



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

6 MAY 2026

**CROFTING COMMISSION MEETING
6 MAY 2026 AT 0900hrs via TEAMS**

AGENDA

- | | |
|--|--------------------------------|
| 1 APOLOGIES | <i>Oral</i> |
| 2 DECLARATIONS OF INTEREST | <i>Oral</i> |
| 3 DRAFT MINUTES FROM 25 FEBRUARY 2026* | <i>Minutes</i> |
| 4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING
(of 25 February 2026) | <i>Paper</i> |
| 5 MATTERS ARISING FROM PREVIOUS MINUTES | <i>Oral</i> |
| 6 AUDIT & FINANCE COMMITTEE REPORT
<i>(a) Update from Chair of Committee</i>
<i>(b) Draft Minutes from 22 April 2026*</i> | <i>Paper</i>
<i>Minutes</i> |
| 7 CIS REPLACEMENT PROJECT UPDATE | <i>Paper</i> |
| 8 QUARTERLY REVIEW OF PERFORMANCE REPORT Q4 2025-26 | <i>Paper</i> |
| 9 QUARTERLY REVIEW OF STRATEGIC RISK REGISTER Q4 2025-26 | <i>Paper</i> |
| 10 DECROFTING INTERIM POLICY STATEMENT | <i>Paper</i> |
| 11 FAMILY ASSIGNATION POLICY | <i>Paper</i> |
| 12 SCHEME OF DELEGATION | <i>Paper</i> |
| 13 SCHEME OF DELEGATION UPDATES – AUDIT RECOMMENDATIONS | <i>Paper</i> |
| 14 ANNUAL REVIEW OF STANDING ORDERS | <i>Paper</i> |
| 15 DATE OF NEXT MEETING
<i>Thursday 25 June 2026, St Kilda</i> | |
| 16 ANY URGENT BUSINESS | |
| 17 EXCLUSION OF THE PRESS AND PUBLIC | |

**Not in public copy*

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION MEETING 6

6 May 2026

Report by the Chief Executive

Review of Action Points from 25 February 2026

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
1	Redraft paper on Interim Assignment Policy for discussion/approval at Special Board meeting to be held via Teams.	Head of Policy	By end March		To be held over to another date due to change in commencement schedule
2	Consult with sponsor division, Land Commission and any other appropriate bodies, on the future of common grazings and report to next meeting.	Chair of Board	May Board		
3a	Arrange collective discussion for Board on working as a team, looking back over 2025/26.	Chair of Board	May Board		CEO to co-ordinate
3b	Complete individual appraisals for each Board member.	Chair of Board	By end March	16/04/2026	
3c	Treasury Green Book online training session to be delivered by co-opted member of AFC, for other AFC members. Also for Board members on request.	CEO	Before end March	25/02/26	
4	Ascertain if it is possible to share lists of current Annual Notice non-returners in local area with elected Board members.	CEO	As soon as possible	25/02/26	

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

CROFTING COMMISSION MEETING

6 May 2026

Report by the Chair of Audit & Finance Committee

Update from Chair of Committee

SUMMARY

The purpose of this paper is to provide the Board with an update of the Audit & Finance Committee meeting of 22 April 2026.

BACKGROUND

The Board has established an Audit & Finance Committee (AFC) as a Committee of the Crofting Commission Board to support Board Members in their responsibilities for issues of risk, control and governance and associated assurance through a process of constructive challenge.

CURRENT POSITION

The Committee Chair will provide Board Members with a verbal update of the AFC meeting of 2^d April 2026. Full details are in the following draft minute of the meeting.

Key points for Board Members to note –

1. We reviewed financial performance for FYE March 26. The gross outturn was an underspend of £71k. This was reduced to £61k after calculation of the holiday accruals. All funds have been fully drawn down from SG and the residual balance will be allocated to the CIS replacement project and specifically the Discovery Process within that project.
2. There were no red flag issues related to the end of year accounts
3. Non Payroll Journal Adjustment was a nil return as any adjustments were within the materiality thresholds set by Auditors
4. The Finance work plan for the coming FY was approved by the committee although this can be adjusted during the year if required
5. The committee noted and approved the Internal Audit work plan
6. A substantive discussion took place around the financial risks associated with the CIS Project and specifically the Discovery Process and the committed funding
7. We reviewed the Whistleblowing, Anti-Fraud, & Strategic Risk Register
8. All Internal Audit recommendations have now been completed post their audit of last year
9. The annual review of The Committee Self-Assessment was not done and will be carried forward to the July meeting.

RECOMMENDATION

It is recommended that the Board should discuss the CIS Replacement Project to gain some comfort directly around the level of risk associated with the Project.

