
STATUTORY INSTRUMENTS

1992 No. 401 (S. 40)

SCOTTISH LAND COURT

The Scottish Land Court (Fees) Order 1992

Made - - - - 25th February 1992
Laid before Parliament 10th March 1992
Coming into force - - 1st April 1992

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(1), and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Order:

1. This Order may be cited as the Scottish Land Court (Fees) Order 1992 and shall come into force on 1st April 1992.

2.—(1) This Order shall regulate the fees payable in respect of proceedings before the Scottish Land Court.

(2) The fees regulated by this Order shall be payable to the Principal Clerk of the Scottish Land Court or any officer acting for him.

3. The fees payable in respect of the matters specified in column 1 of the Table of Fees in the Schedule to this Order shall be the fees specified in relation to those matters in column 2 of that Table (the fees formerly payable being shown in column 3 of that Table).

4. The Scottish Land Court (Fees) Order 1991(2) is hereby revoked.

St. Andrew's House,
Edinburgh
21st February 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

(1) 1895 c. 14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12); the Scottish Land Court was specified for the purposes of section 2 by S.I.1989/1366.
(2) S.I. 1991/659.

Status: This is the original version (as it was originally made).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

We concur,

25th February 1992

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

SCHEDULE

Article 3

TABLE OF FEES

Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable(3) £
<i>Small Landholders (Scotland) Acts 1886 to 1931, Crofters (Scotland) Acts 1955 and 1961(4) and Crofting Reform (Scotland) Act 1976(5)</i>		
(a) .(1)(a) Application for a Record of a holding or a croft		
Principal application (each applicant)	47.00	45.00
For each respondent	8.00	7.00
(b) (b) Recording agreements for loan by—		
(i) the Scottish Office Agriculture and Fisheries Department and		
(ii) Highlands and Islands Enterprise		
Each agreement	55.00	45.00
(c) (c) Other applications		
Principal application	20.00	18.00
When more than one applicant (each additional applicant)	13.00	12.00
For each respondent	3.00	3.00
(d) (d) Appeals and motions for rehearing		
Each appellant or motioner	32.00	30.00
Each respondent	3.00	3.00

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1991 (S.I. 1991/659).

(4) 1955 c. 21 and 1961 c. 58.

(5) 1976 c. 21.

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

Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable ⁽³⁾ £
(e) (e) Hearing and Inspection fee payable by applicant in rental applications. For each day or part thereof the Court sits or inspects	42.00	40.00
(f) (f) Hearing and Inspection fee payable by applicant in all other applications. For each day or part thereof the Court sits or inspects	47.00	45.00
(g) (g) Additional fee	47.00	45.00
(i) Where the application is granted, dismissed or withdrawn after the hearing order has been received by each party, but before the commencement of the hearing — payable by the applicant		
(ii) Where the Principal Clerk of Court executes a conveyance following upon an Order of the Court under Section 5(2) of the Crofting Reform (Scotland) Act 1976 — payable by the applicant	45.00	40.00
<i>Agricultural Holdings (Scotland) Act 1991(6)</i>		
(a) . (2) (a) Valuation of sheep stocks		

⁽³⁾ This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1991 (S.I. 1991/659).

⁽⁶⁾ 1991 c. 55.

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

Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable(3) £
Awards not exceeding £100	6.00	6.00
Awards exceeding £100:		
For the first £100 thereof	6.00	6.00
For every additional £100 or part thereof	3.00	3.00
Where application dismissed or withdrawn before valuation	65.00	60.00
(b) (b) Arbitrations as to rents		
Rental as fixed by Court, not exceeding £500	50.00	50.00
Rental as fixed by Court exceeding £500:		
For the first £500	50.00	50.00
For every additional £100 or part thereof	7.50	7.50
Where application dismissed or withdrawn before rent fixed	65.00	60.00
(c) (c) Appeals against award by an arbiter		
Fee payable on lodging appeal	52.00	50.00
Rental as fixed by Court not exceeding £500	25.00	25.00
Rental as fixed by Court exceeding £500:		
For the first £500	25.00	25.00
For every additional £100 or part thereof	3.00	3.00
Where application dismissed or withdrawn before rent fixed	65.00	60.00
(d) (d) Claims for compensation		
Awards not exceeding £100	10.00	10.00
Awards exceeding £100:		
For the first £100 thereof	10.00	10.00

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1991 (S.I. 1991/659).

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

Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable(3) £
For every additional £100 or part thereof	5.00	5.00
Where application dismissed or withdrawn before compensation fixed	65.00	60.00
(e) (e) Other Applications		
Principal application	68.00	65.00
When more than one applicant (each additional applicant)	32.00	30.00
For each respondent	27.00	25.00
(f) (f) Appeals and motions for rehearing		
Each appellant or motioner	37.00	35.00
(g) (g) Hearings		
For every day the Court sits or part thereof - payable by the applicant	90.00	80.00
(h) (h) Additional fee		
Where the application is granted, dismissed or withdrawn after the hearing order has been received by each party, but before the commencement of the hearing — payable by the applicant	90.00	80.00
<i>Miscellaneous</i>		
(a) . (3) (a) For making a copy or copies of the principal application or any part of it, or any order in it, or any original deed, writ, or document in process		
For each sheet	1.10	1.00
For certifying such copy	6.50	6.00

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1991 (S.I. 1991/659).

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

Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable ⁽³⁾ £
(b) (b) Applications not otherwise specified		
Principal application	68.00	65.00
When more than one applicant (each additional applicant)	32.00	30.00
For each respondent	27.00	25.00
(c) (c) Hearings		
For every day the Court sits or part thereof — payable by the applicant.	90.00	80.00
(d) (d) Additional fee		
Where the application is granted, dismissed or withdrawn after the hearing order has been received by each party, but before the commencement of the hearing — payable by the applicant	90.00	80.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which replaces the Scottish Land Court (Fees) Order 1991, prescribes fees payable in respect of applications to the Scottish Land Court and, in certain cases, increases the fees which were payable under the 1991 Order. The fees apply from 1st April 1992.

⁽³⁾ This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1991 (S.I. 1991/659).