
STATUTORY INSTRUMENTS

1991 No. 659 (S.69)

SCOTTISH LAND COURT

The Scottish Land Court (Fees) Order 1991

Made - - - - *11th March 1991*
Laid before Parliament *18th March 1991*
Coming into force - - *8th April 1991*

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895⁽¹⁾, 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 1991 and shall come into force on 8th April 1991.

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.

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 1990⁽²⁾ is hereby revoked.

St. Andrew's House,
Edinburgh
7th March 1991

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

(1) 1895 c. 14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12); the Scottish Land Court was specified for the purposes of section 2 by S.I.1989/1366.
(2) S.I. 1990/475.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We concur,

11th March 1991

I. C. Patnick
Nicholas Baker
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Article 3

TABLE OF FEES

Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable(3) £
(1) Small Landholders (Scotland) Acts 1886 to 1931, Crofters (Scotland) Acts 1955 and 1961(4) and Crofting Reform (Scotland) Act 1976(5)		
(a) Application for a Record of a holding or a croft		
Principal application (each applicant)	45.00	43.00
For each respondent	7.00	6.00
(b) (b) Recording agreements for loan by—		
(i) the Scottish Office Agriculture and Fisheries Department and		
(ii) Highlands and Islands Enterprise		
Each agreement	45.00	40.00
(c) (c) Other applications		
Principal application	18.00	16.00
When more than one applicant (each additional applicant)	12.00	11.00
For each respondent	3.00	3.00
(d) (d) Appeals and motions for rehearing		
Each appellant or motioner	30.00	25.00
Each respondent	3.00	3.00

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1990 (S.I. 1990/475).

(4) 1955 c. 21 and 1961 c. 58.

(5) 1976 c. 21.

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Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable ⁽³⁾ £
(e) (e) Hearing and Inspection fee payable by applicant in rental applications. For each day or part thereof the Court sits or inspects..	40.00	40.00
(f) (f) Hearing and Inspection fee payable by applicant in all other applications. For each day or part thereof the Court sits or inspects	45.00	40.00
(g) (g) Additional fee	45.00	40.00
(i) 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		
(ii) Where the Principal Clerk of Court executes a conveyance following upon an Order of the Court under Section 5(2) of the Crofting Reform (Scotland) Act 1976 — payable by the applicant	40.00	—
(2) Sheep Stocks Valuation (Scotland) Act 1937 ⁽⁶⁾ , Hill Farming Act 1946 ⁽⁷⁾ ,		

⁽³⁾ This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1990 (S.I. 1990/475).

⁽⁶⁾ 1937 c. 34.

⁽⁷⁾ 1946 c. 73.

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Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable(3) £
Agriculture (Scotland) Act 1948(8), Agricultural Holdings (Scotland) Act 1949(9), Agriculture Act 1958(10), Agriculture (Miscellaneous Provisions) Act 1968(11), Agricultural Holdings (Amendment) (Scotland) Act 1983(12) and Agriculture Act 1986(13)		
(a) Valuation of sheep stocks		
Awards not exceeding £100	6.00	6.00
Awards exceeding £100:		
For the first £100 thereof	6.00	6.00
For every additional £100 or part thereof	3.00	3.00
Where application dismissed or withdrawn before valuation	60.00	60.00
(b) (b) Determination of questions under sections 5 and 39(1) (b) of the Hill Farming Act 1946		
Principal application	65.00	60.00
For each respondent	25.00	25.00
(c) (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

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1990 (S.I. 1990/475).

(8) 1948 c. 45.

(9) 1949 c. 75.

(10) 1958 c. 71.

(11) 1968 c. 34.

(12) 1983 c. 46.

(13) 1986 c. 49.

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Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable(3) £
Where application dismissed or withdrawal before rent fixed	60.00	60.00
(d) (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	60.00
(e) (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	60.00
(f) (f) Other Applications		
Principal application	65.00	60.00
When more than one applicant (each additional applicant)	30.00	30.00
For each repondent	25.00	25.00
(g) (g) Appeals and motions for rehearing		
Each appellant, or motioner for rehearing	35.00	30.00
(h) (h) Hearings		

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1990 (S.I. 1990/475).

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Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable(3) £
For every day the Court sits or part thereof — payable by the applicant	80.00	75.00
(i) (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	80.00	60.00
(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	1.00	0.80
For certifying such copy	6.00	5.00
(b) (b) Applications not otherwise specified		
Principal application	65.00	60.00
When more than one applicant (each additional applicant)	30.00	30.00
For each respondent	25.00	25.00
(c) (c) Hearings		
For every day the Court sits or part thereof — payable by the applicant.	80.00	75.00
(d) (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	80.00	60.00

(3) This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1990 (S.I. 1990/475).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 Matters	Column 2 Fee payable £	Column 3 Fee formerly payable ⁽³⁾ £
hearing — payable by the applicant		

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which replaces the Scottish Land Court (Fees) Order 1990, prescribes fees payable in respect of applications to the Scottish Land Court and, in certain cases, increases the fees which were payable under the 1990 Order. A new fee is introduced at paragraph (1)(g)(ii) of the Table of Fees.

⁽³⁾ This column shows the fees formerly payable under the Scottish Land Court (Fees) Order 1990 (S.I. [1990/475](#)).