
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 452

The Lands Tribunal for Scotland Rules 2003

PART I

**APPLICATIONS UNDER THE ABOLITION OF
FEUDAL TENURE ETC. (SCOTLAND) ACT 2000 AND
THE TITLE CONDITIONS (SCOTLAND) ACT 2003**

General

3. Any application to the Tribunal made under, or by virtue of, any of the provisions listed in column 1 of Schedule 1 shall be made in, or as nearly as may be in, accordance with the corresponding application form listed in column 2 of that Schedule and set out in Schedule 2.

Applications under section 20 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000

4. On receiving an application under section 20 of the Act of 2000 (Reallotment of real burden by order of Lands Tribunal) the Tribunal shall give notice of that application to the person who has a right to the feu which is subject to the real burden in question, and, if the Lands Tribunal thinks fit, to any other person by sending a copy of that application to such person or, if such person cannot by reasonable inquiry be identified or found, by advertisement or such other method as the Tribunal thinks fit. Any person who is entitled to oppose or make representations in relation to the application shall send intimation thereof in writing to the Tribunal and to the applicant within 21 days of the notice of application. Such intimation shall contain a concise statement of the facts and contentions on which it is intended to rely. The Tribunal shall send copies of any such intimations to those other persons whom it considers should receive a copy.

Applications for certificates referred to in sections 23, 37 and 73 and 107 of the Title Conditions (Scotland) Act 2003

5. When an application is made to the Tribunal for a certificate referred to in section 23 (Prerequisite certificate for registration on notice of termination), section 37 (Preservation of a community burden), section 73 (Disapplication) or section 107 (Extinction of real burdens and servitudes etc where land acquired by agreement) of the Act of 2003, there shall be sent with the application sufficient evidence to satisfy the Tribunal of the intimation of the notice of termination, or the notice of a proposal to register a deed of variation or discharge, or the notice of a proposal to register a deed of disapplication or the notice of a proposal to register a conveyance, as the case may be.

Taking effect of orders

6.—(1) Subject to the provisions of paragraphs (2) and (3), an order made by the Tribunal in respect of applications under sections 90(1) (Power of Lands Tribunal as respects title conditions) or 91(1) (Special provision as to variation or discharge of community burdens) of the Act of 2003

shall take effect on the occurrence of whichever of the following events last occurs after the Tribunal has made the order:—

- (a) the expiry of a period of 21 days after the date when the order was made by the Tribunal;
- (b) the disposal by the Court of Session of a case stated by the Tribunal on appeal to that court or, if there is an appeal to the House of Lords, the disposal of the case by the House of Lords;
- (c) the abandonment or other termination of the proceedings on a case so stated without a decision having been given;
- (d) the abandonment or other termination of an appeal against the decision of the Court of Session on a case so stated or the expiry of the time for bringing any such appeal without it having been brought; or
- (e) the variation by the Tribunal of the order in compliance with any directions given by the Court of Session or the House of Lords in proceedings relating to such a case:

Provided that where the application is unopposed or all persons who have opposed or made representations in respect of the application have informed the Tribunal that they consent to the order taking effect immediately, and it is so certified in the order, such order shall take effect on the date on which it is made by the Tribunal.

(2) Where an obligation is varied or discharged subject to the payment of any compensation awarded by the Tribunal, the order of the Tribunal shall not, so far as it affects such variation or discharge, take effect until the Tribunal has endorsed the order to the effect either that the compensation has been paid or that all persons to whom any compensation has been awarded but who have not received payment of it have agreed to the order taking effect.

(3) The Tribunal may direct that the compensation shall be paid or satisfied within a specified time and that, unless it is so paid or satisfied, the order shall be void on the expiration of the time so specified.