



Land Reform (Scotland) Act 2003

2003 asp 2

PART 4

GENERAL AND SUPPLEMENTARY

98 General and supplementary provisions

- (1) In this Act—
- “Land Court” means the Scottish Land Court;
 - “Lands Tribunal” means the Lands Tribunal for Scotland;
 - “Ministers” means the Scottish Ministers;
 - “prescribed” means prescribed by regulations made by Ministers.
- (2) Any power of Ministers under this Act to make an order or regulations shall be exercisable by statutory instrument.
- (3) Any such power includes power to make—
- (a) such incidental, supplementary, consequential, saving or transitional provision as Ministers think necessary or expedient;
 - (b) different provision for different cases and for different classes of case.
- (4) Subject to subsection (5) below, a statutory instrument containing an order (other than an order made under section 100 below) or regulations made under this Act shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) A statutory instrument containing an order made under section 4, 8, ^{F1}...^[F235(4),] 36, 42, ^[F372(4), 78, 94 or 97E(4)] above ^{[F4}or regulations made under section 34(A1) (b), (4A) or (4B), 38(2B), 71(A1)(b), (4A) or (4B), 97C(4), (5) or (6), 97D(1)(b), (7) or (8), 97F(9), 97H(6) or 97N(1) or (3) above] shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.
- ^{[F5}(5A) In making a decision under section 38(1), 44(3), 51(1)(b), 73(2) or 97G(2), Ministers are to have regard to the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 subject to—

*Changes to legislation: There are currently no known outstanding effects for the
 Land Reform (Scotland) Act 2003, Section 98. (See end of Document for details)*

- (a) any amendments in force in relation to the United Kingdom for the time being, and
 - (b) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.]
- (6) Any requirement or other provision in this Act for or about the sending or making of any application, invitation, response, confirmation, notice or other document, or any copy of such a document, shall be taken to have been complied with if the document was posted by recorded delivery post or such other postal service as is referred to in paragraph 3 of Schedule 8 to the Postal Services Act 2000 (c. 26).
- (7) Subject to subsection (8) below, the effective date of any application, invitation, response, confirmation, notice or other such document sent by such post shall be—
- (a) the day after the date it was posted; or
 - (b) where any period in this Act is to be calculated from or with reference to the date of making or sending the application, invitation, response, confirmation, notice or document, that date.
- (8) Nothing in subsection (7) above affects the requirements in sections 37(9), 49(4)^{F6}, 52(3), 97G(7) and (9) and 97J(4)] above by which the responses there referred to are to be received by Ministers within a certain time.

Textual Amendments

- F1** Word in s. 98(5) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 5](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F2** Word in s. 98(5) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(a\)\(i\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F3** Words in s. 98(5) substituted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(a\)\(ii\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F4** Words in s. 98(5) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(a\)\(iii\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F5** S. 98(5A) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(b\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F6** Words in s. 98(8) substituted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(c\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 98.