

# APPLICATION BY A TOWNSHIP FOR APPORTIONMENT OF PART OF A GENERAL COMMON GRAZINGS

## GUIDANCE FOR APPLICANTS

PLEASE READ CAREFULLY BEFORE COMPLETING APPLICATION FORM

### HOW TO APPLY:

- 1 Applicants should carry out the initial consultation procedures. You should consult with all Grazings Clerks (or Grazings Constables) involved in the General Common and landlord(s), and inform the other shareholders of your proposals. By doing this you will:
  - ◆ reduce the possibility of time-consuming disputes by resolving them informally before you lodge the application;
  - ◆ allow us to reach a decision at an earlier date. You must arrange:
    - a for Part 2 to be completed by the Clerk to the Grazings Committee (or Grazings Constable) (*if grazings is unregulated, proceed to (b)*); and
    - b for Part 3 to be completed by the landlord or his agent.

You are responsible for advertising the application. Please refer to our guidelines on advertising applications. Failure to follow the guidelines may result in you having to re-advertise your application in an accepted newspaper, at your own expense.

Appendix 1 contains an example of the advert for your completion and use in your local newspaper. Appendix 2 contains an example of the two Notices which must be posted up in the locality by the Grazings Clerk (or applicant where no Grazings Committee is in office). A copy of the relevant page of the newspaper should then be sent to the Commission.

In exceptional cases where you are unable to carry out some part of these procedures, you should contact the Commission.

- 2 You must provide (a) an accurate location plan showing the area applied for in relation to your croft and any well known local landmarks on the grazings and (b) a scale plan of the area requested detailing the lengths of the boundaries in metres and the total area in hectares. This plan should show any existing boundary fences.
- 3 If the proposed apportionment is situated in a Site of Special Scientific Interest, you must consult Scottish Natural Heritage on your proposals and provide us with a copy of any agreement you reach with them.

- 4 Before you start any developments on your croft land, we suggest you contact your local Scottish Government Rural Payments & Inspections Directorate (SGRPID) about the new Environmental Impact Assessment (EIA) Regulations.

EIA is a procedure for considering potential environmental impacts of changes in land use. Therefore, if your development plans include changing the use of uncultivated land and/or semi natural areas for agricultural production, you should clarify if your plans will be affected by the EIA Regulations.

- 5 If the application is for forestry or conservation purposes, you must consult the Grazings Committee about any intention they may have to lodge a forestry or conservation application on behalf of the whole township.
- 6 If approved, the area must be fenced within two years and the Commission may impose other appropriate conditions.

# Apportionment of part of a General Common Grazings



Great Glen House, Leachkin Road,  
Inverness IV3 8NW  
Telephone: (01463) 663439 Fax: 725067  
e-mail: [info@crofting.scotland.gov.uk](mailto:info@crofting.scotland.gov.uk)  
[www.crofting.scotland.gov.uk](http://www.crofting.scotland.gov.uk)

*This form should be completed in **black ink** and forwarded, together with relevant enclosures, to the above address.*

## APPLICATION BY A TOWNSHIP FOR APPORTIONMENT OF PART OF A GENERAL COMMON GRAZING

### PART 1 - TO BE COMPLETED BY APPLICANT (IN BLOCK LETTERS)

District/Islands Area: \_\_\_\_\_  
Parish: \_\_\_\_\_  
Estate: \_\_\_\_\_  
General Common Grazing: \_\_\_\_\_

LANDLORD(S): Full Name: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LANDLORD'S AGENT OR FACTOR:  
Full Name: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICANTS: Full Names and (1) \_\_\_\_\_  
Postal Addresses\*: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
  
(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

*\*If there is insufficient space, please attach a separate list showing full names and addresses of applicants.*

**TO THE CROFTING COMMISSION:**

We hereby apply to the Commission, under section 52(3) of the Crofters (Scotland) Act 1993, and under reference to the Statement and Schedule overleaf, for apportionment of part(s) of the above General Common Grazing for the exclusive use of the township(s) of \_\_\_\_\_ subject to such conditions as they think necessary.

APPLICANT'S NAME	ADDRESS	SIGNATURE	DATE

1 Name of General Common Grazings (as stated in Regulations, if applicable)

\_\_\_\_\_

2 What is the extent of the General Common?

\_\_\_\_\_

3 What is the extent of the apportionment(s) sought? (Give a brief description, by reference to well known local landmarks, of the particular part(s) of the Grazing of which the township(s) would wish to obtain exclusive possession. *(Refer to Guidance Note 2)*)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4 Does any part of the area applied for form part of a:

- ◆ National Nature Reserve } If so, please provide details of YES  NO   
 } any existing management
- ◆ Environmentally Sensitive Area } agreements or schemes YES  NO
- ◆ Site of Special Scientific Interest } If so, you must consult Scottish YES  NO   
 } Natural Heritage on your proposals  
 } and provide us with a copy of any  
 } agreement reached with them

If the proposed apportionment is located on a SSSI you must provide us with:

- The nature of the operation
- The proposed dates of commencement and completion
- Clearly identify the land on which it is proposed to carry out the operation

If the grazings are not regulated, you must provide a signed declaration from the landlord confirming:

- *the total extent of the grazings*
- *the shareholders' names and their respective share entitlement*

5 Are there any rights of access over the area? YES  NO

If YES, please indicate location of access on scale plan and provide details:

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6 Does any person cut peats in this area: YES  NO

If YES, please provide details:

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7 Are minerals extracted from any part of the area? YES  NO

