POLICY NOTE

THE LANDS TRIBUNAL FOR SCOTLAND (MISCELLANEOUS AMENDMENTS) AMENDMENT RULES 2021

SSI 2021/386

The above instrument was made in exercise of the powers conferred by section 3(6) and (12)(e) of the Lands Tribunal Act 1949. The instrument is not subject to any procedure.

Summary Box

The purpose of the instrument is to amend The Lands Tribunal for Scotland (Miscellaneous Amendments) Rules 2020 to correct the numbering of the Lands Tribunal's fees table in relation to a new procedure introduced by the 2020 Rules, to take account of other amendments which have been inserted since the 2020 Rules were drafted.

Policy Objectives

The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 ('the Regulations') make provision for an associate to appeal against a decision by the Keeper in relation to security declarations (a provision in the Regulations to protect an individual's privacy in certain circumstances).

The Lands Tribunal for Scotland (Miscellaneous Amendments) Rules 2020 ('the 2020 Rules') were laid in the Scottish Parliament on 17 December 2020, and were not subject to any procedure. They amended the Lands Tribunal for Scotland Rules 1971 ('the 1971 Rules') to allow the Lands Tribunal to charge a fee to deal with appeals against a decision and adjusted the rules to allow the Tribunal to consider appeals in relation to security declarations in private. The amount of the fee is inserted into a new line in the Schedule. These changes will come into force on 1 April 2022, on the same day as the Regulations.

This instrument will correct the numbering of the Lands Tribunal's fees table in relation to the new procedure for appeals against a decision introduced by the 2020 Rules, to take account of other amendments which have been inserted since the 2020 Rules were drafted by way of the Lands Tribunal for Scotland Amendment (Fees) Rules 2020 (SSI 2020/22) and the Lands Tribunal for Scotland (Amendment) (Fees) (No. 2) Rules 2020 (SSI 2020/446). This will ensure that the provisions the 2020 Rules insert into the 1971 Rules are numbered consecutively. These changes will come into force the day before the Regulations and the 2020 Rules on 31 March 2022, to ensure the amendment bites on the 2020 Rules before they take effect.

Consultation

The Lands Tribunal was made aware of the intention to amend the numbering of the provisions made in the 2020 Rules, but as this instrument is only making a minor administrative amendment no further engagement or consultation was undertaken.

The Lands Tribunal were consulted during the development of the Regulations and the 2020 Rules Amendment.

Impact Assessments

No impact assessments were conducted as the instrument is only amending the numbering of the provisions in the 2020 Rules, and there is no impact on business, privacy, equality or other issues as a result of this amendment.

Financial Effects

No Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Agriculture and Rural Economy
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