

CROFTING COMMISSION

MINUTE OF BOARD MEETING HELD ON 29 OCTOBER 2025, ST KILDA, GREAT GLEN HOUSE AT 9:00hrs

Present:	Andrew Thin	Chair
	Mairi Renwick Mackenzie	Commissioner
	Iain Maciver	Commissioner
	Colin Kennedy	Commissioner
	Rod Mackenzie	Commissioner
	Donald MacDonald	Commissioner
	Duncan Gray	Commissioner
	Stephen Webster	Commissioner
	Gary Campbell	Chief Executive
	Aaron Ramsay	Director of Operations
	David Findlay	Commission Solicitor
	Jane Thomas	Director of Corporate Services and minute-taker
	Heather Mack	Head of Policy (Open Session)
	Aart Wessels	Head of Digital (item 13)
	Joseph Kerr	Regulatory Support Team (via Teams for item 15)
	Mary Ross	
	Jacqueline MacBean	Members of the public as observers.

1 APOLOGIES AND WELCOME

The Chair welcomed everyone to the meeting, with Commissioner Maciver providing a welcome in Gaelic. Apologies were received from newly appointed Commissioner Fiona McLeman and a special welcome extended to the other newly appointed member, Stephen Webster.

Before starting the business of the meeting, the Chair wished to record thanks to staff for the extraordinary performance delivered over the last quarter and also to Board members for their efforts to spread the word in crofting communities on such things as the need to complete the Annual Notice.

2 DECLARATION OF INTERESTS

There were no declarations of interest recorded.

3 BOARD MINUTE FROM 27 AUGUST 2025

The Board Minute of 27 August 2025 was approved with no amendments.

4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING

All the Action Points recorded were either discharged, on the agenda or scheduled for future Board meetings.

5 MATTERS ARISING FROM PREVIOUS MINUTES

There were no matters arising from the previous Board meeting.

6 ANNUAL REPORT & ACCOUNTS 2024-25

The CEO explained that the presentation of the Annual Report had been delayed slightly due to matters outside the control of the Commission. The report had been approved by the Audit & Finance committee on 28 October, the Chair of the committee acknowledging that it represented a significant piece of work completed to a high standard.

The Board approved the report, commending it and thanking all those involved. It will now go forward to be presented to parliament before publication.

7 REVIEW OF PERFORMANCE REPORT – Q2-JULY-SEPTEMBER

The Chair acknowledged that most of the KPIs included in the report are sitting with a Green RAG status. He questioned why item 4.4 had shifted from a Green to Amber status, the Director of Operations confirming that this was not causing particular concern at this time, being due to a shift of focus in a team where resources are tight.

The Chair asked for clarification on items with an Amber RAG status that represented a ministerial priority, with the CEO explaining that work on these items was in progress but that, at halfway through the year, they were not yet complete.

It was noted that the KPI on the publication of the Vision for Crofting has a Red RAG status, the CEO explaining this is because it was agreed not to publish the report until after the passing of the Crofting Reform Bill. The Board therefore requested that the report should include an expanded narrative, to explain why the report has not yet been published.

Action Point 1	Expand narrative in Performance Report to explain why the Vision for Crofting has not yet been published.
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8 REVIEW OF STRATEGIC RISK REGISTER – Q2-JULY-SEPT

The Board agreed that Risk item S12 on Board appointments could be discharged. The Chair drew attention to risk S15 which had been added, which focuses on the risks associated with CIS replacement, explaining that a Business Case for the funding required has been produced and is with Sponsor Division. Members agreed that sufficient visible project management controls need to be in place.

This topic was returned to under item 13 on the agenda.

9 RESIDENCY POLICY

In introducing the paper, the Chair thanked the Policy team for helping to build momentum on the work needed to modernise the Policy Plan, with a range of interim policy positions to take us to 2027.

