

Crofting Commission Interim Policy Statement on Residency

February 2026

Policy context

The duty to be ordinarily resident on, or within 32 km of the croft, is the first of three key crofting duties outlined in crofting legislation. The residency of crofters on or close to their crofts, is vital to local populations in crofting areas, It benefits communities and helps address workforce shortages in rural areas. The Commission is aware that most crofters do meet the residency duty, however a minority of crofters are in breach. The Commission has powers to enforce this duty. It is a key tool in which the Commission can support population retention and active crofting.

Population retention

Scotland's population is facing challenges including an ageing population, a projected overall population decline and acute population declines in many rural areas¹. Crofting has an essential role in supporting rural population in the areas in which it is prevalent². This is recognised in the Crofting Act which states that the Commission must have regard to *'the desirability of supporting population retention: in the crofting counties; and in any area for the time being designated as mentioned in section 3A(1)(b) and in which there are crofts'*³ Crofters (Scotland) Act 1993, as amended by the Crofting (Scotland) Reform Act 2010.

Considering the population challenges faced by Scotland, the Commission supports population retention and population growth in all crofting areas. Supporting population is a high priority for the Commission and goes hand in hand with other Commission priorities including promoting active crofting and enforcing residency.

Policy aims

1. To increase the number of crofters that meet the residency duty.
2. To apply a consistent and fair approach to enforcement of the residency duty. This will include a requirement for crofters to provide evidence to demonstrate their compliance.
3. To identify and resolve residency breaches of crofters when they first become crofter of a croft.

¹ Supporting and enabling sustainable communities: action Plan to address depopulation, Scottish Government, 2024

² The Value of Crofting to Scotland. Biggar Economics, 2024.

³ The latter part of this statement refers to any areas that the Scottish Ministers have designated as new crofting areas.

Policy principles

- Ordinarily resident is the term used in the context of a crofter's residency duty. Consideration of whether a crofter is 'ordinarily resident' will be based on the following principles:
 - The given address should be within 32 km of the croft. This given address should be the main residence for the crofter.
 - The crofter should have an established presence and settled purpose at the given address.
 - The crofter should have a degree of continuity at the given address. Any absences should be accidental or temporary.
 - Evidence will be routinely used by the Commission to ascertain whether a crofter is ordinarily resident. The evidence will be used to establish proof of the given address being the main residence.
- The Commission will undertake residency checks for crofters and crofters are required to provide evidence demonstrating residency on request. Details of what is accepted as proof of residency is specified in Commission guidance.
- Checks requiring crofters to provide evidence of residency will generally be carried out in conjunction with enforcement processes.
- Checks requiring crofters to provide evidence of residency may be carried out in conjunction with a Commission application or notification which has been submitted. The residency check will be done on the current crofter or on the incoming crofter as appropriate.
- Checks requiring crofters to provide evidence of residency may be carried out in conjunction with Annual Notice procedures.
- If a crofter is currently unable to meet the residency duty and their absence is temporary then they are expected to apply for a Consent to be Absent. This includes crofters who have newly become crofter of their croft. Crofters are expected to consider the residency duty prior to obtaining a croft where this is pragmatically possible.
- If a crofter cannot meet the residency duty on a long term basis then they should arrange for a permanent transfer of the croft to someone who can meet the crofting duties.

What will success look like

- An overall increase in crofters meeting the residency duty on a permanent basis.
- A perceived shift by the crofting community towards a more pro active, stricter approach to enforcement of the residency duty by the Commission.
- The integration of residency checks by use of evidence to become routine in key Commission processes.
- An increase in the number of crofters to newly obtained crofts that are meeting the residency duty.