



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Common Grazings

47 Appointment, etc., of grazings committee or grazings constable.

- (1) The crofters who share in a common grazing may from time to time, at a public meeting [^{F1}of which public notification has been given] , appoint a grazings committee of such number as the meeting shall decide; and a person may be appointed to be a member of a grazings committee notwithstanding that he is not a crofter.
- ^{F2}(2)
- (3) If the crofters who share in a common grazing fail at any time to appoint a grazings committee, the Commission may, after making such inquiry, if any, as they may deem necessary, appoint a grazings committee, or may appoint a person to be grazings constable; and a committee or constable so appointed shall have the like powers and duties as a grazings committee appointed under subsection (1) above.
- (4) The term of office of the members of a grazings committee appointed under this section shall be 3 years, and at the expiry of that period a new grazings committee shall be appointed as aforesaid. A retiring member of a committee shall be eligible for re- election.
- (5) A majority of the members of a grazings committee shall be a quorum; and any vacancy occurring in the membership of a grazings committee by reason of the death or resignation of a member shall be filled by nomination of the remaining members.
- (6) A grazings committee appointed under subsection (1) above, or in the case of a grazings committee appointed under subsection (3) above the Commission, shall appoint some person, whether a member of the committee or not, to be the clerk of the committee.
- ^{F3}(6A) A person so appointed (or appointed under subsection (8) below to be the clerk of the committee) is in this Act referred to as the “grazings clerk”.]
- (7) The term of office of a grazings constable appointed by the Commission under subsection (3) above shall be such as may be specified in the instrument by which

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 47. (See end of Document for details)

he is appointed, and he shall receive such annual remuneration as the Commission may determine; and such remuneration shall be defrayed by an assessment levied in such manner as the Commission may deem reasonable on the crofters who share in the common grazing.

- (8) If the Commission are satisfied, after making such inquiry, if any, as they may deem necessary, that any or all of the members ^{F4}... of a grazings committee (however appointed under this section) are not properly carrying out the duties imposed on them [^{F5}(or that the grazings clerk is not properly carrying out the duties imposed on him)] under this Act, the Commission may remove from office any or all such members or such clerk and may appoint or provide for the appointment of other persons (whether crofters or not) in their or his place.
- (9) A grazings committee shall pay such annual remuneration to the [^{F6}grazings clerk] as they may determine; and they may recover from the crofters sharing in the common [^{F7}grazing] all expenditure incurred by them in paying such remuneration.
- (10) For the purposes of the application of this Act to common grazings, any reference therein to a crofter shall include a reference to any person who, not being a crofter, is entitled to share in a common grazing along with crofters.

Textual Amendments

- F1** Words in s. 47(1) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), **sch. 1 para. 2(14)(a)** (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F2** S. 47(2) repealed (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), **sch. 1 para. 2(14)(b)** (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F3** S. 47(6A) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), **sch. 1 para. 2(14)(c)** (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F4** Words in s. 47(8) repealed (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), **sch. 1 para. 2(14)(d)(i)** (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F5** Words in s. 47(8) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), **sch. 1 para. 2(14)(d)(ii)** (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F6** Words in s. 47(9) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), **sch. 1 para. 2(14)(e)(i)** (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F7** Word in s. 47(9) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), **sch. 1 para. 2(14)(e)(ii)** (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 47.