



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

25 JUNE 2026

**CROFTING COMMISSION MEETING
ST KILDA, GREAT GLEN HOUSE
25 JUNE 2026 AT 0900hrs**

AGENDA

- | | |
|--|----------------|
| 1 APOLOGIES | <i>Oral</i> |
| 2 DECLARATIONS OF INTEREST | <i>Oral</i> |
| 3 DRAFT MINUTES FROM 6 MAY 2026* | <i>Minutes</i> |
| 4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING
(of 6 May 2026) | <i>Paper</i> |
| 5 MATTERS ARISING FROM PREVIOUS MINUTES | <i>Oral</i> |
| 6 CIS REPLACEMENT PROJECT UPDATE | <i>Paper</i> |
| 7 ANNUAL CONSIDERATION OF STRATEGIC RISK IDENTIFICATION | <i>Paper</i> |
| 8 SUCCESSION PROJECT UPDATE AND PRESENTATION | <i>Paper</i> |
| 9 SCHEME OF DELEGATION UPDATES – AUDIT RECOMMENDATIONS | <i>Paper</i> |
| 10 INTERIM POLICY ON OBJECTIONS | <i>Paper</i> |
| 11 PART PURCHASES OF APPORTIONMENTS AND THE REGISTER OF CROFTS | <i>Paper</i> |
| 12 DATE OF NEXT MEETING
26 August 2026, St Kilda | |
| 13 ANY URGENT BUSINESS | |
| 14 EXCLUSION OF THE PRESS AND PUBLIC | |

**Not in public copy*

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION MEETING

25 June 2026

Report by the Chief Executive

Review of Action Points from 6 May 2026

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
1	On Audit Recommendation on Scheme of Delegation, the Chair will review applications from staff. This will be included in a paper on further changes to the Scheme of Delegation	DoOP	June Board	07/05/2026	
2	Following the collation of data and the wash-up meeting on the 2025 Annual Notice, prepare a paper for the Board	CEO	June Board		
3	Review current Hearing procedures and revert to Board under MA	Commission solicitor	June Board Matters Arising		

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

CROFTING COMMISSION MEETING

25 June 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. The purchase order formal engagement of Bluewave Consulting has been processed and therefore the Discovery Process began in earnest on 1 June 2026. The actual cost of this phase is recorded as £98,622.90, which Commissioners will note is slightly ahead of the initial estimate of £97k, but still within the initial estimate of £100k allocated to this part of the project. The time allocated by Bluewave for this work is 75 days and therefore expectation is that the Discovery Phase will end towards the end of August 2026.

An additional point of note for Commissioners is that 10 licenses for Salesforce have been acquired at a cost of £11,962.20. These licenses will allow the Commission's IT team to begin the familiarisation process of the new software but importantly, this cost is the beginning of the allocation of the £411k balance of the project budget allocated by the Scottish Government to the CIS Replacement (£61k of which is the underspend from the last financial year). This is the starting point at which the Oversight Committee needs ensure close scrutiny of costs to ensure we don't get ahead of ourselves before we have an appropriate level of confidence in the suitability of the new system.

Overall confidence however is increasing with the Project Lead informing the Committee that Bluewave's performance is currently exceeding his expectations and confidence that the Salesforce is the correct system is growing. It is, however, still early days.

A new risk has also been added to the risk register for this project. Bluewave Consulting need access to the live version of the current CIS software. This presents two risks as I see it:

- 1. An external party being given access to our live Data
- 2. Additional, unbudgeted costs, for Microsoft 365 licenses to allow remote access to the system.

The first risk is mitigated via the formal contract with Bluewave and I have reviewed their T&Cs to ensure this is covered.

The second risk is a little more concerning and has arisen due to Bluewave, as a business, not being a user of Microsoft 365. I think this was a level of detail unforeseen during the project planning phase. The Project Lead is a creative thinker and is currently looking at ways in which access to the CIS system can be provided remotely without incurring additional costs. My own view is this is unlikely. Any additional costs incurred will not be huge but it has the potential to put some pressure on an already tight budget.

In summary, notwithstanding the new risk, the overall sense is of a project being well run and with progress being made.

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.

The CIS Replacement Project will continue to be high on the agenda of the Audit & Finance Committee and project spend will be monitored closely.

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

Date 9 June 2026

Author Stephen Webster, Chair of Oversight Committee

CROFTING COMMISSION MEETING

25 June 2026

Report by the Chief Executive

Annual consideration of Strategic Risk Identification

SUMMARY

The purpose of this paper is to help frame the Board's annual review of strategic risks managed through the Strategic Risk Register:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/260625/Strategic-Risk-Register-Q4-2025-26.pdf>

BACKGROUND

Strategic risk management is a central responsibility of a NDPB Board. The Strategic Risk Register is the main management tool through which the Board discharges this responsibility.

