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 STATUTORY INSTRUMENTS
 

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**1985 No. 581 (S. 59)****LANDS TRIBUNAL****The Lands Tribunal for Scotland (Amendment) Rules 1985**

*Made* - - - - - *3rd April 1985*  
*Coming into Operation* *29th April 1985*

In exercise of the powers conferred by section 3 of the Lands Tribunal Act 1949(a) and now vested in me (b), and of all other powers enabling me in that behalf, and after consultation with the Council on Tribunals, I hereby make the following rules:—

*Citation and commencement*

1. These rules may be cited as the Lands Tribunal for Scotland (Amendment) Rules 1985 and shall come into operation on 29th April 1985.

*Interpretation*

2. In these rules “the principal Rules” means the Lands Tribunal for Scotland Rules 1971(c) and a Part, rule, Schedule or form referred to by number means the Part, rule, Schedule or form so numbered in the principal Rules.

*Amendments to the principal Rules*

3. In rule 4, in paragraph (1)(a), after the word “application” there shall be added the words—

“Provided that if the Tribunal is satisfied that any such proprietor cannot by reasonable inquiry be identified or found notice may be given by advertisement or by such other method as the Tribunal thinks fit;”.

4. After Part VB there shall be inserted the following Part:—

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(a) 1949 c.42; section 3 was amended by section 50(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35) and by S.I. 1972/2002.

(b) S.I. 1972/2002.

(c) S.I. 1971/218; the relevant amending instrument is S.I. 1977/432.

“PART VC

REFERENCES UNDER SECTION 1(3A) OF THE LANDS TRIBUNAL ACT 1949

*General*

**18F.** The provisions of this Part and of Part VI of these rules shall apply to the determination of any appeal or complaint referred to the Tribunal by a valuation appeal committee under section 1(3A) of the Act of 1949(a).

*Making of references*

**18G.** An appeal or complaint may be referred to the Tribunal by a valuation appeal committee sending to the Tribunal a notice of reference in or as nearly as may be in accordance with Form 7 together with a copy of the appeal or complaint lodged in accordance with regulation 3 of the Valuation Appeal Committee Procedure (Scotland) Regulations 1984(b) and copies of any application and written representations made in accordance with regulation 4 of those regulations.

*Determination declined*

**18H.** If the Tribunal declines to proceed to determine any appeal or complaint in terms of section 1(3B) of the Act of 1949, it shall give notice of its decision with reasons to all parties having an interest in the appeal or complaint and shall retransmit the appeal or complaint to the valuation appeal committee.

*Interpretation of this Part*

**18I.** In this Part “valuation appeal committee” means any committee constituted under section 4 of the Local Government (Scotland) Act 1975(c).”.

5. After rule 24 there shall be inserted the following rule:—

*“Evidence*

**24A.** Evidence before the Tribunal may be given orally or, if the parties to the proceedings consent or the Tribunal so orders, by affidavit, but the Tribunal may at any stage of the proceedings require the personal attendance of any deponent for examination and cross-examination.”.

6. Rule 33 shall be amended as follows:—

- (a) in paragraph (1), after the word “apply” there shall be inserted the words “or proceedings referred to in paragraph (6) of this rule”; and
- (b) at the end there shall be added the following paragraph:—

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(a) 1949 c.42; section 1(3A) to (3E) was inserted by section 12 of the Rating and Valuation (Amendment) (Scotland) Act 1984 (c.31).

(b) S.I. 1984/1506.

(c) 1975 c.30.

“(6) In proceedings under Part VC of these rules the Tribunal shall not have power to order payment of expenses and the foregoing provisions of this rule shall not apply.”.

7. There shall be added to Schedule 1 the following form:—

FORM 7

“Rule 18G

VALUATION

SECTION 1(3A) OF THE LANDS TRIBUNAL ACT 1949

*Notice of reference under Part VC of the Lands Tribunal for Scotland Rules 1971.*

To: *The Lands Tribunal for Scotland*  
(address)

The valuation appeal committee sitting at (place) on (date) in accordance with the provisions of section 1(3A) of the Lands Tribunal Act 1949 and regulation 4 of the Valuation Appeal Committee Procedure (Scotland) Regulations 1984 refers for determination by the Lands Tribunal for Scotland the appeal or complaint of which particulars are set out below.

Particulars

1. Description of property to which this reference relates  
(Here describe the lands and heritages to which the appeal or complaint relates with sufficient precision to enable them to be identified, including a reference to the relevant entry in the valuation roll).
2. (a) (Give name and address of the appellant/complainant).  
(b) (Give name and address of the assessor).
3. A copy of the appeal or complaint made in accordance with regulation 3 of the 1984 Regulations and copies of the application and written representations made in accordance with regulation 4 of the 1984 Regulations are attached.

Signed.....  
Secretary to the Committee

Date.....”.

*Cameron of Lochbroom,*  
Lord Advocate.

Lord Advocate's Chambers,  
3rd April 1985.

**EXPLANATORY NOTE**

*(This Note is not part of the Rules.)*

These Rules amend the Lands Tribunal for Scotland Rules 1971.

Rules 4 and 7 make provision for the procedure for determination by the Tribunal of appeals or complaints under the Valuation Acts referred to it by valuation appeal committees in accordance with section 1(3A) of the Lands Tribunal Act 1949 (introduced by the Rating and Valuation (Amendment) (Scotland) Act 1984). Rule 6 provides that the Tribunal shall not have power to make orders for expenses between parties in such cases.

Rule 3 amends the provisions of the 1971 Rules which requires the Tribunal, where it receives an application for variation or discharge of a land obligation, to give written notice to relevant proprietors. Rule 3 allows notice by advertisement or otherwise as the Tribunal thinks appropriate where a proprietor cannot by reasonable inquiry be identified or found.

Rule 5 makes provision for affidavit evidence to be admissible in any proceedings before the Tribunal, in place of oral evidence, if the parties consent or the Tribunal so orders.

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