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SCHEDULES

SCHEDULE 1

Section 1.

THE LAND COURT

Incorporation

- 1 The Land Court shall be a body corporate with a common seal which shall be judicially noticed; and any order or other instrument purporting to be so sealed shall be received as evidence without further proof.

Tenure of office, remuneration and superannuation

- 2 Every member of the Land Court (other than the Chairman) shall vacate his office on attaining the age of 65 years.
- 3 There shall be paid to the Chairman of the Land Court and to each of the other members such salary as may be determined by the Treasury; and such salaries shall be charged on and paid out of the Consolidated Fund.
- 4 (1) The Chairman shall have the same right to a retiring annuity proportionate to his salary, subject to the like conditions and incidents as if he had been appointed a judge of the Court of Session; and every such annuity shall be charged on and paid out of the Consolidated Fund.
- (2) The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall apply to every member of the Land Court (other than the Chairman) in like manner as that scheme applies to persons employed in the civil service of the State.

Organisation of Court

- 5 Subject to paragraph 6 of this Schedule, three members of the Land Court shall be a quorum.
- 6 (1) The Land Court may delegate such of its powers as it may think expedient to any one member or to any two members of the Court, with or without the assistance of one or more land valuers, assessors or other skilled persons, and may revoke, alter or modify any such delegation of powers.
- (2) Any order or determination arrived at under a delegation made in pursuance of this paragraph shall be subject to review upon appeal by three or more members of the Land Court (including, where such court of review consists of three members, not more than one member who was a party to such order or determination) sitting together, one of whom shall be the Chairman of the Land Court.
- 7 The Secretary of State shall appoint a fit person to act as principal clerk of the Land Court.

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- 8 The Land Court may appoint or employ such assessors, surveyors, solicitors, valuers, clerks, messengers and other persons required for the due performance of its duties, as the Treasury, on the recommendation of the Secretary of State, may sanction.

Vacancies in membership and appointment of Deputy Chairman

- 9 Subject to paragraph 10 of this Schedule, any vacancy occurring in the membership of the Land Court may be filled by the appointment of a person by Her Majesty, on the recommendation of the Secretary of State.
- 10 (1) The Secretary of State may appoint any person having the qualification required for holding the office of Chairman as a Deputy Chairman, who shall act in place of the Chairman for such periods as the Chairman may, with the consent of the Secretary of State, direct.
- (2) Where there is a vacancy in the office of Chairman, or where the Chairman is, for whatever reason, unable to act, the Deputy Chairman shall act at the direction of the Secretary of State.
- (3) A Deputy Chairman appointed under sub-paragraph (1) above shall, while he is acting as Chairman, have the same powers and perform the duties as if he were the Chairman.

Removal of Land Court members

- 11 (1) The Secretary of State may remove any member of the Land Court (other than the Chairman) for inability or misbehaviour.
- (2) Every order of removal in pursuance of this paragraph shall state the reasons for which it is made, and no such order shall come into operation—
- (a) until it has lain before both Houses of Parliament for not less than thirty days while Parliament is sitting;
- (b) if either House passes a resolution objecting to it.

Procedure

- 12 The Land Court may—
- (a) subject to the approval of the Secretary of State, prescribe such forms of application and other forms of procedure as they think proper;
- (b) make rules with reference to proceedings before it; and
- (c) with the approval of the Treasury, fix a scale of fees to be charged in carrying this Act into execution, and the taxation of such fees, and the persons by whom, and the manner in which, such fees are to be paid.
- 13 (1) The Land Court may ascertain the facts in any case by hearing parties and examining witnesses, or by means of affidavits, or by such other mode of inquiry as it deems appropriate.
- (2) The Land Court may require the production of all books, papers, plans and documents relating to the case and it may summon and examine on oath such witnesses as it thinks fit to call or allow to appear before it.