If YES, please provide details:

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8 Is there a water supply within the area? YES  NO

If YES, please provide details:

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9 Are there any buildings, agricultural equipment, electric pylons etc on the area to which access is required? YES  NO

If YES, please provide details:

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10 Please state purpose of application and give details:

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**NB:** *If the proposed apportionment is for forestry or conservation management, confirmation must be obtained as to whether the Grazings Clerk(s)/Constable(s) intends to lodge a forestry or conservation type application on behalf of all the shareholders in the General Common.*

**Note:** *Resumption procedures, which provide for all shareholders to receive compensation in relation to the development value of the land, are appropriate for commercial developments and associated access. The amount of compensation is set by the Scottish Land Court.*

- 11 Has the application been discussed with the Township Clerk/Constable (if he is not the applicant) YES  NO
- Has the application been discussed with other Township Clerk(s)/Constable(s) involved in the General Common? YES  NO
- Has this application been discussed with the landlord(s)? YES  NO
- 12 Have you advertised the application in your local newspaper? YES  NO
- If so, you must provide a copy of the relevant page of the newspaper.
- 13 You must arrange for this to be completed by all other Grazings Clerks/Constables involved in the General Common Grazings.
- I confirm that I have seen the application and relative plan and that I will submit any representations on behalf of the shareholders within 28 days.

	Name and address of Clerk of the Grazings Committee (or Grazings Constable) of each of the townships sharing in the General Common	Name of Township	Number of shares held by township in the General Common	Signature	Date
1					
2					
3					
4					
5					
6					
7					
8					

**Note:** Please note that where an application is approved and an Apportionment Order is issued, it is final.

**TO THE CROFTING COMMISSION - DECLARATION BY APPLICANT**

I hereby apply, in terms of section 52(4) of the Crofters (Scotland) Act 1993, for apportionment of part of the \_\_\_\_\_ General Common Grazings, as detailed on this application, for my own exclusive use. I understand that the Commission may attach conditions to any apportionment granted.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

*Applicant*

**PART 2 - TO BE COMPLETED BY THE CLERK TO THE GRAZINGS COMMITTEE/GRAZINGS CONSTABLE FOR THE TOWNSHIP MAKING APPLICATION**

I confirm that I have seen Part 1 of the application and relative plan and called a meeting of the \_\_\_\_\_ Grazings Committee to discuss the application lodged by \_\_\_\_\_ for apportionment of part of the \_\_\_\_\_ General Common Grazings extending to approximately \_\_\_\_\_. (Grazings Constables may wish to call a meeting of shareholders).

YES  NO

I confirm that the application and plan was available for inspection by all interested parties for a period of two weeks from the date of the advertisement.

YES  NO

I confirm that Notices advising interested parties of the application were posted up locally at \_\_\_\_\_ (see note below).

YES  NO

I confirm that I will forward to the Commission, within 28 days, any representations on behalf of the Grazings Committee.

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Note: Notices are attached for completion and display**

**NB: In terms of the Government's policy on openness any comments made will be made available to interested parties**

**PART 3 - TO BE COMPLETED BY THE LANDLORD(S)**

**TO THE CROFTING COMMISSION - STATEMENT BY LANDLORD(S)**

I confirm that I have seen Part 1 of the application and relative plan and that I will submit any representations on behalf of the Estate within 28 days.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
*Landlord*

Signed \_\_\_\_\_ Date \_\_\_\_\_  
*Landlord*

**NB:** *In terms of the Government's policy on openness any comments made will be made available to interested parties.*



**NEWSPAPER ADVERT**

**PLEASE REFER TO OUR GUIDELINES ON ADVERTISING APPLICATIONS.  
FAILURE TO FOLLOW THE GUIDELINES MAY RESULT IN YOU  
HAVING TO RE-ADVERTISE YOUR APPLICATION IN AN  
ACCEPTED NEWSPAPER, AT YOUR OWN EXPENSE**

**APPLICATION FOR APPORTIONMENT**

\_\_\_\_\_ **GENERAL COMMON GRAZINGS**  
\_\_\_\_\_

The undermentioned township(s) intend to lodge an application for apportionment as detailed below. The Grazings Clerk(s) mentioned have copies of the appropriate application which may be inspected by any person interested. Any comments on the application should be lodged with the Crofting Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW before \_\_\_\_\_ (*insert date giving 28 days from date of newspaper publication*).

A copy of any representations made will be forwarded to the applicant.

**APPLICANTS:** \_\_\_\_\_

**EXTENT OF AREA APPLIED FOR:** \_\_\_\_\_ hectares

**GRAZINGS CLERK(S):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**NOTICE TO BE DISPLAYED BY GRAZINGS CLERK**

**APPLICATION FOR APPORTIONMENT**

\_\_\_\_\_ **GENERAL COMMON GRAZINGS**  
\_\_\_\_\_

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**APPLICANTS:** \_\_\_\_\_

**EXTENT OF AREA APPLIED FOR:** \_\_\_\_\_ hectares

**GRAZINGS CLERK(S):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**NOTICE TO BE DISPLAYED BY GRAZINGS CLERK**

**APPLICATION FOR APPORTIONMENT**

\_\_\_\_\_ **GENERAL COMMON GRAZINGS**  
\_\_\_\_\_

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A copy of any representations made will be forwarded to the applicant.

**APPLICANTS:** \_\_\_\_\_

**EXTENT OF AREA APPLIED FOR:** \_\_\_\_\_ hectares

**GRAZINGS CLERK(S):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_