
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 433

LANDS TRIBUNAL

The Lands Tribunal for Scotland
(Miscellaneous Amendments) Rules 2020

Made - - - - 15th December 2020
Laid before the Scottish
Parliament - - - - 17th December 2020
Coming into force - - 1st April 2022

The Scottish Ministers make the following Rules in exercise of the powers conferred by section 3(6) and (12)(e) of the Lands Tribunal Act 1949(1) and all other powers enabling them to do so.

Citation and commencement

1. These Rules may be cited as the Lands Tribunal for Scotland (Miscellaneous Amendments) Rules 2020 and come into force on 1 April 2022.

Table of Fees

2. In the table of fees contained in schedule 2 of the Lands Tribunal for Scotland Rules 1971(2), after item 40, insert the item and corresponding fee set out in the table in the schedule to these Rules.

Sittings of Tribunals

3.—(1) The Lands Tribunal for Scotland Rules 2003(3) are amended as follows.

(2) For rule 15(2) substitute—

“(2) The Tribunal shall sit in public except—

(a) that when it is acting as arbiter under a reference by consent the proceedings shall be held in private if the parties to the reference so request;

(1) 1949 c.42. Section 3 was relevantly amended by section 50(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35), S.I. 1972/2002 and S.I. 2009/1307. The functions of the Lord Advocate were transferred to the Secretary of State by S.I. 1999/678 and to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(2) S.I. 1971/218. Schedule 2 was amended by S.I. 1996/519 which substituted a new table of fees in schedule 2, S.S.I. 2003/521 which inserted an additional table of fees, S.S.I. 2004/480, S.S.I. 2009/260, S.S.I. 2014/24, S.S.I. 2015/199 and S.S.I. 2017/426.

(3) S.S.I. 2003/452.

- (b) where an application has been made under regulation 18 of the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021⁽⁴⁾ the proceedings must be held in private.”

St Andrew’s House,
Edinburgh
15th December 2020

JEANE FREEMAN
A member of the Scottish Government

⁽⁴⁾ S.S.I. 2021/XXX.

SCHEDULE

Rule 2

Fees

<i>Item</i>	<i>Fee Payable</i>
41. On an application under the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) (Scotland) Regulations 2021 ⁽⁵⁾	£150

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Lands Tribunal for Scotland Rules 1971 and the Lands Tribunal for Scotland Rules 2003 and come into force on 1 April 2022.

These Rules add a new fee in respect of an application to the Lands Tribunal for Scotland made under the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 (“the 2021 Regulations”).

These Rules also make provision for proceedings to be held in private where an application to the Lands Tribunal for Scotland has been made under regulation 18 of the 2021 Regulations. Regulation 18 provides for an application to be made to the Lands Tribunal for Scotland against a decision by the Keeper of the Registers of Scotland in respect of a security declaration.

A Business and Regulatory Impact Assessment has not been provided for this instrument as no impact on the private or voluntary sectors is foreseen.

(5) S.S.I. 2021/XXX.