

# Common Grazing Dilemmas - No 14

In this series, we look at some different dilemmas facing Common Grazings and some ideas for resolution.

## An unexpected building appears on the Common Grazing

Removal of an area of common grazings (or croft) from crofting tenure through the Scottish Land Court.

1. Shareholders should be aware that it is not compulsory for the landlord to resume land prior to sale.

2. For grazings with less than 10 shareholders the S L C will issue a notice of a resumption application to each shareholder inviting responses.

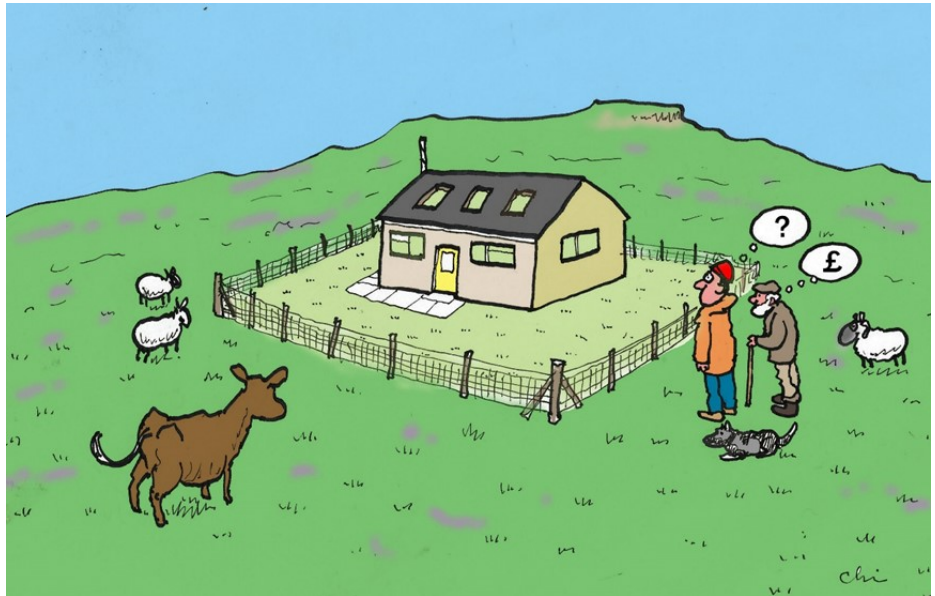
A landlord applying to resume land where there are more than 10 shareholders may, with the permission of the S L C, advertise the details of the resumption in a locally circulating newspaper. The advert will invite shareholders to respond to the S L C.

Committees for larger grazings should therefore monitor newspapers locally although, hopefully a good relationship with landlords would ensure resumptions were not missed.

If there is a committee and a clerk in office, they will normally receive a copy of the resumption application.

3. It should be understood that an owner of common grazings land who is not collecting rent is still burdened by other crofters' rights like apportionments or forestry applications.

The owner would also be responsible for paying crofters compensation if they applied to resume any of their croft land.

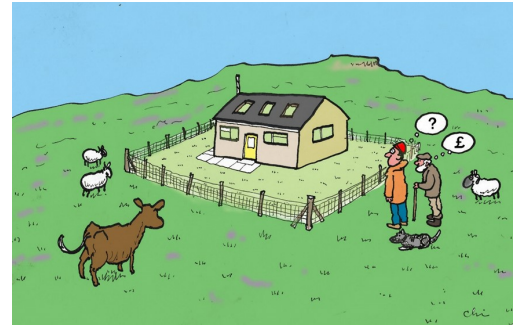


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4. It is advantageous for landlords and crofters to maintain a close relationship and discuss proposed resumptions prior to the submission of an application to the S L C.

The use of minutes of consent signed by shareholders can facilitate the processing of resumptions by the S L C. It is necessary for all the shareholders to agree the terms of the minutes of consent for them to be effective in support of a resumption.



It is advisable for committees/shareholders to watch for unexpected signs or activities on the grazings.

5. Compensation payments to shareholders are distributed in proportion to each shareholder's right in the common grazings. This is usually calculated on the current souming of each shareholder.

It is worth noting that no compensation is due where a share is vacant. (A share is vacant when there is no registered tenant)

6. The normal procedure for payment of compensation is from the landlord (or their agent) to the clerk who distributes it to the shareholders.

There is an option for individual shareholders to request payment directly to them, not via the clerk.

It may be prudent for committees to consider any likely future or past work for which shareholders have a financial liability at the time of a resumption and notify shareholders of the sums involved.

Where a good relationship with a landlord exists, it may be possible to propose resumptions as a way of raising funds for work on the grazings.

7. If the resumption relates to a registered common grazings it is the responsibility of the landlord to register that resumption with Registers of Scotland. A failure to do so within 3 months of the resumption being approved by the S L C means it will not come into effect and a fresh application would be required.

If you have further questions about how to manage your own Common Grazings, visit our [common grazings page](#) on [www.FAS.Scot](http://www.FAS.Scot) or call our advice line on 0300 323 0161 or email [advice@fas.scot](mailto:advice@fas.scot)

