



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Provisions relating to Land Court

[^{F1}52A Appeal to Land Court: general

- (1) An appeal shall lie to the Land Court, on one or more of the grounds mentioned in subsection (3) below, against—
 - (a) any decision, determination or direction of; or
 - (b) the imposition of a condition by,the Commission on an application made to them under this Act.
- (2) The appeal—
 - (a) is to be made^{F2}..., at the instance of the applicant or of any person with an interest in the application; and
 - (b) must be brought within 42 days after the Commission dispose of the application.
- (3) The grounds are that the Commission, in reaching their decision or as the case may be in determining as they did, in making their direction or in imposing the condition in question—
 - (a) erred on a point of law;
 - (b) made a finding as to a fact material to the decision, determination, direction or imposition but did not have sufficient evidence on which to base that finding;
 - (c) acted contrary to natural justice,
 - (d) took into account certain irrelevant or immaterial considerations;
 - (e) failed to take into account certain relevant or material considerations;
 - (f) exercised their discretion in an unreasonable manner.
- (4) In an appeal under subsection (1) above the Court may—
 - (a) confirm the decision, determination, direction or imposition;
 - (b) direct the Commission to come to a different decision, make a different determination or direction or impose a different (or no) condition; or
 - (c) remit the case to the Commission without so directing them.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 52A. (See end of Document for details)

[The Court may, if it considers it appropriate in consequence of any decision on an ^{F3}(4A) appeal under subsection (1), order the Keeper to rectify the Crofting Register.]

[The Commission may be a party to any appeal to the Land Court under this Act or ^{F4}(4B) in any proceedings on a question coming before that Court on an application under section 53(1) of this Act.]

^{F5}(5)

(6) Subsections (1), (2) and (4) above do not apply where an appeal lies under section ^{F6}... 25(8) or 38A of this Act.

^{F7}(7)]

Textual Amendments

- F1** S. 52A inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 33(1)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 52A(2)(a) repealed (1.2.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 50(1)(c)**, 57(2) (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with arts. 4, 5(3))
- F3** S. 52A(4A) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(32)(a)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- F4** S. 52A(4B) inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 50(2)**, 57(2) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F5** S. 52A(5) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(32)(b)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F6** Word in s. 52A(6) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(32)(c)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F7** S. 52A(7) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(32)(d)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

Modifications etc. (not altering text)

- C1** S. 52A applied (with modifications) (30.10.2012 for specified purposes, 30.11.2012 in so far as not already in force) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 32(10)**, 57(2) (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(a)(b)(2), sch. 1 Pts. 1, 2
- C2** S. 52A applied (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 7(6)**, 57(2) (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- C3** S. 52A applied (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 26(7)**, 57(2) (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- C4** S. 52A applied (with modifications) (31.7.2013) by Crofting (Amendment) (Scotland) Act 2013 (asp 10), **s. 4(1)(2)**, 6

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 52A.