



**CROFTING COMMISSION**  
**COIMISEAN NA CROITEARACHD**



# Crofting Commission

## Crofting Statistics 2018

# Fair, Efficient and Effective Regulator

The principal function of the Crofting Commission is to regulate crofting both fairly and reasonably in a manner that is fully compliant with crofting legislation. As a result, the majority of the work undertaken by the Crofting Commission is processing regulatory applications and recording notifications.

Application/Notification Type	Received	Approved	Refused	Invalid	Withdrawn
Apportionment	55	17	0	7	5
Assignment	361	236	0	35	8
Bequest (notifications)	113	98	0	6	0
Consent to be absent	30	9	7	9	0
Decrofting – House Site & Garden Ground	153	116	0	15	3
Decrofting – Part Croft	311	206	3	33	5
Decrofting – Whole Croft	16	8	8	3	0
Division	49	34	0	6	5
Intestate Succession (notifications)	95	63	0	7	1
Letting	69	48	0	4	1
New Croft created*	10	11	0	2	2
Short Term Lease	19	9	0	3	0
Sublet	85	70	1	2	6
<b>TOTALS</b>	<b>1,366</b>	<b>925</b>	<b>21</b>	<b>132</b>	<b>36</b>
<b>TOTALS FOR 2016/17</b>	<b>1,297</b>	<b>891</b>	<b>8</b>		

*The number of applications received will differ from the number of applications decided due to applications which were carried over from 2017 and those which will be carried over to 2018.*

\*Under section 3(A) of the Crofters (Scotland) Act 1993

Throughout the course of the year the Commission conducted **3 Hearings** into regulatory applications over the year and dealt with over **3,000 general enquiries** on crofts and common grazings matters.



## Delegated Decision Making (DDM)

The Commission agreed to move to a model of delegated decision making 2 years ago, with officers able to approve straight forward cases that meet all the legislative and policy requirements, escalating cases to a higher level when they do not meet this criteria. Over half of the applications received were handled under the **DDM** process. The following table shows the different levels of decision making used by the Commission and the number of cases that were considered at each level.

Levels of Decision Making	Number of Cases
Tier 1 (Case Officers)	678
Tier 2 (Senior Officials)	186
Tier 3 (3 Commissioners)	57
Decision by full Board of Commissioners	5

# Crofting Register

In addition to the regulatory applications we process we also assess the validity of croft registration applications and collect and pay all applications fees to the Keeper of the Registers of Scotland (RoS).

## Croft Registration applications 2017/18



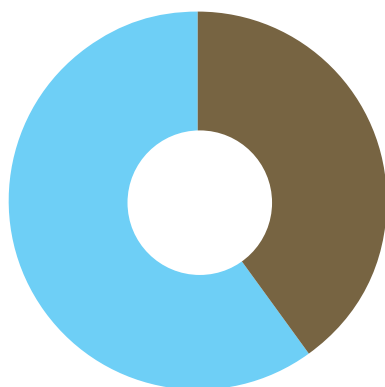
**1,068 crofts** were registered with the Keeper of the Registers of Scotland during the year, making an overall total of **4,927 crofts** entered onto the Crofting Register.



# Appeals to the Scottish Land Court (SLC)

## Appeals

There were 5 appeals to the SLC against decisions made by the Commission.  
There were 6 in 2016/17.



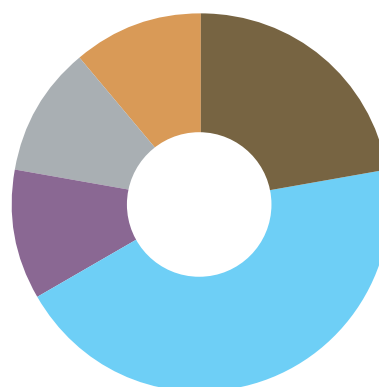
■ **2** Commission's decision upheld  
■ **3** were dismissed by the Court

Applicants have **42 days** to appeal to the SLC against a Commission decision, determination or direction on an application made to them under the **Crofters (Scotland) Act 1993**.