Date 24 April 2026

Author Stephen Webster – Chair of Audit & Finance Committee

CROFTING COMMISSION MEETING

6 May 2026

Report by the Chair of the Oversight Committee

CIS Replacement Project Update

SUMMARY

The CIS Replacement Project has been initiated with the objective to source, develop and deliver a replacement to the core operating system, known as Crofting Information System (CIS), currently used to administer and manage the operational and functional activities of the Crofting Commission. The existing system is used in most administrative tasks with around 90% of colleagues regularly using the system in their day-to-day operations. The CIS system is being replaced as it is a legacy system which in the future, will not be supported by Microsoft leading to an unacceptable operational risk to the organisation.

A new system has been identified and the purpose of the Oversight Committee is to ensure the new system is delivered effectively, to budget, and to the timescales required.

Budget approval has been given by Scottish Government and the project costs are estimated at around £500k

CURRENT POSITION

The Commission IT function, led by Aart Wessells, has engaged formally with the suppliers of a new software product called Salesforce, the software system identified as the preferred option to replace the existing Crofting Information System (CIS). To assist with the design, development and implementation of the new system, a consultancy firm called Bluewave Consulting has been engaged.

With approval from the Oversight Committee at the March meeting, a “discovery” period has commenced with Bluewave which is expected to last around 3 to 4 months. The cost of this first stage is quoted as £97k which is being partially funded via the £61k budgeted underspend from FYE March 26.

This discovery process aims to achieve three key things:

1. Whether Salesforce is fully fit for purpose
2. Facilitate the transfer of knowledge of the Salesforce system from Bluewave consultants to the IT team based in the Commission
3. Assess the scale of development required of the system during implementation

As things stand today, some three weeks into the discovery phase, assurances have been provided to the AFC and to the Chair of the Oversight Committee, that the project team are 100% sure the new system is fit for purpose. There is of course still some way to go before the discovery process is concluded and we can't yet be fully certain of the suitability of the system for the Commission's needs. This is an ongoing risk which is being fully monitored to ensure any sunk costs are kept to a minimum. There is, however, increasing confidence as each week goes by.

ACTIONS

The Chair of the Oversight Committee is in discussions with Aart at weekly intervals during the discovery phase to highlight any concerns at an early stage.

It should also be noted that the CIS Replacement Project is high on the agenda of the Audit & Finance Committee and a substantive discussion was undertaken at the AFC meeting on 22 April 2026. The AFC committee members have asked that the Board be made aware of their concerns over the financial risks during the discovery phase.

<p>RECOMMENDATION</p> <p>The Board is invited to note the report.</p>

Date 24 April 2026

Author Stephen Webster, Chair of Oversight Committee

CROFTING COMMISSION MEETING

6 May 2026

Report by the Chief Executive

Quarterly Review of Performance Report Q4 2025-26

SUMMARY

The quarterly Performance Report is one of the Commission's key reporting tools, with Outcomes linked to the Corporate and Business Plans.

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/260506/Q4-January-March-Performance-Report-2025-2026.pdf>

BACKGROUND

This is the final quarter report of performance using the revised format approved by the Board for the 2025/26 Business Plan. The Performance Report is split into seven sections, representing organisational functions, as follows:

- Outcome One – Commission-wide milestones and KPI's
- Outcome Two – Regulatory and Registration function
- Outcome Three – Policy function
- Outcome Four – Grazings function
- Outcome Five – Residency & Land Use function
- Outcome Six – Information Services function
- Outcome Seven – Corporate & Customer Services function.

CURRENT POSITION

At the end of the reporting year, most of the key Milestones and Measures identified in the 2025/26 Business Plan were achieved. Of the 31 Milestones identified, 24 are flagged with a Green RAG status, 6 are marked as Amber and one is Red. Of the 31 Performance Measures, 26 indicate a Green RAG status, 3 are set at Amber and 2 are marked Red.

The majority of the targets marked with an Amber status represent a delay in the planned work against the original timescales, rather than the work not commencing. For instance, 7c is marked Amber due to the decision to delay the review of the Workforce Plan until Q3 2026-27.

Members of the Executive Team will be present at the meeting and happy to take questions from Board members on the details set out in the report.

Impact:	Comments
Financial	Tasks detailed in the report are costed within the 25/26 budget
Legal/Political	N/A
HR/staff resources	Staff resources from all teams are expended delivering the targets outlined in the report.

Date: 16 April 2026

Author: Jane Thomas, Director of Corporate Services

CROFTING COMMISSION MEETING

6 May 2026

Report by the Chief Executive

Quarterly Review of Strategic Risk Register Q4 2025-26

SUMMARY

A review of the Strategic Risk Register is a Standing Item for Board consideration. Prior to a review by the Board, the register has been considered by the Audit & Finance Committee. The risk register can be seen here:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/260506/Strategic-Risk-Register-Q4-2025-26.pdf>

BACKGROUND

The Strategic Risk Register is reviewed by the Committee at each of its quarterly meetings and then by the Board at the meeting following AFC meetings.

