



Crofting Reform etc. Act 2007

2007 asp 7

PART 4

COMMON GRAZINGS

28 Contravention of, or failure to comply with, common grazings regulations

In section 52 of the 1993 Act (miscellaneous provisions as to common grazings etc.), for subsection (1) there is substituted—

- “(1) Where it is averred by the grazings committee or the owner that a person has contravened, or failed to comply with, any common grazings regulations for the time being in force under section 49 of this Act, the committee or as the case may be the owner may apply to the Commission for a determination in the matter.
- (1A) On receipt of an application made under subsection (1) above the Commission—
- (a) shall serve notice on the person of the averment; and
 - (b) shall send a copy of that notice to the grazings committee and to the owner.
- (1B) The person, the committee and the owner shall all be afforded the opportunity to make representations as regards the averment and if the Commission think fit the Commission may hear evidence in the matter.
- (1C) If the Commission determine that the averred contravention or failure has occurred they may require the person—
- (a) to conform with the regulation in question, and
 - (b) to make good, within such reasonable period as they shall specify, any damage which has directly resulted from the occurrence.
- (1D) Where—
- (a) a requirement imposed under subsection (1C) above is not complied with (and subsection (1E) below does not apply), the Commission—

Status: This is the original version (as it was originally enacted).

- (i) may determine that all or part of the person's share in the common grazing is suspended for such period as they shall specify; and
 - (ii) if the non-compliance consists in a failure to make good damage within the period specified under subsection (1C)(b) above, may require it be made good within such further period as they may specify,
 - (b) all requirements imposed under subsection (1C)(a) above and any requirement imposed under sub-paragraph (ii) of paragraph (a) above (whether or not as that sub-paragraph applies by virtue of subsection (1E)(a) below) are complied with, the Commission may end a suspension imposed under sub-paragraph (i) of that paragraph.
- (1E) Where, while all or part of the person's share in the common grazing is suspended by virtue of subsection (1D)(a)(i) above, a requirement imposed under subsection (1C)(a) above is not complied with as regards so much of the share as is not suspended, or as the case may be a requirement imposed under subsection (1D)(a)(ii) above is not complied with, the Commission—
 - (a) may (but on one occasion only) extend either or both periods mentioned in subsection (1D)(a) above; or
 - (b) may—
 - (i) determine that all or part of the person's share is terminated; and
 - (ii) apportion the share or part to other persons sharing in the common grazing.
- (1F) Reference in this section to a share in the common grazing includes reference to any rights and privileges pertaining to that share.”.