



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Common Grazings*

#### **[<sup>F1</sup>50B Use of common grazing for other purposes**

- (1) A crofter who holds a right in a common grazing may propose to the grazings committee (or, if there is no grazings committee, to the grazings constable) that a part of the common grazing be used other than for—
  - (a) grazings or a purpose mentioned in section 52(9) of this Act; or
  - (b) woodlands.
- (2) The use proposed must not be such as would be detrimental to—
  - (a) the use being made, as at the time of application, of the other parts of the common grazing; or
  - (b) the interests of the owner.
- (3) On receipt of a proposal made under subsection (1) above the grazings committee (or as the case may be the grazings constable) shall, for the purpose of there being a discussion and vote on the proposal, summon a meeting of the crofters who share in the common grazing.
- (4) Regulations under section 49(2)(g) of this Act shall, in relation to any meeting so summoned, provide that—
  - (a) the time, place and purpose of the meeting (including the proposal in question) should be—
    - (i) set out in a notice sent by registered post to each of those crofters and to the owner; and
    - (ii) intimated by public notification, at least 28 days before the meeting; and
  - (b) the grazings committee (or grazings constable) shall, in sending such notice to the owner—
    - (i) invite him to give his views as to the proposal; and

---

*Status: Point in time view as at 25/06/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 50B. (See end of Document for details)*

---

- (ii) afford him the opportunity to discuss it, at such reasonable time before the meeting as is convenient to him, with a member of the committee (or with the grazings constable);
  - (c) at the meeting any views so given (or disclosed in discussion) shall be made known to the crofters attending;
  - (d) subject to subsection (5) below, the vote on the proposal shall be by simple majority of the votes cast by the crofters attending (a crofter being entitled to a single vote for each share in the common grazing which he holds);
  - (e) the result of the vote shall be declared at the meeting; and
  - (f) the owner shall be advised by the grazings committee (or grazings constable), by written notice given within two weeks after the meeting takes place, of its outcome (that is to say, of whether the proposal has been accepted or rejected, of the number of crofters present, of the numbers of votes, including votes by proxy or by post, respectively for and against and of the number of crofters attending but abstaining) and, if the vote is in favour of the proposal, of what subsection (6) of this section requires to be done.
- (5) A crofter who is unable to attend the meeting so summoned but who has notified the grazings committee (or grazings constable) of that circumstance may vote by proxy or by post (provided that any vote posted shall be valid only if received by the committee before the meeting).
- (6) If the vote is in favour of the proposal the committee (or grazings constable) shall, in such manner as the Commission may require, apply to the Commission seeking their approval for its implementation.
- (7) On receipt of an application under subsection (6) above the Commission shall—
  - (a) consult, as regards the proposal, the owner and any other person who appears to the Commission to have an interest; and
  - (b) give public notification—
    - (i) that the proposal has been made;
    - (ii) that they are considering whether to approve it; and
    - (iii) inviting written comments within such period as shall be specified in the notification.
- (8) Within 28 days after public notification is given under subsection (7)(b) above—
  - (a) the owner;
  - (b) any crofter who shares in the grazing; or
  - (c) any member of the crofting community in the locality of the grazing,
 may submit to the Commission an objection as regards the application, being an objection of the description given in section 58A(16) of this Act.
- (9) The 28 days mentioned in subsection (8) above include the day on which the notification in question is given.
- (10) If the Commission think fit, they may hear evidence as regards the proposal.
- (11) The period specified under subsection (7)(b)(iii) above and the period of 28 days mentioned in subsection (8) above both having expired, the Commission may approve or reject the implementation of the proposal and if they give their approval they may, if they think fit, impose conditions as respects that implementation; and they may, if requested by the grazings committee or the owner to review that implementation, decide to carry out such a review, and may by virtue of that decision (if they think fit)—

*Status: Point in time view as at 25/06/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 50B. (See end of Document for details)*

- (a) either or both—
    - (i) vary or withdraw any such conditions,
    - (ii) impose further conditions, or
  - (b) revoke the approval.
- (12) Where the Commission give approval they are, if—
- (a) the owner so requests; and
  - (b) they are satisfied that the circumstances are as mentioned in subsection (13) below,
- to impose under subsection (11) above a condition that the land is to be enclosed by means of a deer-proof barrier (as defined by section 45(1) of the Deer (Scotland) Act 1996 (c. 58)).
- (13) The circumstances are that—
- (a) implementation of the proposal is likely to result in the land to which the proposal relates becoming more attractive to deer; and
  - (b) there are sufficient reasons for imposing the condition, being reasons relating to—
    - (i) deer management; or
    - (ii) the protection or enhancement of the environment.
- (14) Within two weeks after coming to a decision as respects implementation of the proposal, the Commission shall advise—
- (a) the proposer;
  - (b) the grazings committee (or grazings constable);
  - (c) the owner; and
  - (d) every person who submitted written comments by virtue of subsection (7) or an objection under subsection (8), or gave evidence by virtue of subsection (10), above,
- as to the decision and as to any conditions imposed under subsection (11) above.
- (15) Where the decision is to approve implementation but subsequently the Commission vary or withdraw conditions, impose further conditions or revoke the approval they shall, within two weeks after doing so, advise the persons mentioned in paragraphs (a) to (d) of subsection (14) above accordingly.]

#### Textual Amendments

- F1** S. 50A, 50B inserted (25.6.2007 for the insertion of s. 50A, 28.1.2008 in force in so far as not already in force) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 26(2), 43(3)** (with **ss. 40, 43(2)**); [S.S.I. 2007/269](#), art. 2, sch.; [S.S.I. 2007/568](#), art. 2

**Status:**

Point in time view as at 25/06/2007. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 50B.