Azets have recommended that a cover paper should be prepared by the Executive Team to highlight key points. This paper provides that analysis in the form of four tables.

POINTS TO NOTE

HIGHEST OVERALL RISKS (score 100+)			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
S15	Staff changes forecast slow down casework turnaround times	100	A paper will be brought to the Board to consider the casework position forecast and suggest possible actions.

NEW RISKS			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
No new risks have been identified during the quarter.			

RISKS THAT ARE INCREASING (since last update)			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
No risks have increased this quarter			

RISKS WHICH COULD POTENTIALLY HAVE THE MOST SERIOUS CONSEQUENCES (Current impact 25 or 50)			
Ref no	Topic	Current impact score	Comments
S6	RALUT	25	It is important to maintain a strong Residency and Land Use team to continue addressing and resolving breaches of crofting duties, contacting those who do not respond to the annual notice, absentee landlords of vacant crofts and failed successions.
S8	Budget	25	Forecasts are regularly reviewed by the Executive team. Medium Term Financial Plan updated.
S14	Internal case handling system requires replacement	25	Development planning activity well underway in IS team. Oversight Committee established.
S15	Staff changes forecast slow down casework turnaround times	25	A paper will be brought to the Board to consider the casework position forecast and suggest possible actions.

RISKS WHICH ARE MOST LIKELY TO TRANSPIRE (Current likelihood 4 or 5)			
Ref no	Topic	Current likelihood score	Comments
S2	Inconsistent regulatory decisions	4	Increased by Solicitor in Q4 2023/24. Static since then.
S5	Credibility of crofting	4	Need to progress work of Policy team alongside the more established RALUT and grazings teams to ensure we are encouraging new entrants and active crofting, plus need for comms activity to highlight the continuing benefits of crofting.
S11	Take-up of online applications	5	While the system is working well and popular with users, reaching the potential levels of use depends on resolving key issues with Registers of Scotland, especially about fraud prevention. Changes in secondary legislation are required.
S15	Staff changes forecast lead to slow down in turnaround times	4	See above.

RISKS THAT THE EXECUTIVE RECOMMENDS ARE DISCHARGED		
Ref no	Topic	Comments
		There are no risks which the Executive Team recommend discharging at present.

RECOMMENDATION

The Audit & Finance Committee is invited to comment on the content of the Strategic Risk Register and confirm whether it should be forwarded to the Board in its current format.

Date 23 March 2026

Lead Author: Jane Thomas, Director of Corporate Services, Crofting Commission

CROFTING COMMISSION MEETING

6 May 2026

Report by the Director of Operations

Decrofting interim policy statement

SUMMARY

This paper presents a draft interim policy for decrofting. This is based on direction from the Board, current policy and practice at the Commission, and input from staff. If approved this will be published as interim policy guidance to support the current policy plan and it will also form the basis for the decrofting section of the initial draft of the policy plan due in 2027/28.

BACKGROUND

This paper presents a draft interim policy statement on decrofting. The policy covers all types of decrofting and the details of the different requirements for different types of decrofting will be detailed in the relevant application forms and guidance. The policy also covers access and planning. This has been written based on the Board discussion at the scoping meeting in March. The text is based on feedback from the Board, with input from Commission staff. The current policy on decrofting is found in the [current policy plan](#) on page 6, paragraphs 25 to 27. Footnotes are included to highlight certain aspects of the policy which will change when certain provisions in the crofting bill come into force.

If approved, this draft will be published as an interim policy statement, which will not replace the current policy plan but add further detail about Commission policy approach. The interim policy statement will also form the basis for the initial draft of the policy plan due in 2027/28. The text may need to be adapted slightly as other related policies evolve and when it is published alongside other policies.

INTERIM POLICY ON DECROFTING - DRAFT

Policy context

The preservation of croft land is vital for the sustainability of crofting. A key role the Commission holds is its authority to consent to the removal of land from crofting tenure via decrofting. The retention of land in crofting tenure is a high priority for the Commission, to ensure the continuity of crofting and the wider benefits it brings. However, the Commission recognises that judicious removal of land in crofting tenure, for a clear reason, can be beneficial. These benefits include enabling the development of new housing, separating a house site from a croft, and supporting the development of a crofter's business. These all bring wider benefits to crofting and communities, through helping to increase housing stock, facilitating active crofting and facilitating economic development.

Availability of housing is an issue affecting the whole of Scotland. The magnitude and impact of this was recognised when the Scottish Parliament declared a housing emergency in 2024. This issue is felt acutely in rural areas where issues can include challenges in the identification of suitable land, construction capacity, skills challenges and supply chain challenges. Lack of suitable housing limits the sustainability and growth of rural communities and can have a detrimental impact on crofting.