Head of Policy took Board members through the main points raised in the paper, which seeks to agree a definition of what is meant by the term 'Ordinarily Resident', and what evidence we may seek to establish this, reflecting that staff will find an enhanced policy position helpful but also explaining that the resulting actions are not without risk.

Therefore, more work is needed to examine the implications of further data processing before changes can be implemented.

Director of Operations explained that, once the paper is agreed by the Board, a further paper will be brought to the December Board meeting on the implementation of the change, with an associated timeline.

Commissioners highlighted the use of the term 'may' rather than 'must' in the paper and questioned the reasoning behind this, with Director of Operations explaining that, though this somewhat rests on the risk appetite of the Board, regulators would be overwhelmed if in all circumstances, in all cases, 'may' was replaced by 'must'. Using the former gives the Commission permission and allows staff to take a targeted approach based on available resources.

The Chair agreed that a balance needs to be struck between the Board's ambition to move faster and be firmer on duties obligations while being mindful of unintended consequences on things such as case turnaround times. Commissioners agreed the wording used in the paper represents a first step in a longer-term process and provides flexibility.

Members agreed to approve the paper and looked forward to considering a well thought out Implementation Plan in December.

Action Point 2	Bring Residency Policy Implementation Plan to December Board meeting
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10 REVIEW OF AREA (SIZE) OF HOUSE SITES TO BE DECROFTED AND TRUNCATION OF OBJECTIONS PROCESS

The Chair explained the paper is for information, as the Board had requested a review of the changes made in 2024. Commissioners were pleased that the changes represent a good example of the Board taking a risk that has resulted in improvements.

The Chair further emphasised the need to continue to empower staff through delegation, to provide a swifter, improved service to customers.

The Board approved the paper.

11 APPORTIONMENT POLICY – ANOTHER PURPOSEFUL USE

Head of Policy introduced the paper, explaining that 'Another Purposeful Use' has been considered in a separate paper because it is a separate risk and not included in the main Apportionment Policy. She explained the key issue is around permission, with the Commission solicitor feeding into the paper to articulate risks.

It was pointed out that the Board wishes to encourage activity on crofts and common grazings and that purposeful use cannot be applied to common grazings but can be to an apportionment. In this way, policy can help steer the vision of the Board.

The Board discussed the contents of the paper and the wider issue of the relationship between crofters, common grazings and landlords' interests and the question of whether there is a demand to apply for another purposeful use via an apportionment. The Board agreed the context within which this sits is a future where some crofters will want to expand and try new things on common grazings, such as involvement in carbon capture, and those who want to pursue individual developments. The consideration of the promotion of planned schemes, for instance, is on the Commission's radar for future discussion.

The Chair summed up the discussion and the Board agreed to approve the recommendations as set out in the paper.

12 REVISED APPORTIONMENT POLICY

The Chair explained that there is a lot of discussion around apportionments because the Act is light on detail, so it offers the Board an opportunity to develop policy. It is also a challenging area as there are competing views. Head of Policy went on to explain that the paper goes into specifics in a way that is currently absent in the Policy Plan. The greater level of detail would therefore be available to the end user (the applicant).

The question Commissioners wished to answer was whether an expanded policy will result in more land in productive use. In the context of the Crofting Elections in 2027, there was a recognition that anything decided by the current Board would be subject to review, as part of the development of a new Policy Plan by the next iteration of the Board following the elections. It was observed that agreeing the revised policy would give evidence for the Board to review.

The Policy team were congratulated for their work on this issue, the Board generally agreeing the 'interim' nature of the changes provide a means of assessing the impact of the risks taken. However, an alternative view was that the provisions outlined in the paper could be too prescriptive and that a more concise and flexible policy would be preferable.

The CEO reflected that the paper is trying to draw things together, and as an interim step can be used to test the water. The Commission solicitor reminded Board members that there are several SLC cases that can help guide the Commission, including on 'hope value,' which formed part of the general discussion.

