Hope v Landward District Committee of the Parish Council of Inveresk

Procedural issues · https://scotways.com/ken/hope-v-landward-district-committee-of-the-parish-council-of-inveresk/

Case Report: (1906) 8 R 896

Facts: Hope asked for a determination by the court of an admitted right of way and put forward his understanding of it. He called the District Committee of the County Council and the County Council as defenders. When they declined to defend the action the Landward District Committee of the Parish Council sought leave to defend.

Decision: The duty to defend the action was given to the District Committee of the County Council and not the Landward Committee of the Parish Council, and whereas members of the public could defend the action, as had been established in Torrie v Duke of Athole, the Landward Committee could not.

Comment: This arose from the terms of the Act concerned. In the case of the Land Reform (Scotland) Act 2003 the Act refers to 'Local Authorities' and defines them as the National Park Authority in the case of National Park land and otherwise the relevant Council constituted under the Local Government (Scotland) Act 1994.

See also:

Melfort Pier Holidays Ltd v The Melfort Club and Others.
Home Drummond v Another (Petitioners).
Fife Council v Nisbet.
Hay v Earl of Morton's Trustees.