Housing challenges in crofting areas have a direct impact on population retention, which the Commission has statutory responsibility to have regard to. This is balanced against the potential impacts of decrofting on the sustainability of crofting and the overall area of land in crofting, which the Commission also has a statutory responsibility to have regard to. Commission decrofting policy aims to strike the right balance between these, sometimes competing, factors, in order to enable decrofting to help tackle the housing crisis and simultaneously ensure the sustainability of crofting.

Decrofting goes hand in hand with planning permission in order to enable houses and other developments to be built on land in crofting tenure. The Commission recognises the role it plays within this wider system and the different demands on Scotland's land. The Commission will engage with planning authorities, to help ensure that planning considerations relevant to crofting are embedded within local development plans.

Policy aims

1. Decrofting will support housing creation, economic development and community benefits in crofting areas.
2. Decrofting will minimise the unnecessary removal of croft land and support the sustainability of crofting.

Policy principles

- The Commission will typically support decrofting for the creation of housing, economic development and community benefits. The Commission recognises that despite the loss of croft land being of itself detrimental to crofting, this is typically outweighed by the other benefits to crofting and the local community, as well as to the public interest (which the Commission are required to consider in terms of section 25(1)(a)).
- The Commission recognises the important role that decrofting plays in enabling housing in rural communities where crofting is prevalent.
- Decroftings should not have a detrimental impact on the sustainability of the crofting community in the locality; the landscape of that locality; the environment of that locality; or the social and cultural benefits associated with crofting. If the Commission consider that the proposed decrofting will have a detrimental impact on any of these factors then the application may be refused.¹
- The Commission will consider the demand for the croft tenancy based on what is submitted directly to the Commission in response to a decrofting application. This alone would not determine how the Commission would decide the application. However, it may be a factor that contributes to the refusal of an application alongside another reason(s).²
- Decroftings should be considerate to the long-term sustainability of the croft. This will include considerations such as avoiding the best quality agricultural land where possible, not fragmenting the croft and siting to allow for possible future house sites on the croft for future crofters. If the Commission consider that the proposed decrofting will have a

¹ When the relevant sections of the Crofting Act 2026 commence this will change to: 'Decroftings should not have a detrimental impact on the sustainability of crofting in the parish in which the croft is situated, crofting communities in that parish, the landscape of that parish, the environment of that parish and the social and cultural benefits associated with crofting. If the Commission consider that the proposed decrofting will have a detrimental impact on any of these factors then the decrofting may be refused.'

² This principle will be removed once the relevant section of Crofting Act (2026) commences.

detrimental impact on the croft and/or its sustainability then the application may be refused.¹

- The Commission has no authority to reserve access over land that has been decrofted. Therefore, decroftings should maintain access to the appropriate public road, either by siting to avoid current access routes or by creation of appropriate alternative access routes. This will include access to the remainder of the croft as well as access to the decrofted site. Any existing access to adjacent crofts or common grazing should also be maintained. Width of access is typically expected to be at least 4 m wide to accommodate agricultural vehicles and machinery. Applications for proposed decroftings that do not demonstrate suitable access are likely to be refused.
- Decroftings should be of an appropriate size for their purpose. If a proposed decrofting is considered to be excessive in relation to its purpose then the application is likely to be refused or modified.
- Decroftings should be for a reasonable purpose.² Reasonable purpose is covered by section 20(3) and 25(1)(a) of the 1993 Act and includes purposes such as the building of housing and the generation of energy.
- The Commission will typically refuse decrofting applications that are not for a reasonable purpose.³ This includes the following:
 - A purpose that is unclear based on the application.
 - Decrofting so that the crofter or their successors are not subject to crofting duties.
 - A purpose that could be carried out under crofting tenure. These are broad and are defined under section 5C of the 1993 Act, as amended by the Crofting Reform (Scotland) Act 2010. There are exceptions to this where the purpose is also specified in the list of reasonable purposes in section 20(3) of the 1993 Act.
- If the Commission is not satisfied that the purpose of the decrofting will be carried out then the application is likely to be refused.
- Where planning permission will be required for the intended purpose of the decrofting the applicant should have obtained this permission prior to submitting the decrofting application. If there is no planning permission in full or in principle, where required for the intended purpose, the application is likely to be refused.
- Decrofting applications which include a grazing share will typically be refused.
- Where a decrofting application is not in line with the policy principles the Commission may offer the applicant a modification to their application to help ensure that the proposed decrofting is in line with the policy principles.
- Decroftings will be approved for a wind and water tight house on or pertaining to the croft which is applied for under section 25(1)(b) of the Act, where the extent of garden ground included is deemed appropriate for the reasonable enjoyment of the dwelling house as a residence and unless the crofter has already decrofted a house site under this provision.
- Decroftings will be approved in respect of a croft conveyance in feu which was granted under the Section 17 or 18 of the 1955 Act (as referred to in 25(1)(c) of the 1993 Act), provided the area applied for matches the plan accompanying the feu disposition.
- The Commission will engage with Planning Authorities in crofting areas to feed into local development plans. The Commission may also engage with consultations on Masterplan Consent Areas in crofting areas.

