Tribunal for Scotland
(Amendment) (Fees) Rules 1992**

Made - - - - 25th February 1992

Coming into force - - 1st April 1992

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 1992 and shall come into force on 1st April 1992.
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 1991⁽⁴⁾ are hereby revoked.

Lord Advocate's Chambers
21st February 1992

Fraser of Carmylie
Lord Advocate

(1) 1949 c. 42; subsection (12)(e) of section 3 was amended by the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), section 50(2) and 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. 1991/658.
(4) S.I. 1991/658.

Status: This is the original version (as it was originally made).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,

25th February 1992

Sydney Chapman
Gregory Knight
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Rule 2

FEES

Item	Fee payable	Fee formerly payable ⁽⁵⁾
Applications etc.	£100.00	£55.00
<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> <p>(ii) section 1 - subsequent application</p> <p>(iii) section 4 (feu duties)</p> <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> <p>(ii) where the disputed amount exceeds £20,000.00 being either a lump sum or a rent or other annual payment</p> <p>(iii) where the application or reference does not involve a disputed amount</p>	<p>£55.00</p> <p>£60.00</p> <p>£55.00</p> <p>£55.00</p>	<p>£55.00</p> <p>£55.00</p> <p>£50.00</p> <p>£50.00</p> <p>£50.00</p> <p>£50.00</p>

(5) This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1991/658 before the coming into force of the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1992 (S.I. 1992/41) on 1st April 1992.

(6) 1970 c. 35.

Status: This is the original version (as it was originally made).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

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):— (i) where the net annual value does not exceed £10,000.00	£100.00	£50.00
(ii) where the net annual value exceeds £10,000.00 but not £50,000.00	£150.00	£50.00
(iii) where the net annual value exceeds £50,000.00 but not £100,000.00	£300.00	£50.00
(iv) where the net annual value exceeds £100,000.00	£500.00	£50.00
4. On an appeal under section 1(3BA)(8) of the Lands Tribunal Act 1949 (nonreferral of valuation appeal or complaint)	£55.00	£50.00
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)	£55.00	£35.00
6. On any other application (not being an appeal under Part IV or Part VA or a reference under Part V of these Rules)	£40.00	£35.00
Hearing Fees, etc. 7	£120.00 for each day on which the Tribunal sits	£110.00
(a) On the hearing of an application under section 1 of the Conveyancing and Feudal Reform (Scotland) Act 1970		

(5) This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1991/658 before the coming into force of the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1992 (S.I. 1992/41) on 1st April 1992.

(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.

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

Item	Fee payable	Fee formerly payable ⁽⁵⁾
(b) (b) On the making of an order under:—	£60.00	£55.00
(i) section 1 of the Conveyancing and Feudal Reform (Scotland) Act 1970, or		
(ii) section 4 of that Act	£60.00	£55.00
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—	£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	£40.00 in respect of every £1,000.00 or part of £1,000.00 of such lump sum but not less than £110.00 for each day on which the Tribunal sits and not exceeding in any case £4,000.00; in the case of an appeal under Part VC £110.00 for each day on which the Tribunal sits
(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—	£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	£40.00 in respect of every £50.00 or part of £50.00 of such rent or other annual payment but not less than £110.00 for each day on which the Tribunal sits and not exceeding in any case £4,000.00; in the case of an appeal under Part VC, £110.00 for each day on which the Tribunal sits
(c) (c) Where there is a settlement as to amount, for each day on which the Tribunal sits	£120.00	£110.00
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	£120.00 for each day on which the Tribunal sits	£110.00 for each day on which the Tribunal sits
Miscellaneous fees	£6.50	£6.00
10. On certifying a copy of an order or determination of the Tribunal		

(5) This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1991/658 before the coming into force of the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1992 (S.I. 1992/41) on 1st April 1992.

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

Item	Fee payable	Fee formerly payable(5)
11. For each sheet of a copy of all or part of any document	£1.10	£1.10
12. 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)	£50.00	£45.00
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	£50.00
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	£25.00

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend, from 1st April 1992, the Lands Tribunal for Scotland Rules 1971 for the purpose of increasing the fees payable to the Tribunal. They provide at paragraph 1(ii) of the Table in the Schedule to the Rules a separate fee payable for applications subsequent to initial

(5) This column shows the fees which were payable under S.I. 1971/218 as amended by S.I. 1991/658 before the coming into force of the Lands Tribunal for Scotland (Amendment) (Fees) Rules 1992 (S.I. 1992/41) on 1st April 1992.

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

applications; previously the fees were payable at the same rate. They introduce different levels of fees at paragraphs 2 and 3 of the Table to take into account differences in value and provide at paragraphs 4 and 5 separate fees for appeals previously payable under the equivalent of what is now paragraph 6. They also introduce into paragraph 8, for the purpose of calculating the hearing fee, appeals under Part VC of the 1971 Rules.