All Board Members have had basic training in this area through the introductory "On Board" training course. Several Board Members have received enhanced training through the "Effective Board Oversight of Risk" training course.

Emerging strategic risks are identified on an ongoing basis through the year. In addition the Board conducts a more structured risk identification analysis annually to complement that ongoing horizon scanning.

Currently Identified Strategic Risks

There are currently fifteen risks identified on the Strategic Risk Register (attached). This was last reviewed by the Board on 6th May and remains current.

Review Framework

The PESTLE framework is widely used in both the public and private sectors as a framework for risk identification. It enables the Board to think through the main categories of potential risk in a structured manner –

Political
Economic
Social
Technological
Legal
Environmental

Points to Consider

Political – A new minority Scottish Government has just been elected. It remains to be seen what arrangements will be made to enable it to govern effectively. At a UK level, a leadership election now seems inevitable with the potential for a resulting policy shift.

Economic – Uncertainty has risen due to conflict in the Gulf. Of greatest significance is the rising pressure on public finances. Statements have already been made to the effect that 2026/27 in-year budget adjustments are possible with cuts in 2027/28 being likely.

Social – Demand for crofts remains high with some evidence of increased interest from younger age groups. Along with that is evidence of a growing interest in significant land use diversification.

Technological – Developments in information technology are creating new ways of delivering regulatory services. At the same time IT literacy among users of those services is diverse (and possibly diverging further).

Legal – The new Crofting and Scottish Land Court (Scotland) Act 2026 is expected to gain Royal Assent later this year. Other new legislation – e.g. Natural Environment (Scotland) Act 2026 - also has the potential to impact indirectly on crofting regulation.

Environmental – Climate and biodiversity priorities continue to gain significance in land use policy, including in relation to agricultural support payments and carbon/biodiversity credits.

Discussion Format

We will take the risks identified in the current Strategic Risk Register as the starting point for our discussion. These were confirmed by the Board on 6th May.

With reference to the PESTLE framework, each member of the Board and Executive Team will be asked to offer her/his thoughts on any significant gaps that they believe may need further consideration.

We will then discuss this collectively and, where gaps or other potential changes to the Strategic Risk Register have been identified, we will remit this to the Audit Committee for further reflection – to come back with advice to the Board Meeting on 26th August.

Impact:	Comments
Financial	Possibly for management/mitigation.
Legal/Political	This will further enhance Board effectiveness.
HR/staff resources	N/A
Consumer Duty Guidance	This meets the requirements of the Consumer Duty legislation.

<p>RECOMMENDATION</p> <p>It is recommended that –</p> <ul style="list-style-type: none"> • Each Board Member provides a brief verbal summary of their thoughts on the paragraph underlined above. • Before finalising any changes to the Strategic Risk Register, we will ask the Audit Committee to reflect further and advise.
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Date 25 June 2026
 Author Andrew Thin, Chair

CROFTING COMMISSION MEETING

25 June 2026

Report by Director of Operations

Croft Succession: Survey Results 2025/26

SUMMARY

This paper provides an overview of the Crofting Commission's 2025 succession project and the findings of the associated surveys. Detailed statistical analyses and findings from the surveys are presented in a separate report.

BACKGROUND

The Commission undertook a project to reach out directly to crofters about croft succession in 2025. This followed on from a successful pilot project on croft succession in 2023. Timely planning for succession, either to occur on death (by specifying a successor in a will) or during a crofter's lifetime (living succession), can help to reduce uncertainty regarding the future management of crofts. Both help to ensure clarity of successor(s) and avoid potentially lengthy processes of intestate succession, which in turn supports the continual active use of crofts.

The project was funded jointly by the Commission and the Scottish Government National Islands Plan Team (NIPT) as part of the National Islands Plan commitments. It aimed to raise awareness about, and better understand, the current level of preparedness around succession planning in rural crofting communities. The Commission information pack about croft succession was shared in English and Gaelic. This was sent to all tenant and owner-occupier crofters across Shetland, Orkney, Lewis, Harris, Skye, the Small Isles, Argyll islands, Argyll mainland, Caithness, West Mainland and East mainland.¹

The project included an information pack on croft succession and a survey asking questions about croft succession plans. This was sent out to crofters by post in summer 2025. A follow-up survey was carried out as part of the Commissions 2025 Annual Notice, which asked questions primarily aimed at evaluating the success of the project.

