
STATUTORY INSTRUMENTS

1994 No. 498 (S. 20)

SCOTTISH LAND COURT

The Scottish Land Court (Fees) Order 1994

<i>Made</i>	- - - -	<i>1st March 1994</i>
<i>Laid before Parliament</i>		<i>11th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

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 1994 and shall come into force on 1st April 1994.

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 1993(2) is hereby revoked.

St Andrew's House,
Edinburgh
24th February 1994

Fraser of Carmyllie
Minister 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 as a Scottish Court for the purposes of section 2 by S.I. 1989/1366.
(2) S.I. 1993/297.

Status: This is the original version (as it was originally made).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

1st March 1994

Irvine Patnick
T J R Wood
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) £
(1) <i>Small Landholders (Scotland) Acts 1886 to 1931, Crofters (Scotland) Acts 1955 and 1961(4) and Crofting Reform (Scotland) Act 1976(5)</i>		
(a) (a) Application for a Record of a holding or a croft		
Principal application (each applicant)	55.00	50.00
For each respondent	9.00	8.00
(b) (b) Recording agreements for loan by		
(i) the Scottish Office Agriculture and Fisheries Department and		
(ii) the Highlands and Islands Enterprise		
Each agreement	60.00	57.50
(c) (c) Other applications		
Principal application	24.00	22.00
When more than one applicant (each additional applicant)	16.00	15.00
For each respondent	3.00	3.00
(d) (d) Appeals and motions for rehearing		
Each appellant or motioner	40.00	35.00
Each respondent	3.00	3.00
(e) (e) Hearing and Inspection fee	50.00	45.00 in rental applications and 50.00 in other applications

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1993 (S.I. 1993/297).

(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) £
payable by applicant in all applications. For each day or part thereof the Court sits or inspects		
(f) (f) Additional fee		
(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	60.00	50.00
(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	55.00	50.00
(2) <i>Agricultural Holdings (Scotland) Act 1991</i> (6)		
(a) (a) Valuation of sheep stocks		
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	70.00	70.00
(b) (b) Arbitration as to rents		
Rental as fixed by Court, not exceeding £500	50.00	50.00

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1993 (S.I. 1993/297).

(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) £
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	75.00	70.00
(c) (c) Appeals against award by an arbiter		
Fee payable on lodging appeal	57.00	52.00
Rental as fixed by Court not exceeding £500	39.00	25.00
Rental as fixed by Court exceeding £500:—		
For the first £500	30.00	25.00
For every additional £100 or part thereof	3.00	3.00
Where application dismissed or withdrawn before rent fixed	75.00	70.00
(d) (d) Claims for compensation		
Awards not exceeding £100	12.00	10.00
Awards exceeding £100:—		
For the first £100 thereof	12.00	10.00
For every additional £100 or part thereof	5.00	5.00
Where application dismissed or withdrawn before compensation fixed	75.00	70.00
(e) (e) Other Applications		
Principal application	85.00	75.00

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1993 (S.I. 1993/297).

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) £
When more than one applicant (each additional applicant)	40.00	35.00
For each respondent	35.00	30.00
(f) (f) Appeals and motions for rehearing		
Each appellant or motioner	50.00	45.00
(g) (g) Hearings and Inspections		
For every day or part thereof the Court sits or inspects—payable by the applicant	110.00	100.00 (for hearings only)
(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	110.00	100.00
(3) Miscellaneous		
(a) (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	1.20	1.20
For certifying such copy	7.00	7.00
(b) (b) Applications not otherwise specified		
Principal application	85.00	75.00
When more than one applicant (each additional applicant)	40.00	35.00

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1993 (S.I. 1993/297).

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 each respondent	35.00	30.00
(c) (c) Hearings and Inspections		
For every day or part thereof the Court sits or inspects—payable by the applicant	110.00	100.00 (for hearings only)
(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	110.00	100.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the fees payable from 1st April 1994 in respect of proceedings before the Scottish Land Court. In most cases the fees are increased. In paragraphs (2)(g) and (3)(c) the fee now applies to inspections as well as hearings. The Scottish Land Court (Fees) Order 1993 is revoked.

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1993 (S.I. 1993/297).