



# Crofting Reform etc. Act 2007

2007 asp 7

## PART 4

### COMMON GRAZINGS

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

- (1) Section 52 of the 1993 Act is amended as follows.
- (2) In subsection (4), for the words “interested, after consultation with the grazings committee, apportion a part of a” there is substituted “who holds a right in a common grazing, and after consultation with the grazings committee, apportion a part of the”.
- (3) At the end there is added—
  - “(10) Without prejudice to the generality of subsections (3), (4) and (8) above, the Commission may under any of those subsections (either or both)—
    - (a) apportion a part for a period;
    - (b) determine that an apportionment shall be subject to review at fixed intervals,which they shall specify.
  - (11) The Commission may extend any such period as is mentioned in subsection (10)(a) above on the application of the township which, or as the case may be the crofter who, has exclusive use.
  - (12) Without prejudice to subsection (10)(b) above, the Commission may, on the application of that township or crofter or of the grazings committee or owner—
    - (a) review an apportionment made in pursuance of subsection (3) or (4) above;
    - (b) (whether or not on such review)—
      - (i) vary or revoke any condition imposed under subsection (6) above;
      - (ii) impose a new condition under that subsection;
      - (iii) bring an apportionment made as mentioned in paragraph (a) above to an end.

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*Status: This is the original version (as it was originally enacted).*

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- (13) Where—
- (a) a period of apportionment fixed under subsection (10)(a) above (or so fixed and extended under subsection (11) above) comes to an end; or
  - (b) it is determined on review under subsection (10)(b) above, or is determined under subsection (12)(b)(iii) above, that an apportionment is to come to an end,
- the land in question reverts to being a common grazing.
- (14) Where land reverts under subsection (13) above, the Commission may, having regard to the rights held in the common grazing immediately before the apportionment in question, make such determination as they consider equitable as to shares in the common grazing.
- (15) Subsections (10) to (14) above do not apply as respects land constituted as common grazing under section 51A of this Act.”.