The materials used for the project include the succession pack and succession videos:

- [Succession Information Pack](#)
- [Video 1 - Succession Overview](#)
- [Video 2 - Applecross](#)
- [Video 3 – Uist](#)

¹ Succession information was sent to crofters in Uist, Barra and areas of the NW Highlands in the 2023 pilot project and so were excluded from the 2025 mailing.

Project Delivery and Costs

The project involved the production, printing and distribution of 11,796 succession information packs that were issued to crofters by post, along with a survey and a free return envelope. Key costs for the 2025 project include:

- Design, printing and distribution of succession information packs: £22,837.20 for islands and £10,765.20 for mainland areas
- Royal Mail Business reply: approximately £2,000
- Staff resource: project management, content development, inputting of data and analysis (resource costs for the project were covered by the Commission)
- £18,361 towards material costs funded by the NIPT
- **Total:** approximately £35,602

The project received funding from the National Islands Plan for the island communities, while the Commission funded the remaining mainland areas. Gaelic translations of the succession materials were done by Scottish Government officials. These were included alongside English versions for crofters in island communities where Gaelic has been shown as part of the cultural identity, including Lewis and Harris, Skye and the Argyll islands.

Project Successes and Impact

The paper survey issued with the succession information pack had a 20% response rate, with 2,330 responses. The survey asked respondents separate questions about different types of planning arrangements, meaning respondents could answer more than one option. The following table shows percentage responses to some of the key questions asked:

Table 1 – results of respondents indicating specific succession planning in place

Succession Method	Yes (%)	No (%)
Has a Chosen Successor	73	27
Has a Will	60	40
Would consider Living Succession (Assignment/transfer)	50	50
Has a Power of Attorney	42	58

Note: Percentages are based on responses to separate questions. Respondents could answer 'yes' or 'no' to more than one succession method.

These findings show that having a chosen successor is the most common form of planning (73%). Having a will and/or a power of attorney was more common among older respondents in comparison to younger respondents, indicating older crofters were more likely to have formal succession arrangements in place. On the other hand, younger respondents were more likely to consider living succession. The full results of the survey will be published as a report.

The follow up evaluation done as part of the annual notice showed 89% of crofters stated they found the succession information helpful. The majority of those who did not find it helpful indicated they were already aware of the succession options and indicated they were already intending to take succession-related action. Overall, 48% of all respondents (both those who found the pack helpful and those who did not find it helpful) reported having taken succession-related action since receiving the pack. Survey respondents could select from one or multiple options of actions taken, which included creating or updating a will, discussing the succession of the croft with a proposed successor, contacting or using information for the organisations sign-posted in the pack, or

submitting an application to the Commission linked to succession plans. A further 46% reported intending to take some form of action in relation to the succession-planning of their crofts. These findings demonstrate that the project has been a success by both increasing the awareness of croft succession and in encouraging crofters to engage with and take practical action with succession planning.

CONCLUSION

Officials consider the succession project to have been a successful and valuable piece of work for the Commission. It has delivered a strong evidence base relating to croft succession, increased crofters' engagement with succession planning and supported the Commission's wider objectives in relation to promoting the active use of crofts. The project has had immediate benefits and will continue to deliver benefits for the Commission in the future. The project has reinforced the importance of ensuring residency duties are considered when crofters choose their successors. As croft succession plans come into play, the incidence of intestate succession cases, which can leave crofts unused and neglected for many years, could be reduced. Therefore, this project should assist the Commission in fulfilling its aims of ensuring active use of crofts, reducing non-resident crofters and reducing croft neglect.

The success of the project could be linked to the method in which the Commission engaged with crofters via post. This method has been shown to be an effective and engaging method to communicate the benefits of succession planning and encouraging crofters to consider taking action. This could be repeated in the future should the Commission intend to gather valuable information about other relevant topics.

Impact:	Comments
Financial	It would be necessary to consider cost implications, should the Board consider future projects.
Legal/Political	N/A
HR/staff resources	N/A
Consumer Duty Guidance	Increased awareness of croft succession benefits consumers.

RECOMMENDATIONS

The Board is invited to:

- **Note the findings of the succession project and the positive level of engagement received**
- **Consider whether the Commission may benefit from similar projects in the future to support other Commission priorities, such as residency duty enforcement, common grazing share usage and new entrants to crofting.**

Date: 3 June 2026

Author: Aisha McFarlane, Policy Manager

CROFTING COMMISSION MEETING

25 June 2026

Report by the Director of Operations

Scheme of Delegation Updates – Audit Recommendations

SUMMARY

This paper follows up the May 2026 Board meeting and details minor amendments requested by the Board.

