

COMMON GRAZING APPORTIONMENT

Apportionment is the term used when someone who shares in a common grazing wants to take part of the common grazing for their own exclusive use.

If you are intending to use the land for a Development that requires planning consent, you must send us a copy of your planning consent or at least your planning reference with your application.

Who can apply?

- Anyone who shares in a common grazing.

N.B. The Commission will not generally consent to an apportionment on an unregulated common grazing or where there is no grazing committee in office. See our factsheet on Common Grazing. In these circumstances, the applicant will need to demonstrate support for the apportionment from other crofters with shares in the common grazing or failing that, will need to show good reason for the apportionment to be considered by the Commission.

Why do I have to apply to the Crofting Commission?

The Crofting Commission is the regulatory body for crofting. Crofts and common grazing are a valuable resource that should be available both now and in the future, for existing crofters and new entrants to crofting, to use productively. The Crofting Commission has regulatory duties and powers to work with crofters and crofting communities to:

- Ensure crofts are occupied by a tenant or owner-occupier crofter
- Prevent misuse and neglect of the land
- Ensure the crofts are cultivated or put to other purposeful uses.

How do I apply?

- You must complete the appropriate application form and send it along with a map showing the area you want to apportion and the boundaries of the common grazings to the Commission. Application forms can be found on our website www.crofting.scotland.gov.uk or by contacting our office.
- You must advertise in the local press that you are making the application and you must notify the Grazings Clerk and your landlord in writing. Details on notifying the Clerk and your landlord are provided along with the application form.
- If you have not already done so, you will be required to register your croft with the Keeper of the Registers of Scotland. Please check the Rules and Procedures on our website for further information. Details can also be found on www.ros.gov.uk/services/registration/crofting-register.
- Where the intended use of the land is for another purposeful use other than cultivation, you will need to get written consent from the landlord to the purposeful use or, failing that, apply to us to obtain this. See our website for more information on Purposeful Use.



You can find more information on apportionments on our website:

www.crofting.scotland.gov.uk

What happens next?

- We will check the application form and if it is correct, we'll normally send you an acknowledgement letter within 5 working days.
- Anyone who may have an interest in the application has 28 days, from the date we place the advert in the newspaper, to send comments to the Commission.
- After the 28 day period, if we receive comments on your application we will let you know. Normally we need to obtain more information, for example from Scottish Government Rural Payments & Inspections Directorate (SGRPID), before taking a decision.

A person who is not a crofter, but is entitled to share in a common grazing along with crofters, can apply to the Commission to apportion part or all of their share in the common grazing.

How long will the application process take?

Providing your croft is registered with the Keeper of the Registers of Scotland, we aim to take a decision on the application within 3 months. If your croft is not registered, we cannot take a decision on your application until this has happened.

What happens after we take a decision on the application?

- If we approve the application, the offer of apportionment will be subject to conditions such as:
 - ◇ the area is fenced within 2 years
 - ◇ the apportionment may be approved for a specific period of time
 - ◇ the apportionment may be subject to review by the Commission at fixed periods of time.
- If any of the conditions are not met, we may withdraw the offer of apportionment.
- If the apportionment is granted for a specific period of time, at the end of that period the land will revert back to common grazing unless you request an extension which is approved by the Commission.
- Our decision or determination of the application can be appealed to the Scottish Land Court, within 42 days from the date of our decision letter.