

2017 No. 427

LANDS TRIBUNAL

The Lands Tribunal for Scotland Amendment Rules 2017

Made - - - - *30th November 2017*

Laid before the Scottish Parliament *4th December 2017*

Coming into force - - *21st December 2017*

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(a) and of all other powers enabling them to do so.

Citation and commencement

1. These Rules may be cited as the Lands Tribunal for Scotland Amendment Rules 2017, and come into force on 21st December 2017.

Amendment of the Lands Tribunal for Scotland Rules 2003

2. In rule 28(1) (expenses) of the Lands Tribunal for Scotland Rules 2003(b) after “that Order.” insert “For the purposes of determining applications under schedule 3A (electronic communications code) of the Communications Act 2003(c), expenses shall be determined in accordance with paragraph 96 of that schedule.”.

ANNABELLE EWING

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
30th November 2017

(a) 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 for Scotland by S.I. 1999/678 and to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) and, for the purposes of the Electronic Communications Code in schedule 3A of the Communications Act 2003 (c.21) (“the 2003 Act”) inserted by schedule 1 of the Digital Economy Act 2017 (c.30), by paragraph 106 of schedule 3A of the 2003 Act. The requirement to obtain Treasury consent was removed by section 55 of the Scotland Act 1998 (and paragraph 106 of schedule 3A of the 2003 Act).

(b) S.S.I. 2003/452 as amended by S.S.I. 2009/259.

(c) 2003 c.21. Schedule 3A is inserted by schedule 1 of the Digital Economy Act 2017.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Lands Tribunal for Scotland Rules 2003 (“the 2003 Rules”) and come into force on 21st December 2017.

Rule 2 amends the expenses provision in rule 28 of the 2003 Rules to make clear that expenses for applications to the Lands Tribunal for Scotland under schedule 3A of the Communications Act 2003 (“the Electronic Communications Code”) (which was inserted by schedule 1 of the Digital Economy Act 2017) shall be determined in accordance with paragraph 96 of the Electronic Communications Code instead of under rule 28(1).

Paragraph 96 of the Electronic Communications Code provides that the Tribunal may make such order as it think fit as to expenses, but in making such an order must have regard to the extent to which any party is successful in the proceedings.

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