BACKGROUND

At the May 2026 Board meeting, a paper was presented to the Board for approval of a small number of changes to the Commission’s Scheme of Delegation (SoD). These changes were on the back of recommendations from the internal audit of the regulatory function, one of which was to introduce a verification step for applications from staff members. Although initially officials suggested that they did not feel any changes to the staff application process were necessary, the Board expressed a wish to ensure correct checks and balances were performed equally for applications from all parties. As a result, the Board instructed that the SoD be amended to note that any staff applications required sign off by the Chair of the Board.

Recommended amendments

The document at:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/260625/9-Annex-A.pdf>

shows the current wording of the SoD, with recommended amendments highlighted in yellow.

The document at:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/260625/9-Annex-B.pdf>

shows the audit recommendation in full.

These annex documents remain the same as the ones presented at the May 2026 Board meeting, with the following addition added under the heading related to applications from a member of staff (text new to this amendment in **bold**):

*“Any application submitted by a member of staff which complies with all the parameters for delegation, as agreed by the Board, can be progressed at Tier One (Casework Officer), **but must be reviewed and approved by the Chair of the Board prior to any determination being finalised.**”*

SUMMARY

The Board are invited to discuss if they feel the recommended changes meet the audit recommendation and the additional instruction around applications from staff, and if they are happy to approve the edits to the SoD.

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 SoD.

Date 8 May 2026

Author Aaron Ramsay, Director of Operations

CROFTING COMMISSION MEETING

25 June 2026

Report by the Director of Operations

Interim policy on Objections

SUMMARY

This paper presents a draft interim policy on objections. This has been created based on the approach and processes currently taken by the Commission. The clarification of these details in policy may help improve consistency of decision making, customer satisfaction and help to mitigate risks in relation to objections.

BACKGROUND

This paper forms part of the Commission's work to systematically review its policy plan. Objections can be made in relation to most application types. For some applications 'objections' are referred to as *comments*, or may have no specific term in the legislation. For the purposes of this paper and the interim policy, all of these are collectively referred to as *objections* for ease.

The processes around objections are specified in legislation for most application types. They represent an important aspect of the Commission's decisions by giving the opportunity for relevant parties to comment on an application. If accepted, these then need to be considered by the Commission. There is no specific detail in the current policy plan about objections. However, there is a well-established internal process for handling objections. This has been captured in the below draft interim policy on objections. Including this detail in the policy plan will be beneficial for the Commission and will help with consistency and clarity for crofters, objectors and the Land Court.

The Commission also undertook considerable work on the handling of objections in 2024. This was done to streamline and clarify procedures, especially in relation to the process of serving the objections on the applicant and counter serving of responses back to the objector. The work done on this was very successful in making improvements to efficiency, customer service and empowering staff to make effective decisions.

INTERIM POLICY ON OBJECTIONS – DRAFT

Crofting legislation allows for certain individuals to make objections in relation to several different types of Commission applications. In this policy the term *objection* is used in a general way to refer to all types of objections, comments or submissions that the Commission may receive in relation to an application.

The majority of Commission applications are processed under the 58A section of the 1993 Act (obtaining Commission approval or consent), which specifies the role of objections.

Applications which are included under section 58A of the Crofters (Scotland) Act 1993 include the following¹:

- Exchange of crofts or parts of crofts (section 4A of the Crofters (Scotland) Act 1993)
- Assignation of croft (section 8 of the Crofters (Scotland) Act 1993)
- Division of tenanted croft (section 9 of the Crofters (Scotland) Act 1993)
- Division of owner occupier croft (section 19D of the Crofters (Scotland) Act 1993)
- Vacant croft letting (section 23 of the Crofters (Scotland) Act 1993)
- Subletting of Crofts (Sections 27 of Crofters (Scotland) Act 1993)
- Letting of owner occupier crofts (full or short lease) (Section 29A of the Crofters (Scotland) Act 1993)
- Use of common grazings for other purposes (Section 50B of the Crofters (Scotland) Act 1993)

For several other application types, objections also have a role in the decision-making process (although they may not be referred to as objections in the legislation, in this policy they are referred to as objections for ease). Some of these objection provisions are specified in the relevant section of the Act. Where they are not specified, Commission policy outlines how objections are handled in relation to these application types. The application types for which objections may be received, but are not processed under section 58A of the Crofters (Scotland) Act 1993, include the following:

