



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Rights of crofters and cottars to acquire their subjects

13 Authorisation by Land Court of acquisition of croft land.

- (1) The Land Court, on an application made to it under section 12(1) of this Act, may make an order—
- (a) authorising the crofter to acquire such croft land as may be specified in the order, subject to such terms and conditions as, failing agreement with the landlord, may be so specified, and requiring the landlord to convey the land to the crofter or his nominee in accordance with such terms and conditions; or
 - (b) refusing the application.

[^{F1}(1A) For the purposes of subsection (1)(a), only a member of the crofter's family may be the crofter's nominee.]

- (2) The Land Court shall not make an order in accordance with subsection (1)(a) above where it is satisfied by the landlord as to either or both of the following matters—
- (a) that, in all the circumstances pertaining to the landlord and having regard to the extent of land owned by him to which this Act applies, the making of such an order would cause a substantial degree of hardship to the landlord;
 - (b) that the making of such an order would be substantially detrimental to the interests of sound management of the estate of the landlord of which the croft land to which the application relates forms part.
- (3) The Land Court, in making an order in accordance with subsection (1)(a) above, may provide that the authorisation to acquire is conditional on the crofter granting a lease to the landlord of the shooting rights over or the fishing rights pertaining to the croft land and shall so provide where it is satisfied that if such a lease were not granted the interests of the landlord in the shooting or fishing rights of which the rights being acquired by the crofter form part would be materially affected; and any such lease shall be at such nominal annual rent, for such period of not less than 20 years and subject to such other terms and conditions as the Land Court may specify.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 13. (See end of Document for details)

- (4) The Land Court, in making an order in accordance with subsection (1)(a) above, may include the condition that the crofter shall grant a standard security in favour of the landlord to secure any sum which may become payable to him or his personal representative under section 14(3) of this Act in the event of disposal of the croft land or any part thereof.
- (5) Where the Land Court proposes to make an order authorising the crofter to acquire—
- (a) land comprising any part of a common grazing which had been apportioned under subsection (4) of section 52 of this Act; or
 - (b) land held runrig which has been apportioned under subsection (8) of that section,
- and it is satisfied that the apportionment has been made subject to conditions imposed by the Commission under subsection (6) or, as the case may be, subsection (8) of that section, it shall have regard to the conditions so imposed.
- [^{F2}(6) The Land Court, in making an order under subsection (1)(a) above, may determine that any of the expenses of the conveyance of the land and other expenses necessarily incurred by the landlord in relation to that conveyance shall be borne by the crofter.
- (7) Failing agreement between the landlord and the crofter as to the amount of such expenses, the auditor of the Land Court may, on the application of either of them—
- (a) determine that amount; and
 - (b) determine that the expenses of taxing those expenses are to be borne by them in such proportion as the auditor thinks fit.]

Textual Amendments

- F1** S. 13(1A) inserted (1.7.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 40, 57(2)** (with [s. 57\(4\)](#)); [S.S.I. 2010/437](#), **art. 3, sch.** (with [arts. 4, 5\(1\)](#))
- F2** S. 13(6)(7) added (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **s. 43(3), sch. 1 para. 2(5)** (with [ss. 40, 43\(2\)](#)); [S.S.I. 2007/269](#), **art. 2, sch.**

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