

*Status: This is the original version (as it was originally enacted).*

### SCHEDULE 3

*(introduced by section 28)*

#### APPLICATION OF ACT TO COMMON GRAZINGS

- 1 Section 8 applies to an application for registration forwarded under subsection (4) of section 26 or submitted under subsection (8) of that section as it applies to an application for registration mentioned in section 8, with the following modifications—
  - (a) in subsection (1), for “section 7(3)(b)” substitute “subsection (4) of section 26 or submitted under subsection (8) of that section”;
  - (b) for “croft”, in each place where it appears in subsections (2), (3) and (5), substitute “common grazing”;
  - (c) in subsection (3), for “common grazing”, in each place where it appears, substitute “croft”.
- 2 Section 9 applies to registration relating to a common grazing as it applies to registration relating to a croft, with the following modifications—
  - (a) for “croft”, in each place where it appears in subsections (1), (2) and (5), substitute “common grazing”;
  - (b) in subsection (3), for “the crofter of the croft” substitute “any grazings committee, or grazings constable, appointed in respect of the common grazing”;
  - (c) subsection (4) is omitted.
- 3 Section 10 applies to a first registration of a common grazing as it applies to a first registration of a croft, with the following modifications—
  - (a) for “croft”, where it appears in each of subsections (1) and (2), substitute “common grazing”;
  - (b) subsections (3) to (8) are omitted.
- 4 Section 11 applies to a common grazing as it applies to a croft, with the following modifications—
  - (a) for “croft”, in each place where it appears in subsections (1), (2)(a), (3), (4) and (7), substitute “common grazing”;
  - (b) for paragraph (b) of subsection (2) substitute—
    - (b) the name and address of the owner of the common grazing;
    - (ba) details of any croft of which a right in the common grazing forms part (including, where the croft is registered, a reference to the registration schedule of the croft);
    - (bb) in relation to a croft such as is mentioned in paragraph (ba) which is unregistered, the name and designation of, as the case may be—
      - (i) any tenant of the croft;
      - (ii) any owner-occupier crofter of the croft;
    - (bc) the name and designation of any other person who holds a right in the common grazing;”;
  - (c) in subsection (4), for “common grazing”, in each place where it appears, substitute “croft”.
- 5 Section 12 applies to a certificate of registration relating to a common grazing received under section 9(2) as it applies to a certificate of registration relating to a

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croft received under section 9(2) or, as the case may be, a copy of such a certificate received under section 9(4), with the following modifications—

- (a) in subsection (3)—
  - (i) for “croft”, where it appears in each of paragraphs (a) and (b), substitute “common grazing”;
  - (ii) paragraphs (c) and (d) are omitted;
  - (iii) after paragraph (d) insert—
    - “(da) the grazings committee or grazings constable (or, where there is no such committee or constable, any person of whom the Commission are aware who holds a right in the common grazing);”;
  - (iv) for “croft”, where it appears in each of paragraphs (e), (f) and (h), substitute “land”;
  - (v) in paragraph (g) for “of any adjacent croft” substitute “, or any other tenant, of any adjacent land”;
  - (vi) paragraph (i) is omitted;
  - (vii) in paragraph (j), the words “(not being land which is an adjacent croft)” are omitted;
- (b) in subsection (4)—
  - (i) for “croft”, where it appears in each of paragraphs (a) and (b), substitute “common grazing”;
  - (ii) in paragraph (c), for “11(2)(b)” substitute “paragraphs (b), (bb) and (bc) of section 11(2) (as it applies to common grazings)”;
  - (iii) after paragraph (c), insert—
    - “(ca) the details of any crofts entered in the registration schedule in accordance with paragraph (ba) of section 11(2) (as it applies to common grazings);”;
- (c) for “croft”, in each place where it appears in subsection (8), substitute “common grazing”.

6 Section 13 applies to a notice required to be affixed under section 12(8)(b) to a common grazing as it applies to such a notice relating to a croft, with the modification that for “croft”, in each place where it appears in subsections (2) and (3)(a), there is substituted “common grazing”.

7 Section 14 applies to registration of a common grazing (other than a new common grazing) as it applies to registration of a croft, with the modification that for “croft”, where it appears in each of subsections (4)(a) and (b), (5), (6) and (7), there is substituted “common grazing”.

8 Section 15 applies to a resumed common grazing as it applies to a resumed croft, with the following modifications—

- (a) for “croft”, in each place where it appears in subsections (1)(a), (2) and (4), substitute “common grazing”;
- (b) subsections (1)(b) and (3) are omitted.

9 Section 16 applies to rectifications relating to common grazings as it applies to rectifications relating to other matters, with the modification that in subsection (3) for “7(3)(b)” there is substituted “26(4)”.

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- 10 Section 17 applies to a rectification of the register relating to a common grazing as it applies to such rectifications relating to other matters, with the following modifications—
- (a) in subsection (1), for “croft” substitute “common grazing”;
  - (b) subsection (4) is omitted.
- 11 Section 18 applies to an entitlement to indemnity relating to a common grazing as it applies to an entitlement to indemnity relating to other matters, with the modification that in subsection (6) for “7(3)(b)” there is substituted “26(4)”.
- 12 Section 19 applies to the making of rules and orders in relation to common grazings as it applies to the making of rules and orders in relation to other matters, with the modification that in subsection (1)(e), for “crofts” there is substituted “common grazings”.
- 13 Section 20 applies to an act or omission of the Keeper relating to a common grazing as it applies to an act or omission of the Keeper relating to any other matter.
- 14 Section 21 applies to an amendment to the registration schedule of a common grazing, or to an amendment to the register relating to a common grazing, as it applies to an amendment to the registration schedule of a croft, or as the case may be, to an amendment to the register relating to a croft with the following modifications—
- (a) in subsection (1)—
    - (i) for “croft or owner-occupied croft” substitute “common grazing”;
    - (ii) for “5(1)” substitute “25(1)”;
  - (b) in subsection (2), for “the crofter, or as the case may be owner-occupier crofter, of the croft” substitute “the owner of the common grazing and to any grazings committee, or grazings constable, of the common grazing”;
  - (c) subsection (3) is omitted;
  - (d) in subsection (4)—
    - (i) “26K(9)” is omitted;
    - (ii) in paragraph (a), for “croft” substitute “common grazing”.