- Decrofting by landlords of vacant crofts, tenants in advance of purchase and owner occupier crofters (section 24 and 24A of the Crofters (Scotland) Act 1993)
- Apportionment (Sections 52(3), 52(4) and 52(8) of the Crofters (Scotland) Act 1993)
- New common grazings (Section 51A of the Crofters (Scotland) Act 1993)
- New crofts (Section 3A(1) and (2) of the Crofters (Scotland) Act 1993)

POLICY PRINCIPLES

Assessment of whether the objector is eligible to object

- Objections will only be accepted from those who are eligible to object. This varies for the application type and is detailed in the table below.
- Objections will typically only be accepted if they are submitted within the timeframe specified on the public notice for the application.
- Late objections will only be accepted in exceptional circumstances if a good reason is shown. They will also only be accepted if the application is still at the appropriate stage of the process that allows objections to be considered.
- Anonymous objections will not be accepted.

Assessment of whether the objection is competent

Objections that are deemed to be eligible in terms of whether the objector is eligible to object will then be considered in terms of whether the objection is competent. Objections that the Commission deem to be competent will form part of the decision-making process to determine the outcome of the application. If the Commission deems that the objection is not competent, then it will not form part of the decision-making process to determine the outcome of the application. At the Commission's discretion it may decide to remove certain parts of an objection that are deemed to be not competent and proceed with the objection based on the parts that are deemed to be competent.

¹ When relevant provisions of the Crofting and Scottish Land Court Act 2026 come into force additional application types will be added to this list.

For an objection to be competent it should adhere to the following:

- Objections should be submitted in writing (other forms may be accepted by arrangement).
- Only one objection should be submitted per person (exceptions to this may be accepted by arrangement).
- Objections should not be vexatious² or frivolous³.
- Objections should not be derogatory or offensive to any individual.
- Objections should not make any reference to the protected characteristics of any individual. This includes age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. (This information will not be retained by the Commission).
- Objections should not make any reference to criminal activity, criminal allegations or health information. (This information will not be retained by the Commission).
- Objections should be based on facts not opinions.
- Objections should be relevant to the application. See below subsections for details regarding what is relevant. Further information regarding what the Commission consider to be relevant to a decision on an application is available in the policy plan section relevant to the application type.

General points in relation to all objections

- Commission policy is that objections can relate to matters which support the application, oppose the application or are neutral.
- Any objections which are accepted and deemed to be competent will follow a standard process. Objections are served on the applicant for them to comment. Any comments will then be served back to the objector to comment, and these are then sent to the applicant to make any final comment. During this process of serving objections only comments that are directly relevant should be submitted and no new objections will be accepted.

Objections to applications that are considered under section 58A of the Crofters (Scotland) Act 1993

- There is a statutory provision for certain parties to object to an application to which the Commission must consider for approval or consent, under section 58A of the Crofters (Scotland) Act 1993, if submitted within the specified time period.
- In certain limited circumstances it may be possible for anyone to object. This is the case if the Commission deems they have a relevant interest. The Commission will typically not accept objections in this respect. The only circumstances in which they may be accepted is when there is clear evidence to indicate the interest of that person and if the objection would have a significant impact on the decision.
- To ensure an objection is relevant it should be limited to the factors which the Commission consider. These include (but are not limited to): the interests of the estate, the interests of the crofting community in the township, the sustainable development of the crofting community in the township, the interests of the public.
- If the application relates to a croft, it would also be considered relevant for an objection to reference whether the relevant person is or will be resident within 32 km of the croft and whether the croft is or will be cultivated or put to purposeful use.⁴

² A vexatious objection is defined as one that is instituted without sufficient grounds and is designed to cause annoyance, embarrassment or financial strain.

³ A frivolous objection is defined as one which is instituted without sufficient grounds and is designed to delay and waste time.

⁴ When the relevant provision of the Crofting and Scottish Land Court Act 2026 comes into force this will be amended to include ‘...or whether the croft will be put to any environmental use’.

Objections to decroftings

- There is no statutory provision for anyone to object to a decrofting application. However, Commission policy is that it will consider comments from a member of the crofting community⁵ and the landlord (where the croft is tenanted).⁶
- To ensure an objection is relevant it should be limited to the factors which the Commission consider. These include (but are not limited to): the interest of crofting and crofting communities in the locality⁷, the landscape of the locality⁷, the environment of that locality⁷, the social and cultural benefits associated with crofting, and any demand for the tenancy (from persons who might reasonably be expected to obtain the tenancy if the croft were offered on the open market on at the time of the application)⁸.

Objections to apportionments

- There is no statutory provision for anyone to object to an apportionment application. However, Commission policy is that it will consider comments from the landlord and shareholders in the common grazing that is subject to the apportionment application.
- To ensure an objection is relevant it should be limited to the factors which the Commission consider. These include (but are not limited to): the interests of the shareholders in the common grazing; the interests of the owner of the common grazing; the impact on active use of the common grazing; economic, social or environmental impacts; and any impacts on population retention.

