



Scottish Land Court Act 1993

1993 CHAPTER 45

1 The Land Court.

- (1) The Scottish Land Court (“the Land Court”) established by section 3 of the ^{M1}Small Landholders (Scotland) Act 1911 shall continue in being.
- (2) The Land Court shall consist of such persons, being not more than seven, as Her Majesty, on the recommendation of the [^{F1}First Minister], may appoint; and one of those persons may be so appointed to be Chairman of the Court.
- ^{F2}[(2A) Before recommending the appointment of a person as Chairman, the First Minister shall consult the Lord President of the Court of Session.]
- (3) The Chairman shall be a person who at the date of his appointment is—
 - (a) an advocate of the Scottish Bar of not less than ten years’ standing; or
 - (b) without prejudice to paragraph (a) above, a sheriff principal or sheriff who has held office as such for a continuous period of not less than ten years; or
 - (c) a solicitor who, by virtue of section 25A (rights of audience) of the ^{M2}Solicitors (Scotland) Act 1980, has for a continuous period of not less than ten years had a right of audience in the Court of Session,and shall forthwith on his appointment have the same rank and tenure of office as if he had been appointed a judge of the Court of Session.
- (4) Subsection (3)(b) above shall not confer any eligibility for appointment as chairman on a temporary sheriff principal ^{F3} . . . appointed under section 11 [^{F4}or on a part-time sheriff appointed under section 11A (appointment of part-time sheriffs)] of the ^{M3}Sheriff Courts (Scotland) Act 1971 who is not otherwise eligible for such appointment.
- (5) One of the members of the Land Court shall be a person who can speak the Gaelic language.
- (6) Without prejudice to any jurisdiction conferred on it by any other enactment [^{F5}or by virtue of an Act of the Scottish Parliament], the Land Court shall have jurisdiction to hear and determine all matters, whether of law or fact, which arise under the ^{M4}Crofters (Scotland) Act [^{F6}1993 or] the Small Landholders (Scotland) Acts 1886 to

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1931^{F7}...^{M5F7}... and, subject to subsection (7) below, the decision of the Land Court in any^{F8}such] case shall be final.

(7) The Land Court may, if it thinks fit, and shall, on the request of any party, state a special case on any question of law arising in any proceedings pending before it under any enactment^{F9}, or under the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015^{F10}, or under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6),^{F11} or under Part 3 of the Land Reform (Scotland) Act 2003 (asp 2),] for the opinion of the Inner House of the Court of Session, which is hereby authorised finally to determine that question.

^{F12}(7A) Subsection (7) above does not apply in respect of proceedings in connection with any matter which may be determined by the Land Court by virtue of the Agricultural Holdings (Scotland) Act 1991 (c. 55) or the Agricultural Holdings (Scotland) Act 2003.]

(8) Schedule 1 to this Act shall have effect with respect to the Land Court.

Textual Amendments

- F1** Words in s. 1(2) substituted (1.7.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 29(a)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**.
- F2** S. 1(2A) inserted (1.7.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 29(b)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**.
- F3** Words in s. 1(4) repealed (9.8.2000) by 2000 asp 9, s. 12, **Sch. para. 6(a)**
- F4** Words in s. 1(4) inserted (9.8.2000) by 2000 asp 9, s. 12, **Sch. para. 6(b)**
- F5** Words in s. 1(6) substituted (25.6.2007) by virtue of Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **Sch. 1 para. 3** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, Sch.
- F6** Words in s. 1(6) substituted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 82(a)(ii), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with Sch.)
- F7** Words in s. 1(6) repealed (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 82(a)(iii), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with Sch.)
- F8** Word in s. 1(6) inserted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 82(a)(iv), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with Sch.)
- F9** Words in s. 1(7) inserted (12.11.2015) by The Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 (S.S.I. 2015/383), arts. 1, **13**
- F10** Words in s. 1(7) inserted (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **Sch. 7 para. 9** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F11** Words in s. 1(7) inserted (14.6.2004) by Land Reform (Scotland) Act 2003 (asp 2), **ss. 97(2), 100(3)** (with s. 100(2)); S.S.I. 2004/247, art. 2(a)
- F12** S. 1(7A) inserted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 82(b), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with Sch.)

Marginal Citations

- M1** 1911 c. 49.
- M2** 1980 c. 46.
- M3** 1971 c. 58.
- M4** 1993 c. 44.
- M5** 1991 c. 55.

2 Short title, repeals, commencement and extent.

(1) This Act may be cited as the Scottish Land Court Act 1993.

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- (2) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall come into force on the expiry of the period of 2 months beginning with the date on which it is passed.
- (4) This Act extends to Scotland only.

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