

SCHEDULE 3 THE SCOTTISH COURT SERVICE

Power to use local authority premises

- 16 (1) The SCS may, where it considers it necessary for the purposes of carrying out its functions under section 61 or 62, require a local authority to—
- (a) let (or sub-let) premises controlled by the local authority to the SCS, or
 - (b) make such premises available for use for the purposes of the SCS.
- (2) A requirement under sub-paragraph (1)(a) is subject to agreement—
- (a) between the SCS and the local authority as to the rent payable under, and as to the other terms of, the lease (or sub-lease), and
 - (b) with any third party who has an interest in the premises.
- (3) Where a requirement is made under sub-paragraph (1)(b)—
- (a) the SCS is to reimburse the authority for any reasonable expenses incurred by the authority in respect of heating, lighting and cleaning in relation to the use of the premises for the purposes of the SCS, and
 - (b) the SCS is to allow the premises to continue to be used for any business normally conducted there, or for any business for which it may be used under a local enactment (whether a local Act or otherwise), without adversely affecting that business.
- (4) The SCS may allow any premises let, sub-let or used under sub-paragraph (1) to be used by other persons subject to—
- (a) such conditions as the SCS may impose, and
 - (b) sub-paragraph (3)(b).
- (5) Any dispute arising from the operation of this paragraph which the parties are unable to resolve is to be determined by an arbiter appointed—
- (a) by agreement of the parties, or
 - (b) in the absence of such agreement, by the Scottish Ministers on the application of a party.