



Small Landholders (Scotland) Act 1911

1911 CHAPTER 49 1 and 2 Geo 5

24 Amendment of law as to regulation of common grazings, &c.

- (1) The Land Court may prescribe such regulations as to the exercise of pasture, grazing or other rights held or to be held in common under the Landholders Acts as they think expedient.
- (2) The Land Court shall cause any proceeding under the immediately preceding subsection to be intimated to any person or persons, whether landholders or not, using or claiming to use the pasture or grazing or other rights to which the proceeding relates, and shall hear such person or persons on his or their application, and make such inquiry as they may deem necessary, and may make applicable to such person or persons any regulations prescribed under such proceeding: Provided that such regulations may contain provision for the removal by any person prescribed in the regulations of any stock placed on the common pasture or grazing in contravention of the regulations.
- (3) Any person committing a breach of any regulations prescribed under this section or an infringement of any scheme drawn up by the Crofters Commission or the Land Court [^{F1}or the Board], as the case may be, under the powers conferred by section twelve of the Act of 1886, shall be liable on conviction before the sheriff under the Summary Jurisdiction Acts to a penalty not exceeding [^{F2}level 1 on the standard scale], and, in the case of a continuing offence, to a further penalty not exceeding five shillings for each day during which such offence shall have been continued after written warning from the committee or from the Land Court [^{F1}or from the Board], and any such penalty shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts.
- (4) The Land Court may suspend or remove members of a committee under the Act of 1891 as amended, if satisfied that they are not properly carrying out the regulations respecting a common pasture or grazing, and may appoint or provide for the appointment of other persons (whether landholders or not) in their place. Where those interested in a common pasture or grazing decline to act on such a committee, the Land Court may appoint any person or persons in the neighbourhood, whether landholders or not, with the powers and duties of such a committee. Where the Land Court are satisfied that in lieu of such a committee a grazings constable should be appointed or elected for any township or group of townships or persons interested, they may make provision accordingly, and any regulations making such provision shall be deemed to

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be regulations prescribed under this section, and the grazings constable may enforce such regulations, and shall be paid by assessment upon those using the pasture or grazing in manner provided by the Land Court, but not in excess of sixpence in the pound of rent . . . ^{F3}

- [^{F4}(5) (a) The Land Court may, on the application of the landlord, or landlords, or any landholder, and on such conditions as they consider equitable, apportion a common pasture or grazing into separate parts for the exclusive use of the several townships or persons interested, either as arable ground or as pasture, or as sites for houses or other buildings, if satisfied that such apportionment is for the good of the estate or estates, and of the holdings or tenancies concerned.
- (b) The Land Court may, on the like application, or on the application of the Board, and on the like conditions, admit new holders to participate in a common pasture or grazing occupied by existing landholders, statutory small tenants, or others, or apportion a common pasture or grazing for the exclusive use of new holders, either in common or individually, and either as arable ground or pasture, or as sites for houses or other buildings, if satisfied that such participation or apportionment is for the good of the estate or estates and of the holdings or tenancies concerned.
- (c) The Land Court may, on the application of the Board, and on the like conditions, grant pasture or grazing rights on a common pasture or grazing to cottars who have been in use to pasture or graze stock thereupon.]
- (6) The Land Court may, on the application of the Landlord, or Landlords, or any holder, apportion lands held runrig among the holders thereof in such manner as appears to them in the circumstances of each case to be just and expedient.

Textual Amendments

- F1** Words inserted by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **Sch. 2**
- F2** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289C, 289G**
- F3** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)
- F4** [S. 24\(5\)](#) substituted by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **s. 14**

Modifications etc. (not altering text)

- C1** [S. 24](#) (except (5)(b)) restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Elix. 2 c. 21\)](#), **Sch. 6 Pt. I**

Changes to legislation:

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