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STATUTORY INSTRUMENTS

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**1989 No. 1365 (S.113)**

**SCOTTISH LAND COURT**

**The Scottish Land Court (Fees) Order 1989**

*Made* - - - - *27th July 1989*

*Laid before Parliament* *11th August 1989*

*Coming into force* - - *1st September 1989*

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 1989 and shall come into force on 1st September 1989.

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.

**Fees Payable**

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(2)).

St. Andrew's House,  
Edinburgh  
26th July 1989

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

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(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).  
(2) Fees formerly payable under the Scottish Land Court Rules 1979, S.I.1979/379 as amended by S.I. 1988/1933, the relevant provisions of which are revoked by S.I. 1989/1367.

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We concur

27th July 1989

*David Lightbown*  
*Kenneth Carlisle*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## SCHEDULE

Article 3

## TABLE OF FEES

| Column 1<br><i>Matters</i>  | Column 2<br><i>Fee payable</i><br>£ | Column 3<br><i>Fee formerly payable(3)</i><br>£ |
|---|-------------------------------------|---|
| <i>(1) 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)   | 40.00                               | 40.00   |
| For each respondent   | 5.00                                | 5.00  |
| (b) (b) Recording agreements for loan by—   | 20.00                               | 20.00   |
| (i) the Department of agriculture and Fisheries for Scotland and  |                                     |   |
| (ii) the Highlands and islands Development board Each agreement   |                                     |   |
| (c) (c) Other applications Principal applications   | 15.00                               | 15.00   |
| When more than one applicant (each additional applicant)  | 10.00                               | 10.00   |
| For each respondent   | 2.00                                | 2.00  |
| (d) (d) Appeals and motions for rehearing   |                                     |   |
| Each appelland or motioner  | 20.00                               | 20.00   |

(3) This column shows the fees formerly payable under the Scottish Land Court Rules 1979, S.I. [1979/379](#) as amended by S.I. [1988/1933](#).

(4) [1955 c. 21](#) and [1961 c. 58](#).

(5) [1976 c. 21](#).

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| Column 1<br><i>Matters</i>  | Column 2<br><i>Fee payable</i><br>£ | Column 3<br><i>Fee formerly payable(3)</i><br>£ |
|---|-------------------------------------|---|
| Each respondent   | 2.00                                | 2.00  |
| (e) (e) Hearing fee payable by applicant for each day or part thereof the Court sits or inspects  | 25.00                               | 25.00   |
| (2) <i>Sheep Stocks valuation (Scotland) Act 1937(6), Hill Farming Act 1946(7), Agriculture (Scotland) Act 1948(8), Agricultural Holdings (Scotland) Act 1949(9), Agriculture Act 1958(10), Agriculture (Miscellaneous Provisions) 1968(11) and Agricultural Holdings (Amendment) (Scotland) Act 1983(12) and agricultural Act 1986(13)</i> |                                     |   |
| (a) (a) Valuation of sheep stocks   |                                     |   |
| Awards not exceeding £100   | 5.00                                | 5.00  |
| Awards exceeding £100:  |                                     |   |
| For the first £100 thereof  | 5.00                                | 5.00  |
| For every additional £100 or part thereof   | 2.00                                | 2.00  |
| Where application dismissed or withdrawn before valuation   | 50.00                               | 50.00   |
| (b) (b) Determination of questions under section 5 and 39(1)(b) of the Hill Farming Act 1946  | 30.00                               | 30.00   |

(3) This column shows the fees formerly payable under the Scottish Land Court Rules 1979, S.I. 1979/379 as amended by S.I. 1988/1933.

(6) 1937 c. 34.

(7) 1946 c. 73.

(8) 1948 c. 45.

(9) 1949 c. 75.

(10) 1958 c. 71.

(11) 1968 c. 34.

(12) 1983 c. 46.

(13) 1986 c. 49.

