



# Crofting Reform (Scotland) Act 2010

## 2010 asp 14

### PART 2

#### THE CROFTING REGISTER

##### *Registration of common grazings*

#### **26 Applications for registration: common grazings**

- (1) An application for—
  - (a) first registration of a new common grazing; or
  - (b) registration of an event affecting a registered common grazing (other than one which falls to be submitted by the Commission),and the fee payable in respect of such registration, is to be submitted to the Commission.
- (2) An application for first registration of a new common grazing is to be submitted at the same time as an application under section 51A(1) of the 1993 Act.
- (3) An application for registration of an event affecting a registered common grazing is to be submitted—
  - (a) in the case of the transfer of the ownership of any land on which the common grazing is situated, by the person to whom such ownership is transferred;
  - (b) in the case of a step mentioned in section 25(2)—
    - (i) in accordance with the requirements of the 1993 Act; or
    - (ii) in the absence of such requirements, as soon as reasonably practicable after the step is taken.
- (4) In respect of an application submitted to the Commission under this section, the Commission must, subject to section 51B of the 1993 Act and to subsections (5) and (6), forward—
  - (a) the application, together with any comments they may have on it; and
  - (b) the fee payable in respect of it,to the Keeper as soon as reasonably practicable.

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*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Section 26. (See end of Document for details)*

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- (5) The Commission may, before forwarding an application for registration to the Keeper, require the applicant to provide them with such further information relating to the application as they consider appropriate.
- (6) The Commission may refuse to forward an application for registration if—
- (a) a requirement under subsection (5) is not complied with;
  - (b) the application is frivolous or vexatious;
  - (c) the fee payable in respect of registration has not been tendered;
  - (d) there is a material inaccuracy in the application; or
  - (e) they consider that the Keeper would otherwise not accept the application under section 8(2).
- (7) Where the Commission refuse to forward an application for registration, section 52A of the 1993 Act applies as if that refusal were a decision of the Commission on an application to them under that Act.
- (8) An application for first registration of a common grazing by the Commission is to be submitted to the Keeper.
- (9) Before submitting such an application, the Commission must consult—
- (a) the owner of the common grazing; and
  - (b) where there is a grazings committee or grazings constable, that committee or that constable.
- (10) Where there is no grazings committee or grazings constable, the Commission must notify, in such manner as they consider appropriate (including by means of advertisement), all persons who hold a right in the common grazing of the application.
- (11) Any person notified under subsection (10) may make representations to the Commission in respect of the proposed application.
- (12) In subsection (6)(d), “material inaccuracy” means an inaccuracy relating to any matter mentioned in section 11(2) (as that section applies, with the modifications specified in schedule 3, to common grazings).
- (13) In this section, “first registration” means the registration of an unregistered common grazing.
- (14) Section 7 does not apply to applications for registration of a common grazing.

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**Commencement Information**

- I1** S. 26(1)(a)(2) in force at 30.11.2013 by S.S.I. 2012/288, art. 3(1)(c)
- I2** S. 26(1)(b)(3)-(14) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), Sch. 1 Pt. 2 (with Sch. 2 para. 1(j))

**Changes to legislation:**

There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Section 26.