



# Crofting Reform etc. Act 2007

2007 asp 7

## PART 4

### COMMON GRAZINGS

#### 27 New common grazing

After section 51 of the 1993 Act, there is inserted—

##### “51A New common grazing

- (1) The Commission shall have power, on the application of the owner of any eligible land, to constitute the land as a common grazing by entering it as such, in accordance with section 41 of this Act, in the Register of Crofts; but no such entry shall be made until the period mentioned in section 52A(2) of this Act has elapsed without any appeal to the Land Court being made or until any such appeal timeously made is decided or abandoned.
- (2) The Commission shall, on receipt of any such application, give public notification of it; and such notification shall specify a period within which comments as regards the application, being comments of the description given in subsection (10) below, may be made.
- (3) After the period mentioned in subsection (2) above has elapsed the Commission—
  - (a) shall determine whether to exercise their power under subsection (1) above; and
  - (b) shall give public notification of that determination.
- (4) In so determining the Commission shall have regard to—
  - (a) such written comments, if any, as are duly made by virtue of subsection (2) above;
  - (b) the public interest and the interests of the crofting community in the locality of the land; and
  - (c) whether social or economic benefits might be expected as a consequence of constituting the land as a common grazing.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Land is eligible land for the purposes of subsection (1) above only if it is—
- (a) neither tenanted nor occupied by a cottar;
  - (b) situated in the crofting counties but not constituted as a croft; and
  - (c) not adjacent or contiguous to a croft.
- (6) The owner and the persons who are to share in the common grazing shall agree in writing what the use of the common grazing is to be; and subject to subsection (8) below that agreement shall bind –
- (a) the owner and those persons; and
  - (b) the successors of the owner and of those persons;
- and a copy of the agreement shall be lodged with the Commission.
- (7) The use mentioned in subsection (6) above may be for (any or all)—
- (a) grazings;
  - (b) a purpose mentioned in section 52(9) of this Act;
  - (c) woodlands;
  - (d) a purpose other than is mentioned in paragraphs (a) to (c) above,
- and in the agreement different provision may be made for different parts of the common grazing.
- (8) The persons who for the time being are the owner and the persons sharing in the common grazing may by written agreement lodged with the Commission under this subsection amend the agreement lodged under subsection (6) above (or as the case may be that agreement as last amended under this subsection).
- (9) Section 6 of this Act applies in relation to land constituted as a common grazing under this section as it applies in relation to a croft.
- (10) The description is that the comments are made in writing or in another form which, by reason of its having some permanency, is capable of being used for subsequent reference (as, for example, a recording made on audio or video tape).
- (11) For the purposes of subsection (10) above (and without prejudice to the generality of that subsection), comments are to be treated as made in writing where they are—
- (a) transmitted by electronic means;
  - (b) received in legible form; and
  - (c) capable of being used for subsequent reference.”.