



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Common Grazings

48 Powers and duties of grazings committees.

- (1) It shall be the duty of a grazings committee—
- (a) to maintain the common [^{F1}grazing] and to provide, maintain and, if necessary, replace the fixed equipment required in connection [^{F2}with such maintenance and with the implementation of any proposal approved under section 50B(11) of this Act] ;
 - (b) to carry out works for the improvement of such grazings and equipment;
 - [^{F3}(bb) to carry out works in implementation of any such proposal as is mentioned in paragraph (a) above;]
 - (c) to make and administer, with a view to their due observance, regulations (in this Act referred to as “common grazings regulations”) with respect to the management and use of the common [^{F4}grazing] :

Provided that nothing in paragraph (a) or (b) above shall preclude a grazings committee from performing the duties therein specified on land other than the common [^{F5}grazing] .

- (2) The grazings committee shall give notice to each crofter sharing in the common [^{F6}grazing] of any proposals to carry out works in pursuance of the duty imposed by subsection (1)(b) [^{F7}or (bb)] above, or to plant trees under subsection (4) below, and the proposed allocation of the expenditure to be incurred in respect of those works or, as the case may be, that planting among such crofters; and any such crofter may within one month of the date of such notice make representations in respect of the proposals or the proposed allocation to the Commission who may approve the proposals or proposed allocation with or without modifications or reject them.
- (3) Notwithstanding section 29(2) [^{F8}or 29A(9)] of this Act, subsection (2) above shall have effect in a case where such a right is sublet [^{F9}or, as the case may be, let] as if any reference to a crofter included a reference to a crofter in whose place a subtenant [^{F10}or tenant] has come; but no liability to meet expenditure incurred by a grazings committee in the performance of the duties imposed on them by subsection (1)(b)

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above shall be imposed on such a crofter in respect of any period during which such a subtenancy [^{F11}or tenancy] subsists.

- (4) Subject to section 50 of this Act and to subsections (5) and (6) below, where the grazings committee have obtained the approval and consent referred to in subsection (1) of that section they may plant trees on, and use as woodlands, any part of the common grazing in accordance with the approval and consent.
- [^{F12}(4A) Where the grazings committee have obtained the approval referred to in subsection (6) of section 50B of this Act, they may, subject to any conditions imposed under subsection (11) of that section and for the time being in force (and to the approval not having been revoked), use any part of the common grazing in accordance with the proposal.]
- (5) Where any crofter [^{F13}who holds a right] in the common grazing requests them to do so, the grazings committee shall exercise their power under subsection (4) above.
- (6) The power of the grazings committee under subsection (4) above shall not be exercised in such a way that the whole of the common grazing is planted with trees and used as woodlands.
- [^{F14}(6A) The powers of the grazings committee include the power to raise money (whether by borrowing or otherwise) for the purpose of implementing any proposal approved under section 50B(11) of this Act; but on any occasion they shall only exercise that power if a majority of the grazings committee vote to do so.]
- (7) A person appointed by the Commission shall have power to summon and to attend any meeting of a grazings committee for the purpose of advising them and otherwise assisting them in the performance of their duties.

Textual Amendments

- F1** Word in s. 48(1)(a) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(15\)\(a\)\(i\)](#) (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 48(1)(a) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(15\)\(a\)\(i\)](#) (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F3** S. 48(1)(bb) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(15\)\(a\)\(ii\)](#) (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F4** Word in s. 48(1)(c) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(15\)\(a\)\(iii\)](#) (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F5** Word in s. 48(1)(c) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(15\)\(a\)\(iv\)](#) (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F6** Word in s. 48(2) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(15\)\(b\)\(i\)](#) (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F7** Words in s. 48(2) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(15\)\(b\)\(ii\)](#) (with [ss. 40, 43\(2\)](#)); S.S.I. 2007/269, art. 2, sch.
- F8** Word in s. 48(3) inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), [sch. 4 para. 3\(29\)\(a\)](#) (with [s. 57\(4\)](#)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F9** Words in s. 48(3) inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), [sch. 4 para. 3\(29\)\(b\)](#) (with [s. 57\(4\)](#)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F10** Words in s. 48(3) inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), [sch. 4 para. 3\(29\)\(c\)](#) (with [s. 57\(4\)](#)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F11** Words in s. 48(3) inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), [sch. 4 para. 3\(29\)\(d\)](#) (with [s. 57\(4\)](#)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

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- F12** S. 48(4A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(15)(c)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F13** Words in s. 48(5) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(15)(d)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F14** S. 48(6A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(15)(e)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

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