¹ When relevant sections of the Crofting Act 2026 commence an additional principle will be added here: 'Where the croft, which is subject to the proposed decrofting, has had previous decroftings, which in number and/or in area considered to be excessive by the Commission, this will be taken into account. It may also be relevant to consider the reasons for the previous decroftings, whether they were used as intended and who decrofted them. If the Commission consider that the cumulative impact of the decroftings, alongside the proposed decrofting, will have a detrimental impact on crofting, then the application may be refused.'

² When the relevant sections of the Crofting Act 2026 commence this will change to: 'Decroftings must be for a reasonable purpose.'

³ When relevant sections of the Crofting Act 2026 commence this will change to: 'The Commission will refuse decrofting applications that are not for a reasonable purpose.'

- Key considerations that should be incorporated into local development plans in crofting areas include:
 - Recognition of the right of crofters to build a house on their croft.
 - The importance of maintaining the operational use and sustainability of the croft. This includes maintaining appropriate access for agricultural vehicles and machinery (at least 4 metres wide) from the appropriate public road to the croft. This also includes avoiding good quality agricultural land where possible and not fragmenting the croft.
 - The importance of maintaining suitable access from the appropriate public road to surrounding crofts and Common Grazings land for agricultural vehicles and machinery (at least 4 metres wide).
 - The size of site should be appropriate to the purpose of the development to avoid unnecessary removal of croft land.
- The Commission will continue to fulfil its obligations as a statutory consultee on planning applications that may affect croft land. However, the Commission will not comment in detail on individual planning applications on croft land to avoid any implication of bias when it assesses the application when it is submitted as a decrofting application.

What will success look like

1. Decrofting contributes to housing and other developments in crofting areas, benefiting local crofting, communities and economies.
2. Decroftings are of an appropriate size for their purpose and contribute to the sustainability of crofting.

IMPACTS AND RISKS

The policy principles outlined above are consistent with existing processes and principles currently followed by the Commission in its consideration of decrofting applications. Therefore, there are no substantive impacts in terms of changes to processes, forms, information and staff training.

The draft interim policy for decrofting incorporates greater detail on decrofting policy and includes information on access and planning. Detail includes definitions about what would be considered reasonable purpose and what would fall outside of this. This change should improve clarity around this for customers, staff and the Land Court. This will help to ensure consistency of decision making and clarity around how the Commission deal with this issue. This should help mitigate the risk of the Commission being subject to an appeal and of losing an appeal for decrofting.

The policy has an increased emphasis on housing and gives the context for this as a pressing issue in Scotland’s rural areas. This should help mitigate the risk of the Commission being seen to be not doing enough to contribute to the housing crisis. The policy aims make clear the balance that the Commission strikes between development, in particular housing, and maintaining croft land for the sustainability of crofting. However, this balance is difficult to fully capture in policy as each case has a unique set of circumstances.

Impact:	Comments
Financial	N/A
Legal/Political	Expansion and clarification of decrofting policy is beneficial to the Commission and provides clarity to applicants, agents and the Land Court. A greater emphasis on housing and the housing emergency will help make clear that the Commission is playing its role to help address this.
HR/staff resources	N/A
Consumer Duty Guidance	Expansion and clarity of decrofting policy benefits consumers.

RECOMMENDATION

The Board is invited to approve the interim policy statement on decrofting.

Date 26 March 2026

Author Heather Mack, Head of Policy

CROFTING COMMISSION MEETING

6 May 2026

Report by the Director of Operations

Family Assignment Policy

SUMMARY

This paper presents a draft policy for family assignment. Family assignment is a new type of assignment which will be introduced with the new Crofting Act. The policy will form one part of the implementation of this new process.

BACKGROUND

The [crofting bill](#) has now been passed through Parliament and commencement is likely to start towards the end of the year. One of the bill provisions is a route for family assignment (section 8, page 12 of the bill), which is a quicker application process for crofters who are applying to assign to a family member. These applications do not need to be advertised and they only offer the opportunity for the landlord to object.

FAMILY ASSIGNATION POLICY – DRAFT

Policy context

Many tenanted crofts are assigned to family members. This is highly beneficial to crofting communities as it helps ensure active use of crofts and the passing on of crofts within the lifetime of the crofter, thereby supporting continuity of skills and cultural practices. A family assignment application offers a quicker route for assigning a croft when the proposed new tenant is a family member, and the landlord has no objections.