To sum up, the Chair thanked members for engaging in the discussion and the team for producing a thoughtful paper. The general view was that this represents a step forward, while accepting that if the policy proves to be too restrictive it will not have the desired effect. It represents a consolidation and can be reviewed.

The Board approved the recommendations in the paper.

13 CIS REPLACEMENT

Head of Digital joined the meeting. The item was introduced by the Chair, who explained that a replacement casework management system is required as the present system is based on a platform which will not be supported in the near future. He explained that the replacement system would not be bespoke, would offer efficiency improvements and that a Business case was with Sponsor Division. The aim of the discussion was to ensure the Board agrees what is required to ensure the risk is managed and mitigated.

Commissioners wished to know the prospects for securing the necessary funding for the replacement. Head of Digital confirmed the cost indicated is a one-off cost, with an estimate included for ongoing costs, such as licensing and that the new system proposed would be Cloud based.

The paper under discussion had been drafted by the CEO, to flag up the stage we are currently at in the process, which is that the Business case has been sent to Sponsor Division. It is in its second iteration, following initial feedback from sponsor and more detail will follow for the AFC when the funding situation is clearer, and then onto the Board. Sponsor are supportive, have raised no concerns but have not provided any guarantees.

The Chair reflected that the strategic aim of the discussion at this point is to agree what level of oversight is needed by the Board, to provide assurance on the management of the project. Members agreed that a short-term strategic oversight group should be constituted, that this would add value to the bid for funding and that the group should consider co-opting an external member, to consider risk.

It was agreed the CEO will consider the options for establishing a short-life project oversight group and revert to the Board as soon as possible with conclusions. It was suggested the group should include someone from the sponsor division, the Board, the AFC and possibly an external member.

Head of Digital left the meeting.

Action Point 3	CEO to consider options for establishing a short-life project oversight group for CIS Replacement and inform the Board as soon as possible.
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14 FARMING OPPORTUNITIES FOR NEW ENTRANTS (FONE)

The Chair explained the background to the paper and the work of the group. Commissioner Mackenzie represents the Commission at group meetings. The aim of the paper and discussion is therefore to provide the Commissioner with a clear view of what the Board wishes to achieve through membership.

To help provide context, the CEO gave an update on the numbers of people seeking crofts through the SLMS, which is around 700, this figure in no way being balanced by crofts being made available through the service.

Members discussed the possibility of public landowners, such as Scottish Ministers, creating crofting townships, concluding there are many opportunities and a need to move from round table discussions to action. The Board agreed FONE should be asked to put resources into a plan to create new crofts on publicly owned land, to encourage public landlords to be more active and for the group to be more outcome focused.

15 SCHEME OF DELEGATION

Members of the Regulatory Support Group joined the meeting via Teams, with the Head of the team summarising the purpose of the paper.

Under section 2.1 of the paper, he explained the aim was to bring the Registration process in line with other current delegated powers. Members were happy to support this.

On section 2.2, it was explained that the reasoning focuses on balancing interests, considering all relevant interests. The Chair reflected that the proposals represent an evolving process and the Board's aspiration to delegate to Tier 1.

The Recommendations in the paper were approved.

16 AUDIT & FINANCE COMMITTEE MEMBERSHIP

The Chair explained that, as Commissioner Macaulay had stepped down as an Appointed Commissioner on 31 August 2025, this left a vacancy on the committee, which it would be good practice to fill.

The Minister had made knowledge and experience of audit and finance one of the priority criteria when selecting two new appointed members to the Board and as Commissioner Webster met this priority, it was proposed that he should join the committee,

Members welcomed this proposal and Commissioner Webster accepted.

17 DATE OF NEXT MEETING

17 December 2025 – St Kilda, Great Glen House.

18 ANY URGENT BUSINESS

There was no urgent business to discuss.

19 EXCLUSION OF THE PRESS AND PUBLIC

The Chair thanked everyone for their engagement and input, and closed the meeting at 2:50pm.