



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Common Grazings*

#### **[F150B 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

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

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- (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<sup>F2</sup>... apply to the Commission seeking their approval for its implementation.
- <sup>F3</sup>(7) .....
- <sup>F3</sup>(8) .....
- <sup>F3</sup>(9) .....
- <sup>F3</sup>(10) .....
- <sup>F3</sup>(11) .....
- <sup>F3</sup>(12) .....
- <sup>F3</sup>(13) .....
- <sup>F3</sup>(14) .....
- <sup>F3</sup>(15)] .....

#### 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**
- F2** Words in s. 50B(6) repealed (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), **sch. 4 para. 3(30)(a)** (with s. 57(4)); **S.S.I. 2011/334**, **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F3** Ss. 50B(7)-(15) repealed (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), **sch. 4 para. 3(30)(b)** (with s. 57(4)); **S.S.I. 2011/334**, **art. 3**, **sch. Pt. 1** (with **art. 4**)

**Changes to legislation:**

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