
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 452

The Lands Tribunal for Scotland Rules 2003

PART V

GENERAL

Power to require further particulars and attendance of witnesses and to order recovery of documents

20.—(1) The Tribunal may on the motion of any party to the proceedings or ex proprio motu by notice in writing—

- (a) require a party to furnish in writing further particulars of that party's case;
- (b) order a record to be made up;
- (c) grant to a party such commission and diligence for the recovery of documents, or provide such other means of recovery thereof, as could be granted or provided by the Court of Session in a cause before it, such a recovery being effected, where a commission and diligence has been granted, by execution thereof or in that or any other case in any manner in which recovery could be provided for by the Court of Session in such a cause;
- (d) require the attendance of any person as a witness; and
- (e) require the production of any document relating to the question to be determined,

and may appoint the time at or within which or the place at which any act required in pursuance of this rule is to be done:

Provided that—

- (i) no person shall be required in obedience to such a requirement to attend at any place which is more than 10 miles from the place where that person resides unless the necessary expenses are paid or tendered to that person by the party at whose instance attendance has been required or by the Tribunal as the case may be; and
- (ii) nothing in this provision shall empower the Tribunal to require any person to produce any book or document or to answer any question which that person would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the proceedings were proceedings in a Court of Law.

(2) The Tribunal may also by notice in writing order any party who intends, at a proof or hearing—

- (a) to use or put in evidence any documents; or
- (b) to rely for valuation purposes on properties comparable to those to which the proceedings relate

to produce the documents, or, as the case may be, to supply, in such form as may be required by the Tribunal, a list of the properties, on such date before the proof or the hearing as the Tribunal may specify.

Status: This is the original version (as it was originally made).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

(3) Any notice given under paragraph (1)(c) or (d) or (2) shall contain a reference to the provisions of section 3(12)(c) of the Act of 1949⁽¹⁾, (by which any person who, without reasonable excuse, fails to comply with any such notice shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment).

⁽¹⁾ Section 3 was amended by section 50(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35).