## Challenges

There were challenges to the first registration of 9 common grazings. These do not usually involve the Commission directly, but it can make submissions as an interested party.



■ **2** were not upheld  
■ **4** were upheld  
■ **1** was sisted  
■ **1** dismissed by the requester  
■ **1** was resolved\*

\* Through the issue of an apportionment order, so no further action was required by the SLC

# Crofters Duties

Both tenant and owner-occupier crofters have a statutory duty to:



Be ordinarily resident on,  
or within 32km of their croft



Not to misuse  
or neglect the croft



Cultivate and maintain the croft,  
or put to another purposeful use.

Over the year **10 cases** of suspected breaches of duties were reported to the Commission. This number has risen from 5 suspected cases which were reported in 2016/17. If a tenant or owner-occupier crofter fail to comply with any of these duties and this is reported to the Commission by a member of the crofting community, a grazings committee or an Assessor, we have an obligation to investigate.



## Status of cases

5 ongoing



1 breach resolved by crofter



1 croft sold, unable to continue investigation



1 reported by someone not in category eligible to report a breach



1 subject not a croft



1 not within the Commission's remit (fencing)



The Commission also undertook the letting of **6 crofts** where the tenants were not complying with their duty to be resident and the landlords failed to let the crofts within the necessary timescales.



From 2018, the Commission is increasing its focus on resolving breaches of duties.

# Crofting Census

Crofters have a legal obligation to complete and return their Crofting Census form to the Commission.

The 2017 Crofting Census saw the issue of 19,211 census forms to 18,040 crofts. The reason for this increase was in previous years one form was issued per croft, whereas this year saw a form being issued to each crofter. (there can be more than one owner-occupier crofter when the whole of the croft is jointly owned).



A total of 11,960 Crofting Census forms were returned to the Commission for 11,243 individual crofts, making a 62% return rate. This showed a 14% decrease from 2016.



Ordinarily Resident on, or within 32km of their Croft: 87%

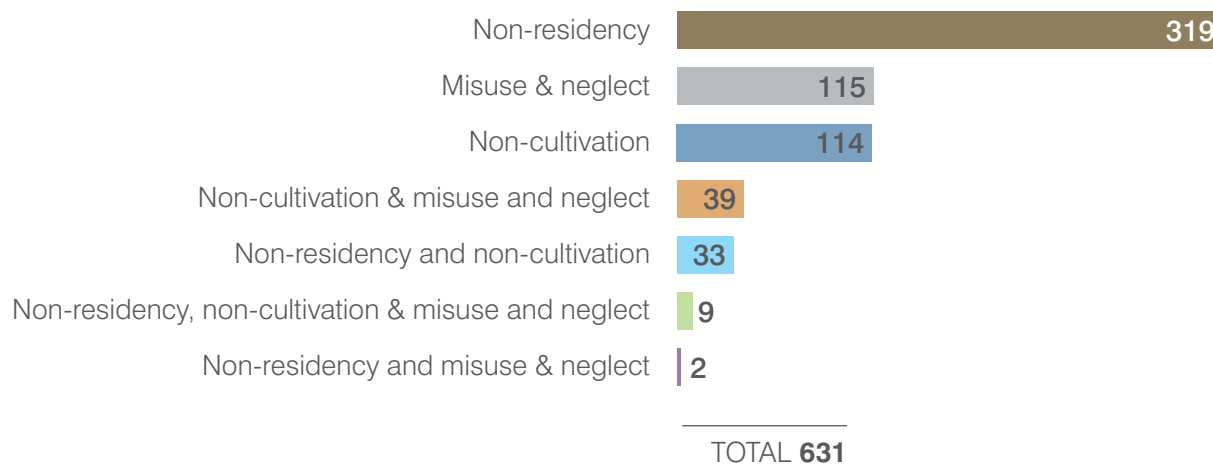


Not Neglected/Misused: 91%



Croft is Cultivated/Maintained/ Put to Purposeful Use: 90%

Number of crofters not complying with their Duties as notified to the Commission in the 2017 Census





# Register of Crofts (ROC)

The Commission maintains its own ROC which holds information on the name, location, rent and extent of each croft, the tenant, the landlord and any rights held in a common grazings.

