

# **CROFTING REFORM ETC. ACT 2007**

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## **EXPLANATORY NOTES**

### **BACKGROUND**

#### *The Act*

#### **Part 4: Common Grazings**

##### *Section 27: New common grazing*

120. This provision inserts a new section 51A into the 1993 Act to provide for the creation of a new common grazing by a land owner. New section 51A(1) empowers the Commission acting on an application from the owner of the land to record eligible land as a common grazing in the Register of Crofts. Such change cannot be recorded until any appeal against such change has been decided. New sections 51A(2) to (4) detail how the Commission should go about considering and determining an application.
121. New section 51A(5) defines what constitutes eligible land for the purposes of this section. New section 51A(5)(c) excepts land adjacent to a croft (because such land can be turned into common grazing land under existing provisions of the 1993 Act).
122. New sections 51A(6) to (8) provide that where a new common grazing is created the parties must agree in writing how the land is to be used, that this agreement is binding on the parties and their successors, that it may only be amended by agreement (see new section 51A(8)) and that a copy of the agreement will be held by the Commission. Subsection (7) also outlines the purposes for which the common grazing is to be used. It should be noted that since the parties would remain bound by the agreement the procedure for enabling the use of parts of the common grazing for other purposes and for crofter forestry, insofar as they allow for an owner's refusal of consent to be overridden, will not be relevant to a new grazing.
123. New section 51A(9) applies section 6 of the 1993 Act with the effect that the land will be treated as a croft for rent purposes. New sections 51A(10) and (11) specify ways in which valid comments may be submitted.