



# Small Landholders (Scotland) Act 1911

## 1911 CHAPTER 49

### **3 Constitution of Scottish Land Court**

- (1) It shall be lawful for His Majesty, on the recommendation of the Secretary for Scotland, as from the commencement of this Act, and from time to time as vacancies occur, to appoint not more than five persons, to be designated the Scottish Land Court (in this Act referred to as the Land Court) and to appoint one of such persons to be Chairman of the Court.
- (2) The Chairman shall be a person who at the date of his appointment shall be an advocate of the Scottish bar of not less than ten years' standing, and shall forthwith on his appointment have the same rank and tenure of office as if he had been appointed a Judge of the Court of Session.
- (3) One of the said persons shall be a person who can speak the Gaelic language.
- (4) It shall be lawful for the Secretary for Scotland to remove any member of the Land Court (other than the Chairman) for inability or misbehaviour. Every order of removal shall state the reasons for which it is made, and no such order shall come into operation until it has lain before both Houses of Parliament for not less than thirty days while Parliament is sitting, nor if either House passes a resolution objecting to it.
- (5) If and when the Chairman is temporarily unable to attend, or his office is vacant, the Secretary for Scotland may appoint to act temporarily in his place any person having the qualification required for holding the office of Chairman and the person so appointed shall, during such inability or vacancy, have the same powers and perform the same duties as if he were the Chairman.
- (6) The Secretary for Scotland shall from time to time appoint a fit person to act as principal clerk to the Land Court.
- (7) The Land Court may appoint or employ such assessors, surveyors, law agents, valuers, clerks, messengers, and other persons required for the due performance of their duties, as the Treasury, on the recommendation of the Secretary for Scotland, may sanction.

- (8) Any Crofters Commissioner or officer of the Crofters Commission in office at the commencement of this Act, who may not be appointed a member or an officer of the Land Court, shall receive such compensation as the Treasury may determine.
- (9) There shall be paid to the Chairman of the Land Court a salary not exceeding two thousand pounds a year, and to each of the other members a salary not exceeding twelve hundred pounds a year, and such salaries shall be charged on and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof. 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 and paid as aforesaid.
- (10) There shall be paid to each of the other persons appointed or employed under this section such salary or remuneration as the Treasury may sanction ; and all such salaries and remuneration and the expenses of the Land Court incurred in the execution of their duties, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.
- (11) 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.
- (12) It shall be lawful for the Land Court from time to time to make rules for conducting the business of the Court.