Comments on new crofts and new common grazings

- There is a statutory provision for anyone to comment on a new croft application or a new common grazing application, if submitted within the specified time period.
- To ensure an objection is relevant it should be limited to the factors which the Commission consider. These include (but are not limited to): the public interest, the interest of any crofting community in the locality and any social or economic impacts.

⁵ This is defined by section 61 of the Crofters (Scotland) Act 1993. It refers to crofters which occupy (a) croft(s) in the township in question or persons who hold shares in the Common Grazings. When relevant sections of the Crofting and Scottish Land Court Act 2026 commences, this definition will change slightly to include explicit reference to deemed crofts and owner occupied crofts.

⁶ This policy principle will be replaced with the following when the relevant section of the Crofting and Scottish Land Court Act 2026 comes into force: 'There is a statutory provision for members of the crofting community and owners of the land to submit an objection on the decrofting application, if submitted within the specified time period.'

⁷ When relevant provisions of the Crofting and Scottish Land Court Act 2026 come into force 'in the locality' will change to 'in the parish'.

⁸ When the relevant provision of the Crofting and Scottish Land Court Act 2026 comes into force this last factor (demand) will be removed.

Table to show the different types of application that objections (or comments) can be made in respect of and who is eligible to make them

Application type	Who is eligible to make an objection (or comment)
New Crofts	Anyone can comment
Exchange of Crofts ⁹	Member of the crofting community ¹⁰ Owner of the Common Grazings (<i>only if a share is included in the exchange</i>) The Grazings Committee (<i>only if a share is included in the exchange</i>)
Assignment ⁹	Member of the crofting community ¹⁰ The landlord Owner of the Common Grazings (<i>only if a share is included in the assignment</i>) The Grazings Committee (<i>only if a share is included in the assignment</i>)
Division (of tenanted or owner occupied croft) ⁹	Member of the crofting community ¹⁰ The landlord (for tenanted crofts only) Owner of the Common Grazings (<i>only if a share is included in the division</i>) The Grazings Committee (<i>only if a share is included in the division</i>)
Letting of a vacant croft by a landlord ⁹	Member of the crofting community ¹⁰ Owner of the Common Grazings (<i>only if a share is included in the letting</i>) The Grazings Committee (<i>only if a share is included in the letting</i>)
Decrofting part or whole croft (by a landlord of a vacant croft, a tenant or an owner occupier crofter)	Member of the crofting community ¹⁰ The landlord (for tenanted crofts only)
Sublet (of tenanted croft) and short term let (of owner occupied croft) ⁹	Member of the crofting community ¹⁰ The landlord (for tenanted crofts only) Owner of the Common Grazings (<i>only if a share is included in the letting</i>) The Grazings Committee (<i>only if a share is included in the letting</i>)
Letting of an owner-occupied croft (full crofting let) ⁹	Member of the crofting community ¹⁰ Owner of the Common Grazings (<i>only if a share is included in the letting</i>) The Grazings Committee (<i>only if a share is included in the letting</i>)
Apportionment	The Grazings Committee The landlord Shareholders in the Common Grazings which is subject to the application Owner of the Common Grazings
New Common Grazing	Anyone can comment
Use of Common Grazing for other purposes ⁹	Member of the crofting community ¹⁰ Owner of the Common Grazings

⁹ For these application types, in addition to the persons listed that are eligible, the Commission can also accept an objection from anyone that they deem has a relevant interest in the application.

¹⁰ This is defined by section 61 of the Crofters (Scotland) Act 1993. It refers to crofters which occupy (a) croft(s) in the township in question or persons who hold shares in the Common Grazings. When relevant sections of the Crofting and Scottish Land Court Act 2026 commences, this definition will change slightly to include explicit reference to deemed crofts and owner occupied crofts.

IMPACTS AND RISKS

The interim policy presented above captures the current approach taken to objections. Therefore, it does not have any implications for changes or resource costs. Capturing the detail of the Commission approach to objections is beneficial. It will help clarify how the Commission handles objections. This has benefits for crofters, stakeholders and staff. In particular it will help those who object or comment to understand how their objection will be dealt with, whether it is likely to be accepted and what it should include or not include. This will help mitigate risks around this issue by clarifying and managing expectations for applicants, individuals who wish to object, the Land Court and other stakeholders. This may improve efficiency for staff and may help reduce the likelihood of complaints or losing an appeal in relation to this aspect of the Commission’s work. It is, however, recognised that within this interim guidance, we are referring to how the Commission will deal with objections to decroftings and apportionments when, in fact, there is no statutory right for anyone to object to them. It is therefore recommended that when the Board consider how this topic be included in the next policy plan, consideration is given to assessing those categories of objection in a separate section of the plan.