Policy aim

A straightforward and efficient family assignment process for applicants, proposed tenants and landlords.

Policy principles

- The criteria which must be met for the Commission to approve a family assignment are as follows:
 - The proposed tenant must be a natural person, who is a member of the crofter's family as defined under section 61, subsections (2) to (4) of the 1993 Act, as amended by the Crofting Reform Act 2007. This includes the following: sibling; sibling's spouse or civil partner; father; mother; son; daughter; son's or daughter's spouse or civil partner; grandchild; grandchild's spouse or civil partner; aunt; uncle; nephew or niece.
 - The proposed tenant must confirm that they will meet the duty to be resident within 32 km of their croft, from the date on which the assignment takes effect.
 - The proposed tenant must not be tenant or owner occupier crofter of three or more crofts in the Register of Crofts at the time of the application.

- The applicant will need to provide evidence to confirm that they have given the landlord written notice of the proposed assignation. This notice should include a copy of the application and specify that the landlord can either object to, or comment in favour of the application, to the Commission within 28 days.
- If the applicant is unable to contact the landlord they can follow the steps outlined in section 55(2) of the 1993 Crofters (Scotland) Act. This involves taking reasonable steps to ascertain details of the landlord. If reasonable steps have been taken and they are still unable to contact the landlord then they can place the notice in a conspicuous location on the croft for 28 days. The applicant should detail these steps taken as part of the application and provide evidence of these steps as required.
- The applicant is not required to give notice to owners of the common grazings, where these differ from the landlord of the croft.
- The landlord should either consent to or not object to the assignation during the notice period. Where no representations are made to the Commission by the end of the 28 day notice period, the application will progress.
- Applicants are required to have issued the notice to the landlord prior to making their application to the Commission. They should indicate the date on which notice was given. If the notice has been given to the landlord more than 3 months prior to the date on which the application is received by the Commission, then the application will be deemed invalid. If there has been a change in landlord since the notice has been given, and prior to the application being submitted to the Commission, then the application will be deemed invalid.
- If the crofter does not meet the relevant criteria for family assignation then their application will be deemed invalid and they will need to submit a standard assignation application.
- If the Commission has let the tenancy (in the case of a vacant croft where the landlord failed to let the croft themselves) to the crofter applying for a family assignation within the last ten years, the Commission will refuse the application unless there are exceptional circumstances. The Commission consider exceptional circumstances to be a situation that is unforeseen by the crofter, which means that they are clearly unable to meet their crofting duties, such as considerable ill health of the crofter. Evidence may be required to demonstrate this.¹
- Any objections from a landlord received in relation to a family assignation will not be brought forward to any subsequent assignation application. The landlord should resubmit the objection in relation to any subsequent assignation application as they see fit.

What will success look like?

- The process of family assignation will be in a shorter time frame than standard assignations. Those involved in the process (applicants, proposed tenants and landlords) will be satisfied with it.

IMPACTS AND RISKS

Family assignation will be one of the first provisions of the crofting bill to commence, although the exact timing is still unclear. The Commission is underway in its preparations for its implementation. Whilst the implementation will create additional work for staff in the short term, it is expected that once this process beds in that it will reduce the overall resource costs for assignation as a whole. It is unclear what proportion of applications will be processed via family assignation rather than the standard assignation process. This change and the impacts of it will need to be monitored. The new process will mean fewer standard assignation applications will be received and a higher proportion of these may need more scrutiny than currently.

¹ This policy principle may come in at a later date depending on commencement of the relevant sections of the crofting bill (2026).

The policy states that evidence may be required to prove notice has been given to the landlord. This evidence would be specified in the application form and is likely to include proof of postage or proof of an electronic form of sending the notice. This will ensure the process is in line with the equivalent application of croft house site and garden ground, which also involves a notice to the landlord and no public advertisement. This requirement for evidence for the landlord notice is based on advice from the Commission solicitor that this will be required to fulfil the Commission’s statutory responsibilities on this application. If the board wish to streamline the process this confirmation could be changed to just a tick box or similar. However, this would represent a risk in the Commission not fulfilling its statutory requirements and could result in the Commission losing an appeal to the Land Court.

The crofting bill implementation, including family assignation, is one of several high level projects underway at the Commission. There is an ongoing risk that unforeseen circumstances could derail one or more of these pieces of work, resulting in reputational damage.

Impact:	Comments
Financial	Family assignation is not expected to require additional resource costs on an ongoing basis.
Legal/Political	Introducing family assignation is high priority for the Scottish Government, and the Commission is enabling this to be introduced as soon as possible.
HR/staff resources	Implementation of the new process and associated policy will put pressure on staff on the short term.
Consumer Duty Guidance	The new family assignation application type will benefit customers as it gives a quicker and cheaper route for assignation for those who are eligible.

