



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Common Grazings

49 Common grazings regulations.

- (1) Every grazings committee shall, within 6 months after being required by the Commission so to do, make and submit to the Commission common grazings regulations.
- (2) Without prejudice to the generality of the power conferred on a grazings committee by section 48(1)(c) of this Act, common grazings regulations shall make provision with respect to the following matters—
 - (a) the recovery by the grazings committee from the crofters sharing in the common [^{F1}grazing] of all expenses incurred by the committee in maintaining the common [^{F1}grazing] and in providing, maintaining or replacing any fixed equipment required in connection [^{F2}with such maintenance or with the implementation of any proposal approved under section 50B(11) of this Act] ;
 - (b) the recovery by the grazings committee from such crofters of all expenses incurred by the committee in the performance of the duties imposed on them by subsection (1)(b) [^{F3}or (bb)] , and the exercise of their powers under subsection (4), of section 48 of this Act according to the proposed allocation of expenditure referred to in subsection (2) of that section or, as the case may be, that allocation as approved or modified by the Commission under that subsection;
 - (c) the levying by the grazings committee on, and the recovery by them from, the crofters referred to in paragraph (a) above or, as the case may be, such of the crofters referred to in paragraph (b) above as are liable to pay any expenses as mentioned in that paragraph, in such proportions as may be specified in the regulations, such sums as will in the opinion of the committee be necessary to enable the committee to meet any expenses which they may incur in the performance of the duties imposed on them by paragraphs (a) [^{F4}to (bb)] of section 48(1) of this Act;
 - (d) the number and the kind of stock which each crofter is entitled to put on the common [^{F5}grazing] ;

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 49. (See end of Document for details)

- (e) the alteration of individual soumings where works for the improvement of the common [^{F6}grazing] or the fixed equipment required in connection therewith have been carried out and all the crofters have not contributed to the expenses incurred in carrying out such works;
 - (f) where appropriate, the cutting of peats and the collection of seaweed;
 - (g) subject to the provisions of this Act, the summoning of meetings of the grazings committee and the procedure and conduct of business at such meetings.
- (3) Common grazings regulations may—
- (a) restrict the use of any part of the common [^{F7}grazing] on which works of improvement have been carried out to crofters who contribute towards the expenses incurred by the common grazings committee in carrying out those works;
 - (b) where the use of any part of the common [^{F8}grazing] is restricted as aforesaid, regulate the number and kinds of stock which each contributing crofter may put on that part and the number and kinds of stock which each crofter (whether or not he is a contributing crofter) may put on the remainder of the common [^{F8}grazing] .
- (4) Common grazings regulations made by a grazings committee shall be of no effect unless confirmed by the Commission. The Commission may confirm with or without modification or refuse to confirm any common grazings regulations submitted to them for confirmation, and may fix the date on which the regulations are to come into operation; and if no date is so fixed, the regulations shall come into operation at the expiration of one month from the date of their confirmation.
- (5) If a grazings committee fail within the time limited by subsection (1) above to make and submit to the Commission common grazings regulations or to make and submit to the Commission common grazings regulations which in the opinion of the Commission are sufficient and satisfactory, the Commission may themselves make such common grazings regulations, which shall have the like force and effect as if they had been made by the grazings committee and confirmed by the Commission.
- (6) A grazings committee may from time to time, and, if so required by the Commission, shall within the time limited by such requirement, make further regulations amending the common grazings regulations for the time being in force, and subsections (4) and (5) above shall apply to any such amending regulations subject to any necessary modifications.
- (7) Before confirming, making or amending regulations in accordance with the foregoing provisions of this section, the Commission shall consult the [^{F9}owner] of the common [^{F10}grazing] to which the regulations relate; and the Commission shall send a copy of any regulations so confirmed, made or amended to the [^{F9}owner] and to the grazings committee.
- (8) Common grazings regulations for the time being in force under this section shall have effect notwithstanding anything contrary thereto or inconsistent therewith contained in any lease or other agreement, whether entered into before or after the coming into force of such regulations.
- [^{F11}(9) Nothing contained in a scheme a copy of which has been entered, under section 19A of this Act, in the Register of Crofts is, for the purposes of subsection (8) above, an agreement.]

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Textual Amendments

- F1** Word in s. 49(2)(a) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(a)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 49(2)(a) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(a)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F3** Words in s. 49(2)(b) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(a)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F4** Words in s. 49(2)(c) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(a)(iii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F5** Word in s. 49(2)(d) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(a)(iv)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F6** Word in s. 49(2)(e) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(a)(iv)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F7** Word in s. 49(3)(a) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(b)(i)** (with ss. 40, 43(2)); sch.S.S.I. 2007/269, art. 2,
- F8** Words in s. 49(3)(b) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(b)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F9** Word in s. 49(7) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(c)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F10** Word in s. 49(7) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(16)(c)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F11** S. 49(9) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 30(2)**, 43(3) (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 49.