If a croft is purchased and any associated common grazing shares remain held in tenancy, the shares are “deemed” to be a croft in their own right and have a separate entry in the ROC. As a result of the 2017 crofting census returns over 2,700 updates were made to the ROC.



Number of crofts recorded on the Commission's ROC

Comhairle nan Eilean Siar	
<b>Tenanted</b>	6,072
<b>Owned</b>	234

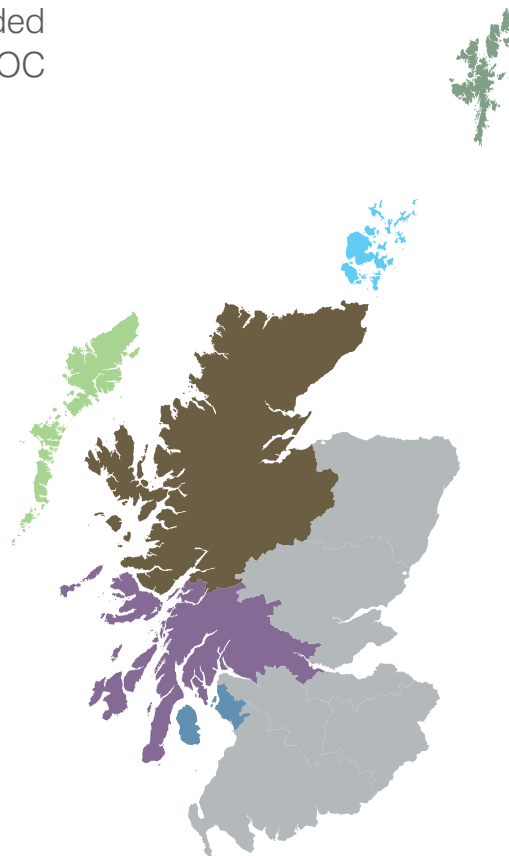
Argyll & Bute	
<b>Tenanted</b>	458
<b>Owned</b>	351

North Ayrshire	
<b>Tenanted</b>	0
<b>Owned</b>	1

Shetland	
<b>Tenanted</b>	2,091
<b>Owned</b>	1,160

Orkney	
<b>Tenanted</b>	64
<b>Owned</b>	393

Highland	
<b>Tenanted</b>	6,283
<b>Owned</b>	3,670



Crofters by gender



65%  
are male



35%  
are female

# ROC Online

Since August 2017, when the ROC Online was made available to the public, there have been 38,289 searches made of the ROC, and 7,237 copy entries for crofts printed from the site.



38,289  
Searches



7,237  
Copy Entries

Having this information available directly to the public has improved our service to customers and reduced the number of general enquiries made to the Commission.

The ROC Online is available via our website at [www.crofting.scotland.gov.uk/register-of-crofts-roc](http://www.crofting.scotland.gov.uk/register-of-crofts-roc)

## Common grazings

Grazings committees are set up with certain management responsibilities regarding the common grazings. They are elected into office by the crofters who share in the common grazings and have a responsibility to make and submit grazings regulations to the Commission for approval.

A crofter who shares in a common grazings has the right to apply to the Commission to apportion some or all of their share in the common for their own exclusive use.

Each common grazings has its own grazings regulations which are administered by the grazings committee.

Committees can amend or adopt new regulations to assist in the proper management and administration of their common grazings, subject to Commission approval. To aid grazings committees the Commission, having worked closely with stakeholders, produced a common grazings regulations template to assist grazings committees when preparing their own grazings regulations.