RECOMMENDATION

The Board is invited to approve the policy statement on family assignation, which includes the requirement for the applicant to provide evidence of their notice to the landlord.

Date 26 March 2026

Author Heather Mack, Head of Policy

CROFTING COMMISSION MEETING

6 May 2026

Report by the Chief Executive

Scheme of Delegation

SUMMARY

The purpose of this paper is to obtain the Board's approval to introduce changes to the Scheme of Delegation to make reference to new statutory provisions in the Crofting and Scottish Land Court Bill ("The Bill") relating to decisions on:

- Assignations to family members
- Ten-year restrictions on assignation following Commission Let

1. BACKGROUND

The Bill, recently passed by the Scottish Parliament, introduces statutory provisions relating to (a) Assignations to family members and (b) Ten-year restrictions on assignation following Commission Let.

1.1 Assignations to family members

The Bill introduced modifications to section 8 of the Crofters (Scotland) Act 1993 ("the 1993 Act") which requires that the Commission **must consent to the assignation** of the tenancy of the croft where the following conditions are satisfied:

- (1) The proposed assignee is a member of the crofter's family;
- (2) The proposed assignee complies with or, at the time the assignation takes effect, will comply, with the duty to be ordinarily resident on, or within 32 kilometres (20 miles) of, the croft which is the subject of the assignation application.
- (3) The proposed assignee is not entered in the Register of Crofts as the tenant or owner-occupier of three or more crofts;
- (4) The landlord has either consented to or not objected to the proposed assignation.

Where any of the above conditions are not satisfied, the Commission will direct the applicant to submit a new application under the standard assignation provisions whereby the Commission may:

- Grant the application;
- Grant the application subject to conditions, or
- Refuse the application

1.2 Ten-year restrictions on assignment following Commission Let

The Bill introduced modifications to sections 23 (vacant crofts) and section 26J (owner-occupied crofts) of the 1993 Act which provides that where a croft has been let by the Commission under section 23(5C) of the 1993 Act, the Commission **must not, unless they are satisfied that there are exceptional circumstances which merit it, consent to an application for the assignment of the croft or any part of it under section 8(1) of the 1993 Act** (this includes both standard assignments and applications to assign to family members).

These provisions apply in circumstances where the Commission have:

- Given notice to the landlord of a vacant croft in terms of section 23(5) of the 1993 Act requiring that they submit to the Commission proposals for letting the croft, whether as a separate croft or as an enlargement of another croft. or
- Directed an owner-occupier crofter (who has been found to be in breach of one or more of the statutory duties) in terms of section 26J of the 1993 Act, to submit to the Commission proposals for letting the owner-occupied croft, and
- In either case the landlord of the vacant croft or the owner-occupier crofter has either failed to submit proposals or has submitted proposals that have been rejected by the Commission, resulting in the Commission taking over the letting process and letting the vacant croft or owner-occupied croft at its own hand, and
- An application for consent to assign the tenancy has been submitted within the period of 10 years beginning with the date of the let.

2 Recommended changes to the Scheme of Delegation

2.1 Assignations to family members

The recommendation is that “Assignations to family members” be added to the list of **“FUNCTIONS AND DECISIONS WHICH ARE INCLUDED IN THE SCHEME OF DELEGATION”** where the decision is delegated to Commission staff.

A further recommendation is that there will be no “parameters of delegation” associated with this function.

The reasoning for the recommendations being that the Act provides that the Commission must consent to the assignment if the 4 conditions set out at section 1.1 of this paper are satisfied.

Clearly there will be cases where there may uncertainty whether the conditions have been satisfied. The recommendation is that any such cases be escalated through the line management chain to Senior Casework Officers who can liaise with the Regulatory Support Team with guidance and advice provided by the Commission solicitor as required to determine whether the conditions have been satisfied.

2.2 Ten-year restrictions on assignment following Commission Let

The recommendation is that a decision on whether there are exceptional circumstances which merit the consent of an assignment application submitted by a tenant who obtained the croft as a result of a letting by the Commission within the period of 10 years from the date of the let be included in the list of **“FUNCTIONS AND DECISIONS WHICH ARE EXCLUDED FROM THE SCHEME OF DELEGATION”**. This would require that any decision to consent to an assignment application, in these circumstances, be exempt from the Scheme of Delegation to staff and would, instead be reserved for determination by the Board of Commissioners.

The reasoning for the recommendation being that there is the potential for reputational issues arising from the Commission approving an application in these circumstances, and also the fact that any decision to approve an application may establish precedents which the Board may wish to retain control over.

Impact:	Comments
Financial	There could potentially be a modest financial gain if the Commission are in a stronger position to defend decisions that are subsequently appealed.
Legal/Political	This will ensure proper governance is being followed with consistency in relation to the delegated authority for regulatory applications.
HR/staff resources	None
Consumer Duty Guidance	This meets the requirements of the Consumer Duty legislation.