Impact:	Comments
Financial	N/A
Legal/Political	Increased clarity around the objections processes will have slight benefits in terms of the reduction of legal risks associated with this.
HR/staff resources	Increased clarity around how the Commission handles objections will have marginal benefits to staff resources, by reducing time spent explaining the objection process and redacting objections where unwanted information is included.
Consumer Duty Guidance	Increased clarity around how the Commission processes objections will benefit customers.

<p>RECOMMENDATION</p> <p>The Board is invited to approve the interim policy on objections.</p>
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Date 1 June 2026

Author Heather Mack, Head of Policy

CROFTING COMMISSION MEETING

25 June 2026

Report by the Chief Executive

Part purchases of apportionments and the Register of Crofts

SUMMARY

This paper asks the Commission to accept a risk in relation to how the Commission records apportionments that have been partially purchased.

BACKGROUND

In a number of cases, a crofter has purchased only part of an apportionment. In one case that the Commission is aware of, this was because the conveyancing carried out for the purchasing crofter was not completed properly. There could, however, be several reasons that an apportionment is not purchased *in toto*, for instance that it has several owners or that part of the apportioned area is not contiguous or adjacent to the croft and so the crofter has no right to purchase it. This paper is dealing only with the situation where:

- the apportionment was granted when the croft was tenanted, and the apportionment was deemed to form part of the croft at that time; and
- the in-bye croft land, but only some of the apportioned land, was subsequently purchased by the crofter.

A problem with the 1993 Act

There would appear to be a problem with the 1993 Act because it is unclear whether a croft in an owner-occupier crofter situation includes apportioned land. This problem was brought to the attention of the Crofting Bill team, but it was decided by the Scottish Ministers not to take the matter forward in what is now the Crofting and Scottish Land Court (Scotland) Act 2026.

Section 19B(2) states that in order to be an owner-occupier crofter, a person “is the owner of a croft”. The Commission has interpreted this to exclude the situation where a crofter has purchased only part of a croft (in the absence of any statutory wording “or part thereof”). However, section 3(4) of the 1993 Act provides that an apportionment “shall be deemed to form part of the croft”. Section 3(5) of the 1993 Act states that where a crofter has acquired his or her entire croft other than the apportionment, the apportionment is deemed to be held in tenancy and it shall be deemed to be a croft. Section 3(5) does not deal with the situation where only part of an apportionment is purchased and whether the part that is not purchased is deemed to be a croft.

Strictly speaking, as an apportionment is deemed to form part of the croft, any purchase that excludes the apportionment – whether in whole or in part – could be considered to be a part-purchase of a croft. Pragmatically, the Commission has interpreted the word “croft” in section 19B(2) to mean “croft whether including or excluding any apportionment or grazings share”.

The reason for this is that many apportionments cannot be purchased by the crofter because they are not contiguous or adjacent to the croft, nor do they consist of arable machair. If the Commission were to adopt a strict interpretation of section 19B(2), it could be seen to frustrate the fundamental legislative purpose of conferring owner-occupier crofters of that status when they purchase the in-bye land pertaining to the croft. It could also be seen to create a conflict between the “right to buy” provisions (sections 12-17 of the 1993 Act) and the owner-occupier crofter provisions brought into force by the Crofting Reform (Scotland) Act 2010.

Options

In cases where a crofter purchases only a part of an apportionment, the options for the Commission when noting the situation in the Register of Crofts (RoC) include:

1. noting the in-bye croft land and the purchased part of the apportionment as a single owner-occupied croft for the purposes of the RoC and for forwarding any registration applications for this area of land to Registers of Scotland for the Crofting Register, with the part remaining tenanted noted as a separate croft in the RoC
2. restricting the owner-occupied croft to the in-bye crofter-purchased land, and noting the apportionment (part crofter-owned, part tenanted) as a separate croft in the RoC
3. noting the whole of the croft (the in-bye croft land and the apportionment) as a single croft in the RoC that is part crofter-owned (and vacant) and part tenanted.