Common grazings are areas of land used by a number of crofters and others who hold a right to graze stock on that land. There are over 1,000 common grazings covering over 500,000 hectares of land.



	Total	Committees in Office
<b>Argyll &amp; Bute</b>	61	8
<b>Highland</b>	539	237
<b>Comhairle nan Eilean Siar</b>	295	177
<b>Orkney</b>	9	1
<b>Shetland</b>	168	40
	<b>1,072</b>	<b>463</b>



## Common Grazings Census

The Crofting Reform (Scotland) Act 2010 imposed new requirements on grazings committees to report every 5 years on the condition of their common grazings, the condition of every croft of tenant and owner-occupier crofters sharing in the grazings and on any other matter affecting the common grazings or crofting in any township associated with the grazings.

Over the year **101 census forms** were returned to the Commission by grazings committees.



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## Common Grazings and Land Held Runrig Registration

The Crofting Reform (Scotland) Act 2010 requires the **Keeper of the Registers of Scotland (RoS)** to establish and maintain a public register of crofts, common grazings and land held runrig.



To date over **300 common grazings** have been registered with RoS and during the year we engaged with a small number of in-office grazings committees and relevant landlords to progress the registration of their common grazings.



# Requests for Information

The Commission is committed to complying with legislation that gives members of the public the right to request information and for that information to be provided unless an exemption applies. This legislative requirement falls under the Freedom of Information (Scotland) Act 2002, Data Protection Act 2018, General Data Protection Regulation and the Environmental Information (Scotland) Regulations 2004. During the course of the year, we received and responded to 65 enquiries for information.

The Commission makes as much information as possible publicly available through its website and social media channels.

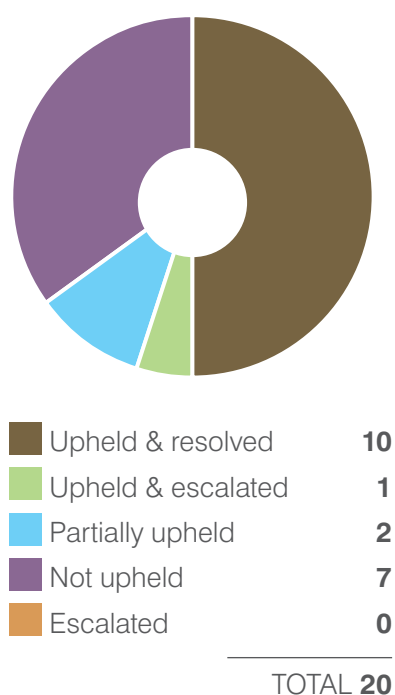


# Complaints

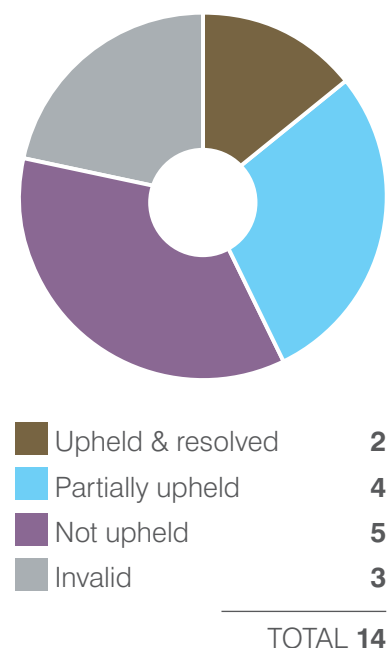
The Commission is committed to providing a high-quality customer service. We take complaints seriously and use the information from them to help us improve our services. The total number of complaints received in 2017/18 was **34**. The total number for 2016/17 was 27.



The number of complaints considered at frontline resolution stage



The number of complaints considered at Investigation stage





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