



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Provisions relating to Land Court*

#### **53 Jurisdictional provisions.**

- (1) Without prejudice to any jurisdiction exercisable by it under any enactment, the Land Court shall have power to determine, either on the application of any person having an interest or on a reference made to it by the Commission, any question of fact or law arising under this Act including, without prejudice to the said generality—
- (a) the question whether any holding is a croft;
  - (b) the question who is the tenant of any croft;
  - (c) any question as to the boundaries of a croft or of any pasture or grazing land a right in which forms part of a croft;
  - (d) the question whether any land is or forms part of a common pasture or grazing to which this Act applies:
  - [<sup>F1</sup>(e) the question—
    - (i) whether any of the grounds mentioned in subsection (2A) of section 50 of this Act as grounds for refusing consent applied for under subsection (1) of that section is made out; or
    - (ii) whether conditions subject to which any such consent is given are reasonable]

Provided that the Land Court shall not have power under this subsection to determine—

- (i) any question of a kind reserved by this Act to a court other than the Land Court;
- [<sup>F2</sup>(ia) any question that may be raised under section 14(1) of the 2010 Act (including a question that could have been raised under that section had an application been made before the end of the period mentioned in section 12(5) of that Act);]
- [<sup>F3</sup>(ii) (other than on a reference made to it by the Commission) any question arising by virtue of an application to the Commission under this Act; or

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*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 53. (See end of Document for details)*

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(iii) any other question (other than a question of law), if it is a question decided by the Scottish Ministers or the Commission in the discharge of any of their respective functions under this Act.]

(2) The Land Court shall cause intimation to be made to the Commission of its determination on any question coming before it under [<sup>F4</sup>subsection (1) above] .

[<sup>F5</sup>(3) The Court may, if it considers it appropriate in consequence of any determination under subsection (1), order the Keeper to rectify the Crofting Register.]

#### Textual Amendments

- F1** S. 53(1)(e) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 33(2)(a)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 53(1) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(33)(a)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- F3** Words in s. 53 substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 33(2)(b)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F4** Words in s. 53(2) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 33(2)(c)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F5** S. 53(3) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(33)(b)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 53.