



# 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 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 Secretary of State, may appoint; and one of those persons may be so appointed to be Chairman of the Court.
- (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 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 or sheriff appointed under section 11 of the 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, the Land Court shall have jurisdiction to hear and determine all matters, whether of law or fact, which arise under the Crofters (Scotland) Act 1993, the Small Landholders (Scotland) Acts 1886 to 1931 or the Agricultural Holdings (Scotland) Act 1991 and, subject to subsection (7) below, the decision of the Land Court in any 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

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*Status: This is the original version (as it was originally enacted).*

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any enactment for the opinion of the Inner House of the Court of Session, which is hereby authorised finally to determine that question.

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

## **2 Short title, repeals, commencement and extent**

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

(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.