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| Column 1<br><i>Matters</i>                                 | Column 2<br><i>Fee payable</i><br>£ | Column 3<br><i>Fee formerly payable(3)</i><br>£ |
|--|-------------------------------------|---|
| Principal application                                      |                                     |   |
| For each respondent  | 10.00                               | 10.00   |
| (c) (c) Arbitrations as to rents                           | 50.00                               | 50.00   |
| Rental as fixed by Court, not exceeding £500               |                                     |   |
| Rental 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 | 50.00                               | 50.00   |
| (d) (d) Appeals against award by an arbiter                |                                     |   |
| Fee payable on lodging appeal                              | 50.00                               | 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  |
| (e) (e) Claims for compensation                            |                                     |   |
| Awards not exceeding £100                                  | 10.00                               | 10.00   |
| Awards exceeding £100:                                     |                                     |   |
| For the first £100 thereof                                 | 10.00                               | 10.00   |
| For every additional £100 thereof                          | 5.00                                | 5.00  |
| Where application dismissed por withdrawn                  | 50.00                               | 50.00   |

(3) This column shows the fees formerly payable under the Scottish Land Court Rules 1979, S.I. 1979/379 as amended by S.I. 1988/1933.

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| Column 1<br><i>Matters</i>   | Column 2<br><i>Fee payable</i><br>£ | Column 3<br><i>Fee formerly payable(3)</i><br>£ |
|--|-------------------------------------|---|
| before compensation fixed  |                                     |   |
| (f) (f) Other applications   |                                     |   |
| Principal application  | 50.00                               | 50.00   |
| When more than one applicant (each additional applicant)   | 30.00                               | 30.00   |
| For each respondent  | 20.00                               | 20.00   |
| (g) (g) Appeals and motions for rehearing  | 25.00                               | 25.00   |
| Each appellant, or motioner for rehearing  |                                     |   |
| (h) (h) Hearings   | 40.00                               | 40.00   |
| For every day the Court sits or part thereof—payable by the applicant  |                                     |   |
| (i) (i) Additional fee   | 50.00                               | 50.00   |
| Where the application is dismissed or withdrawn after the hearing order has been received by each party—payable by the applicant                           |                                     |   |
| <b>(3) Miscellaneous</b>   |                                     |   |
| (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   | 0.80                                | 0.80  |
| For certifying such copy   | 5.00                                | 5.00  |

(3) This column shows the fees formerly payable under the Scottish Land Court Rules 1979, S.I. 1979/379 as amended by S.I. 1988/1933.

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| Column 1<br><i>Matters</i>  | Column 2<br><i>Fee payable</i><br>£ | Column 3<br><i>Fee formerly payable</i> <sup>(3)</sup><br>£ |
|---|-------------------------------------|---|
| (b) (b) Applications<br>not otherwise<br>specified  |                                     |   |
| Principal application   | 50.00                               | 50.00   |
| When more than one<br>applicant (each additional<br>applicant)  | 30.00                               | 30.00   |
| For each respondent   | 20.00                               | 20.00   |
| (c) (c) Hearings  |                                     |   |
| For every day the court<br>sits or part thereof—<br>payable by the applicant.   | 40.00                               | 40.00   |
| (d) (d) Additional fee  |                                     |   |
| Where the application is<br>dismissed or withdrawn<br>after the hearing order<br>has been received by<br>each party—payable by<br>the applicant | 50.00                               | 50.00   |

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order prescribes the fees payable in respect of applications to the Scottish Land Court following its designation as a Scottish Court for the purposes of section 2 of the Courts of Law Fees (Scotland) Act 1895.

The fees prescribed in this Order replace those currently payable in terms of the Scottish Land Court Rules 1979 the relevant provisions of which are revoked by the Scottish Land Court Amendment Rules 1989. There is no uprating of the fees currently payable.

<sup>(3)</sup> This column shows the fees formerly payable under the Scottish Land Court Rules 1979, S.I. 1979/379 as amended by S.I. 1988/1933.