The advantages of the first option is that it enables purchasing crofters to obtain, or in some cases retain, owner-occupier crofter status. The overall legislative intent within the 1993 Act is that crofts should be either tenanted or owner-occupied, and vacant crofts should be re-let to a suitable tenant. It is problematic if there is a sizeable number of crofts that are physically (if not legally) occupied but vacant. One disadvantage of the first option is that the crofter has not purchased the whole of his or her croft and is nevertheless noted as an owner-occupier crofter. It also means that a single apportionment is split between two crofts in the RoC and could make it more difficult to review the apportionment under either the existing or the strengthened new apportionment review conditions set out in the Crofting and Scottish Land Court (Scotland) Act 2026. Another disadvantage with the first option is that where only a small part of the apportionment has not been purchased, perhaps through a conveyancing error, the Commission would create a new croft (and impractical) that could consist only of a very small area of land around a boundary.

In some instances the owned croft land will already have been registered in the Crofting Register and the owner will be noted as an owner-occupier crofter. If the Commission notes any part remaining in tenancy as a separate croft, this essentially reflects the “*de facto*” position in the Crofting Register and does not require rectification or any changes in a person’s status.

Succession

In the above scenario, where an apportionment has been partly purchased together with the in-bye croft land, an executor acting for a deceased crofter/ owner-occupier would:

- transfer the land owned by the deceased owner-occupier to the beneficiary or beneficiaries by way of a disposition (or through the use of a midcouple, though this is not considered best practice)
- transfer any land in held in tenancy (the part of the apportionment not purchased by the crofter) in terms of sections 15 and 16 of the Succession (Scotland) Act 1964 and sections 10 or 11 of the 1993 Act would usually be by way of a signed docket on a certificate of confirmation.

None of the above occurs through Crofting Commission processes or consents. The transfer of owner-occupied croft land, unless it is the division of an owner-occupied croft, does not require Commission consent. The transfer of land held in tenancy by a deceased crofter by an executor (which may or may not be to the same person to whom ownership of the owner-occupied croft is being transferred) similarly does not require Commission consent. The Commission is sent a copy of the notification sent to the landlord. Clearly if the part of the croft that is owned (the in-by croft land and part of the apportionment) and the part that is in tenancy are noted as separate crofts in the RoC, this reflects what an executor would actually do in a situation where the whole of the deceased crofter's crofting interests are being transferred. This is an argument in favour of option one above, which is that the part of the apportionment that remains in tenancy, however small, is noted as a separate croft in the RoC.

The second option

The second option would note the apportionment as a separate croft in its own right, which is partly crofter purchased and partly tenanted. Although this would preserve the apportionment as a single unit and would be more convenient in the event of a review of the apportionment, it would create a new croft comprising the apportionment that is partly crofter owned and partly tenanted. There would be no owner-occupier crofter status in respect of the owned part of the apportionment.

The third option

The third option, which is to note the croft and the apportionment as a single croft, is superficially attractive but suffers from similar problems to the second option, which is that it would not be possible to obtain owner-occupier crofter status (or it could potentially be removed from someone if the Commission subsequently changes the status of a croft from an owner-occupied croft to a croft that is partly crofter-owned and partly vacant).

Why does this affect the Crofting Commission?

The Commission notes the status of a croft in its Register of Crofts. The validity of certain applications such as decrofting applications depends on correctly noting the status of a croft – vacant crofts for instance are dealt with under separate statutory provisions to owner-occupied crofts. The Commission must also forward registration applications to the Keeper unless there is a material inaccuracy. Unless the Commission has a position with regard to the status of a croft in the above scenario, it is difficult to know whether there is a material inaccuracy in the registration application and whether it should be forwarded to Registers of Scotland.

It is important to note that the Commission is not making any determination as to the status of any particular croft. That is a matter that is within the jurisdiction of the Scottish Land Court. It is only noting its understanding of croft status for the purposes of its own regulatory activities (such as decrofting) or its legislative requirement to forward registration applications to the Keeper unless there is a material inaccuracy.

Impact:	Comments
Financial	None
Legal/Political	See legal advice above.
HR/staff resources	N/A

RECOMMENDATION

The Commission's solicitor has discussed with the Commission's CEO and the CEO has is recommending that the first option is adopted as a policy and legislative position by the Commission. This would mean that the Commission would not change the status of any existing owner-occupier crofter. The CEO is willing to recommend the risk that, at some point, this legislative policy position is found to be incorrect in the unlikely event the matter is ever litigated in the Scottish Land Court. It would mean that if an owner-occupier crofter seeks in future to register the in-bye croft land only as an owner-occupied croft and excludes a purchased part of the apportionment, the Commission would refuse to forward such an application

Date 9 June 2026

Author David Findlay, Commission Solicitor

DATE OF NEXT MEETING

26 August 2026 - St Kilda

ANY URGENT BUSINESS

EXCLUSION OF PRESS & PUBLIC