

# **CROFTING REFORM ETC. ACT 2007**

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## **EXPLANATORY NOTES**

### **BACKGROUND**

#### *The Act*

#### **Part 4: Common Grazings**

##### ***Section 29: Further amendment of section 52: apportionment***

127. **Section 29** amends section 52 of the 1993 Act. Section 29(2) amends the description in section 52(4) of a person who may apply for an apportionment to be a person who holds a right in a common grazing.
128. **Section 29(3)** inserts new subsections (10) to (15) into section 52. New subsection (10) allows the Commission to specify that an apportionment should be for a particular period and/or subject to review at fixed intervals. New section 52(11) allows the Commission to extend the original period and new section 52(12) allows it to vary the conditions attached to an apportionment if either the crofter or township asks for that to be done.
129. New section 52(13) provides that when a period of apportionment ends or the apportionment is terminated the land will revert to being a common grazing.
130. New section 52(14) provides that the Commission may reallocate grazing shares when land reverts to common grazing use, having regard to the rights held in the common before the original apportionment was granted.
131. New section 52(15) makes it clear these powers will not extend to land newly constituted as common grazing under new section 51A of the 1993 Act (inserted by section 27 of the Act) as that section provides that such land may only be used as agreed by the owner and those sharing in that new common grazing.