
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules replace Part I, II, III, VI, VB and VC of the Lands Tribunal for Scotland Rules 1971. Parts IV, V and VA of the 1971 Rules remain in force together with Part VI of those Rules insofar as it affects the Parts remaining in force. The Parts which remain in force refer to matters which are reserved in terms of the Scotland Act 1998.

Part I of these Rules deals with applications to the Lands Tribunal for Scotland (“the Tribunal”) under the Abolition of Feudal Tenure etc. (Scotland) Act 2000 and the Title Conditions (Scotland) Act 2003. Schedule 1 contains a list of application forms under these two Acts and these forms, among others, are set out in Schedule 2. The applications available under Part I are for reallocation of a feudal burden, for the discharge, variation or renewal of a title condition, the preservation of a community burden or the preservation of a development management scheme. The forms may also be used to obtain certificates from the Tribunal confirming whether an application has been made, to refer disputes over notices served under these two Acts and to refer disputes over the assessment of value of a former school site.

Part II deals with the determination by the Tribunal of questions of disputed compensation including questions arising on the compulsory acquisition of land by a public authority.

Part III makes provision for the Tribunal to deal with “blight notices” under the Town and Country Planning (Scotland) Act 1997.

Part IV makes provision for procedure for determination by the Tribunal of appeals referred to it by valuation appeal committees in accordance with section 1(3A) of the Lands Tribunal Act 1949. Rule 28(6) provides that the Tribunal shall not have power to make orders for expenses between parties in such cases.

Part V contains general procedural provisions. Rule 30 saves the general provisions in Part VI of the 1971 Rules which will continue to apply in respect of Parts IV, V and VA of those Rules which have not been replaced by these Rules.

Schedule 1 contains a list of applications and application forms under the Abolition of Feudal Tenure etc (Scotland) Act 2000 and the Title Conditions (Scotland) Act 2003. Schedule 2 contains all of the application forms referred to in the Rules. Schedule 3 contains a list of Rules which are being revoked.