RECOMMENDATION

Commissioners are invited to consider these proposals and approve the recommendations for changes to the Commission's Scheme of Delegation in relation to

- **Assignations to family members**
- **Ten-year restrictions on assignation following Commission Let**

Date 7 April 2026

Author Joseph Kerr, Head of Regulatory Support

CROFTING COMMISSION MEETING

6 May 2026

Report by the Director of Operations

Scheme of Delegation Updates – Audit Recommendations

SUMMARY

This paper follows up the 2025 Regulatory function audit and seeks Board approval for some minor additions to the scheme of delegation in order to close the last recommendation.

BACKGROUND

The Commission undertook its first internal audit on its Regulatory casework function in 2025. Although this was generally a very favourable audit, a small number of low-risk recommendations was put forward to the Commission. Although most of these have been fully accepted and implemented, one recommendation focused on adding additional clarity to the scheme of delegation around escalation points and the process for (the then referred to) Tier 3 decisions (now referred to as decisions of the full Board within the scheme).

Recommended amendments

The document at Annex A:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/260225/14-Annex-A.pdf> shows the current wording of the scheme of delegation, with recommended amendments highlighted in yellow.

The document at Annex B:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/260225/14-Annex-B.pdf> shows the audit recommendation in full.

It should be noted that one recommendation was that applications from staff be escalated to the second tier of decision making as standard. This recommendation has been rejected as staff abusing their position for personal gain is not an issue within the Commission. The Civil Service code and Scottish Government Standards of Behaviour require all Commission staff to act with honesty and integrity, as well as to complete an interests declaration. It is the opinion of officials that these requirements are sufficient.

SUMMARY

The Board are invited to discuss if they feel the recommended changes meet the audit recommendation, and if they are happy to approve the edits to the scheme of delegation.

Impact:	Comments
Financial	N/A
Legal/Political	N/A
HR/staff resources	N/A
Consumer Duty Guidance	N/A

RECOMMENDATION

The Board is invited to review the recommendation in the paper and instruct officials if they are happy to accept them and sign off the updated scheme of delegation.

Date 30 March 2026

Author Director of Operations

CROFTING COMMISSION MEETING

6 May 2026

Report by the Chief Executive

Annual Review of Standing Orders

SUMMARY

Standing Orders represent one of the key governance documents in the Commission and are reviewed by the Board on an annual basis. The document can be found here: <https://www.crofting.scotland.gov.uk/userfiles/file/appendices/260506/Standing-Orders-V1.5.pdf>

BACKGROUND

Standing Orders represent one of the key governance documents held by the Commission, ensuring the orderly and effective conduct of formal meetings of the body and its committees. The document is reviewed each year by the Board. The last review took place in February 2025.

CURRENT POSITION

At a Special Board Meeting which took place on 22 May 2025, the Commission approved a change to the Scheme of Delegation, agreeing that with immediate effect all regulatory cases escalating from Tier 2 would be decided by the full Board at a Board meeting.

As a result, when the Board now meets to make a decision on regulatory cases, it is important that the Standing Orders reflect the difference between a decision by the Board of the Commission in its capacity as a tribunal (giving rise to right to a statutory appeal) and other meetings where the Board undertakes its regular duties as an NDPB board. Although the Commission was removed from the Scottish Tribunals structure in 2017, it is still listed as a tribunal in the Tribunals and Inquiries Act 1992, and the relevant statutory provisions remain in force.

It is proposed to reflect this change in Standing Orders by including an additional clause at 3.11 under the heading, 'Minutes of Commission Meetings.' The proposed wording is as follows:

1. *Schedule 1 para 13(1) empowers the board to regulate its own proceedings.*
2. *The Commission was removed from the Scottish Tribunals structure in 2017, but we consider that, when determining regulatory applications, the board continues to act as a tribunal.*

3. *In common with established practice in some other tribunals we consider that the minutes of a meeting to determine a regulatory application should contain only the following –*
- a. *Attendees and apologies*
 - b. *Declarations of interest*
 - c. *Any dissensions or abstentions*
 - d. *Whether a decision was made or not.*

No other amendments to Standing Orders are proposed at this time.

Impact:	Comments
Financial	N/A
Legal/Political	Standing Orders are one of the key governance documents covering Board activity and the conduct of meetings.
HR/staff resources	The Standards Officer ensures there is an annual review of Standing Orders and enacts any in-year revisions.

RECOMMENDATION

The Board is invited to approve the wording of an additional clause in Standing Orders, to be added as 3.11.

Date: 16 April 2026

Author Jane Thomas, Standards Officer

DATE OF NEXT MEETING

Thursday 25 June 2026 - St Kilda

ANY URGENT BUSINESS

EXCLUSION OF PRESS & PUBLIC