

1990 No. 475 (S.60)

SCOTTISH LAND COURT

The Scottish Land Court (Fees) Order 1990

<i>Made</i> - - - -	<i>5th March 1990</i>
<i>Laid before Parliament</i>	<i>9th March 1990</i>
<i>Coming into force</i>	<i>1st April 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(a), and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Order:

1. This Order may be cited as the Scottish Land Court (Fees) Order 1990 and shall come into force on 1st April 1990.

2.—(1) This Order shall regulate the fees payable in respect of proceedings before the Scottish Land Court.

(2) The fees regulated by this Order shall be payable to the Principal Clerk of the Scottish Land Court or any officer acting for him.

Fees Payable

3. The fees payable in respect of the matters specified in column 1 of the table of fees in the Schedule to this Order shall be the fees specified in relation to those matters in column 2 of that table (the fees formerly payable being shown in column 3 of that table).

4. The Scottish Land Court (Fees) Order 1989(b) is hereby revoked.

St. Andrew's House, Edinburgh
1st March 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

We concur

5th March 1990

John Taylor
Stephen Dorrell
Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1895 c.14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12).

(b) S.I. 1989/1365.

SCHEDULE

Article 3

TABLE OF FEES

Column 1 <i>Matters</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee formerly payable(a)</i>
	£	£
(1) <i>Small Landholders (Scotland) Acts 1886 to 1931, Crofters (Scotland) Acts 1955 and 1961(b) and Crofting Reform (Scotland) Act 1976(c)</i>		
(a) Application for a Record of a holding or a croft		
Principal application (each applicant)	43.00	40.00
For each respondent	6.00	5.00
(b) Recording agreements for loan by—		
(i) the Department of Agriculture and Fisheries for Scotland and		
(ii) the Highlands and Islands Development Board		
Each agreement	40.00	20.00
(c) Other applications		
Principal application	16.00	15.00
When more than one applicant (each additional applicant)	11.00	10.00
For each respondent	3.00	2.00
(d) Appeals and motions for rehearing		
Each appellant or motioner	25.00	20.00
Each respondent	3.00	2.00
(e) Hearing and Inspection fee payable by applicant in rental applications. For each day or part thereof the Court sits or inspects		
	40.00	25.00
(f) Hearing and Inspection fee payable by Applicant in all other applications. For each day or part thereof the Court sits or inspects		
	40.00	25.00
(g) Additional fee		
Where the application is granted, dismissed or withdrawn after the hearing order has been received by each party, but before the commencement of the hearing – payable by the applicant	40.00	—
(2) <i>Sheep Stocks Valuation (Scotland) Act 1937(d) Hill Farming Act 1946(e), Agriculture (Scotland) Act 1948(f), Agricultural Holdings (Scotland) Act 1949(g), Agriculture Act 1958(h), Agriculture (Miscellaneous Provisions) Act 1968(i) and Agricultural Holdings (Amendment) (Scotland) Act 1983(j) and Agriculture Act 1986(k)</i>		
(a) Valuation of sheep stocks		
Awards not exceeding £100	6.00	5.00
Awards exceeding £100:		
For the first £100 thereof	6.00	5.00
For every additional £100 or part thereof	3.00	2.00
Where application dismissed or withdrawn before valuation	60.00	50.00

(a) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1989 (S.I. 1989/1365).

(b) 1955 c.21 and 1961 c.58.

(c) 1976 c.21.

(d) 1937 c.34.

(e) 1946 c.73.

(f) 1948 c.45.

(g) 1949 c.75.

(h) 1958 c.71.

(i) 1968 c.34.

(j) 1983 c.46.

(k) 1986 c.49.

Column 1 <i>Matters</i>	Column 2 <i>Fee payable</i> £	Column 3 <i>Fee formerly payable</i> £
(b) Determination of questions under sections 5 and 39(1)(b) of the Hill Farming Act 1946		
Principal application	60.00	30.00
For each respondent	25.00	10.00
(c) Arbitrations as to rents		
Rental as fixed by Court, not exceeding £500	50.00	50.00
Rental as fixed by Court exceeding £500:		
For the first £500	50.00	50.00
For every additional £100 or part thereof	7.50	7.50
Where application dismissed or withdrawn before rent fixed	60.00	50.00
(d) Appeals against award by an arbiter		
Fee payable on lodging appeal	50.00	50.00
Rental as fixed by Court not exceeding £500	25.00	25.00
Rental as fixed by Court exceeding £500:		
For the first £500	25.00	25.00
For every additional £100 or part thereof	3.00	3.00
Where application dismissed or withdrawn before rent fixed	60.00	—
(e) Claims for compensation		
Awards not exceeding £100	10.00	10.00
Awards exceeding £100:		
For the first £100 thereof	10.00	10.00
For every additional £100 or part thereof	5.00	5.00
Where application dismissed or withdrawn before compensation fixed	60.00	50.00
(f) Other Applications		
Principal application	60.00	50.00
When more than one applicant (each additional applicant)	30.00	30.00
For each respondent	25.00	20.00
(g) Appeals and motions for rehearing		
Each appellant, or motioner for rehearing	30.00	25.00
(h) Hearings		
For every day the Court sits or part thereof – payable by the applicant	75.00	40.00
(i) Additional fee		
Where the application is granted, dismissed or withdrawn after the hearing order has been received by each party, but before the commencement of the hearing – payable by the applicant	60.00	50.00
(3) Miscellaneous		
(a) For making a copy or copies of the principal application or any part of it, or any order in it, or any original deed, writ, or document in process		
For each sheet	0.80	0.80
For certifying such copy	5.00	5.00
(b) Applications not otherwise specified		
Principal application	60.00	50.00
When more than one applicant (each additional applicant)	30.00	30.00
For each respondent	25.00	20.00
(c) Hearings		
For every day the Court sits or part thereof – payable by the applicant.	75.00	40.00

Column 1 <i>Matters</i>	Column 2 <i>Fee payable</i> £	Column 3 <i>Fee formerly payable</i> £
(d) Additional fee Where the application is granted, dismissed or withdrawn after the hearing order has been received by each party, but before the commencement of the hearing – payable by the applicant	60.00	50.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which replaces the Scottish Land Court (Fees) Order 1989, prescribes fees payable in respect of applications to the Scottish Land Court and, in certain cases, increases the fees which were payable under the 1989 Order. It also extends the scope for charging fees at paragraph 1(e), 1(f), 2(d), 2(i) and 3(d) and introduces at 1(g) a new fee to the Table of Fees.

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