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- (3) The Land Court may, when sitting in open court, report in writing to the Lord Ordinary any person who has been guilty of contempt of court, and the Lord Ordinary may punish such person as if the contempt had been committed in his own court: Provided that, when the Chairman is so sitting, he shall have the same power as the Lord Ordinary to punish for contempt of court.
- (4) All orders and determinations of the Land Court shall be in writing.
- 14 The Land Court may make rules for conducting the business of the Court.

Expenses

- 15 The Land Court may determine the amount of the expenses in any proceedings before it and the proportion to be borne by the different parties.

Enforcement

- 16 An order or determination of the Land Court may be enforced as if it were a decree of the sheriff having jurisdiction in the area in which the order or determination is to be enforced.

Accounts

- 17 The Land Court shall submit such estimates and keep such accounts of their receipts and expenditure, and their accounts shall be audited in accordance with such regulations, as the Treasury may direct.

Other financial matters

- 18 (1) There shall be paid to each of the persons appointed or employed under paragraph 7, 8 or 10 of this Schedule such salary or remuneration as the Treasury may sanction.
- (2) All salaries and remuneration payable, and the expenses of the Land Court in the execution of their duties, under this Act, to such amount as may be sanctioned by the Treasury, shall be paid out of money provided by Parliament.

SCHEDULE 2

Section 2

REPEALS

Chapter	Short title	Extent of repeal
49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act 1886	In section 21, the last two paragraphs. Sections 24 to 26. Section 29.
1 & 2 Geo. 5. c. 49.	The Small Landholders (Scotland) Act 1911	Section 3. Section 25.

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1 & 2 Geo. 6. c. 31.	The Scottish Land Court Act 1938	The whole Act.
3 & 4 Eliz. 2. c. 21.	The Crofters (Scotland) Act 1955	Section 34.
9 & 10 Eliz. 2. c. 58.	The Crofters (Scotland) Act 1961	Section 4(3).
1976 c. 21.	The Crofting Reform (Scotland) Act 1976	Section 17(1).
1990 c. 40.	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990	Section 35(4).
		In Schedule 4, paragraph 12.
1991 c. 55.	The Agricultural Holdings (Scotland) Act 1991	Section 83.

TABLE OF DERIVATIONS

SHOWING THE DERIVATION OF THE PROVISIONS OF THE ACT

NOTE: The following derivations are used in this Table—

1886	– The Crofter Holdings (Scotland) Act 1886 (c.29)
1911	– The Small Landholders (Scotland) Act 1911 (c.49)
1938	– The Scottish Land Court Act 1938 (c.31)
1955	– The Crofters (Scotland) Act 1955 (c.21)
1961	– The Crofters (Scotland) Act 1961 (c.58)
1972	– The Superannuation Act 1972 (c.11)
1976	– The Crofting Reform (Scotland) Act 1976 (c.21)
1990	– The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40)
1991	– The Agricultural Holdings (Scotland) Act 1991 (c.55)

Provisions

Derivations

1	1911 s.3(1) to (3), ss.25(2) and 32(14); 1955 s.34, 1961 s.4(3); 1990 Sch.4 para.12; 1991 s.83.
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Sch.1 para.1	1911 s.25(1).
para.2	1938 s.1(1).
para.3	1911 s.3(9).
para.4	1911 s.3(9); 1938 s.1(2); 1972 s.29(1), Sch.6 para.18.
para.5	1911 s.25(5).
para.6	1911 s.25(5).
para.7	1911 s.3(6).
para.8	1911 s.3(7).
para.9	1911 s.3(1).
para.10	1911 s.3(5), (5A), (5B); 1990 Sch.4 para.12.
para.11	1911 s.3(4).
para.12	1886 s.29.
para.13(1) to (3)	1911 s.25(3).
(4)	1911 s.25(1).
para.14	1911 s.3(12).
para.15	1911 s.25(4).
para.16	1976 s.17(1).
para.17	1911 s.3(11).
para.18	1911 s.3(10).

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