



# Crofters (Scotland) Act 1955

## 1955 CHAPTER 21

### *Common Grazings*

#### **24 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 called in accordance with the next following subsection, appoint a grazings committee of such number as the meeting shall decide.
- (2) Notice of a meeting for the appointment of a grazings committee may be given by any two crofters interested in the common grazing and shall be given by notice published in each of two successive weeks in one or more newspapers circulating in the district in which the township is situate or by notice posted for two successive weeks on or near the door of every place of worship and every public school in that district.  

Any dispute arising as to the sufficiency of any notice given under this subsection shall be determined by the Commission.
- (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) of this section.
- (4) The term of office of the members of a grazings committee appointed under this section shall be three 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) of this section, or in the case of a grazings committee appointed under subsection (3) thereof the Commission, shall appoint some person, whether a member of the committee or not, to be the clerk of the committee.

- (7) The term of office of a grazings constable appointed by the Commission under subsection (3) of this section shall be such as may be specified in the instrument by which 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 or the clerk of a grazings committee (however appointed under this section) are not properly carrying out the duties imposed on them 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.

## **25 Powers and duties of grazings committees**

- (1) It shall be the duty of a grazings committee—
- (a) to maintain the common grazings and the fixed equipment required in connection therewith ;
  - (b) to carry out works for the improvement of such grazings and equipment;
  - (c) to make and administer, with a view to their due observance, regulations (in this Act referred to as " common grazings regulations ") with respect to the management and use of the common grazings:

Provided that the committee shall not, in the performance of the duty imposed on them by paragraph (b) of this subsection, carry out any works otherwise than with the consent of a majority of the crofters ordinarily resident in the township and with the approval of the Commission.

- (2) A person appointed by the Commission shall have power to summon and to attend any meeting of a grazings committee for the purpose of advising them and otherwise assisting them in the performance of their duties.

## **26 Common grazings regulations**

- (1) Every grazings committee shall, as soon as may be after the commencement of this Act, and in any event within six months after being required by the Commission so to do, make and submit to the Commission new common grazings regulations.
- (2) Without prejudice to the generality of the power conferred on a grazings committee by paragraph (c) of subsection (1) of the last foregoing section, 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 grazings of all expenses incurred by the committee in maintaining the common grazings and in maintaining or replacing any fixed equipment required in connection therewith;
  - (b) the recovery by the grazings committee from the crofters consenting to the carrying out of works for the improvement of the common grazings or the fixed equipment required in connection therewith of the expenses incurred by the grazings committee in carrying out such works ;
  - (c) the number and the kind of stock which each crofter is entitled to put on the common grazings ;

- (d) the alteration of individual soumings where works for the improvement of the common grazings 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;
  - (e) where appropriate, the cutting of peats and the collection of seaweed ;
  - (f) 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 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.
- (4) If a grazings committee fail within the time limited by subsection (1) of this section 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.
- (5) 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 the provisions of the last two foregoing subsections shall apply to any such amending regulations subject to any necessary modifications.
- (6) Before confirming, making or amending regulations in accordance with the foregoing provisions of this section, the Commission shall consult the landlord of the common grazings to which the regulations relate; and the Commission shall send a copy of any regulations so confirmed, made or amended to the landlord and to the grazings committee.
- (7) 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.

**27 Miscellaneous provisions as to common grazings, as to lands held runrig, and as to use by crofters of peat bogs, etc.**

- (1) Any person who contravenes or fails to comply with any common grazings regulations for the time being in force under the last foregoing section of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding forty shillings, and in the case of a continuing offence to a further fine not exceeding five shillings for each day on which the offence is continued after the grazings committee or the Commission have served notice on him warning him of the offence.
- (2) Where it is prescribed by the common grazings regulations applicable to the common grazings of a township that the right of a crofter to share in such grazings shall be conditional on his making his croft available during the winter season for the accommodation of any stock belonging to other persons sharing in such grazings, any

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

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crofter may apply to the grazings committee for their consent to the exclusion of such stock from his croft or from part thereof, and if he is dissatisfied with the decision of the committee on such application he may appeal therefrom to the Commission.

Any consent given under this subsection by a grazings committee or, on appeal, by the Commission may be given subject to such conditions, if any, as the committee or the Commission, as the case may be, may think proper.

- (3) The Commission may, on the application of any crofters interested, after consultation with the grazings committee, apportion a common grazing shared by two or more townships into separate parts for the exclusive use of the several townships.
- (4) The Commission may, on the application of any crofter interested, after consultation with the grazings committee, apportion a part of a common grazing for the exclusive use of the crofter so applying.
- (5) Notwithstanding anything in the Ground Game Act, 1880, it shall be lawful for the crofters interested in a common grazing or in a part of a common grazing apportioned under subsection (3) of this section—
  - (a) to appoint not more than two of their number; and
  - (b) to authorise in writing one person bona fide employed by them for reward, to kill and take ground game on the common grazing or the part thereof, as the case may be; and for the purposes of the said Act of 1880 any person appointed as aforesaid shall be deemed to be the occupier of the common grazing or the part thereof, but shall not have the right to authorise any other person to kill and take ground game, and any person authorised as aforesaid shall be deemed to have been authorised, by the occupier of the common grazing or the part thereof to kill and take ground game with firearms or otherwise.
- (6) Any person who, not being a crofter, shares or is entitled to share in a common grazing along with crofters shall for the purposes of the provisions of this Act relating to common grazings be deemed to be a crofter.
- (7) The Commission may, on the application of any landlord or crofter interested, apportion lands held runrig among the holders thereof in such manner as appears to the Commission in the circumstances of the case to be just and expedient.
- (8) The Commission may draw up a scheme regulating the use by crofters on the same estate of peat bogs, or of seaweed for the reasonable purposes of their crofts, or of heather or grass used for thatching purposes, and the charge for the use of all or any of these may be included in the rents fixed for the crofts.