



CROFTING COMMISSION
COIMISEAN NA CROITEARACHD

DUTY COMPLIANCE NOTIFICATION

Great Glen House, Leachkin Road,
Inverness IV3 8NW
Telephone: (01463) 663439 Fax: 725067
e-mail: duties@crofting.scotland.gov.uk
www.crofting.scotland.gov.uk

IMPORTANT INFORMATION

Under section 26A of the Crofters (Scotland) Act 1993 (as amended) the Crofting Commission will investigate a non-compliance of duty by tenant and owner-occupier crofters when reported by:

- **The Grazings Committee/Constable**
- **Area Assessor**
- **Member of the crofting community**

Prior to submitting this form please consider the following:

- **The form will be returned if it contains information which is thought to be 'Frivolous or Vexatious'.**
- **The form may not be processed if it is incomplete.**
- **Please ensure your notification contains precise facts of any non-compliance of duty.**
- **To investigate any non-compliance of duty we must be able to clearly identify the croft the notification refers to.**
- **Once we have sufficient information we will consider whether there is a non-compliance of duty.**
- **Please note that any information you provide is part of an open process and will be made available to other parties involved in the process. Your information will also be released under a Freedom of Information enquiry subject to any disclosure exemptions under the Data Protection Act 1998.**

PART 1 – YOUR DETAILS

Surname:		Title: Mr/Mrs/Miss/Ms/Other:
Forename(s):		
Postal Address:		
		Post Code:
Daytime Tel No: (including code)		
Mobile Number:		
E-mail Address:		
I agree to communication regarding this application by e-mail:		Yes <input type="checkbox"/> No <input type="checkbox"/>
Your croft details: (if applicable)		

You must tick the box that describes you:

(a) I am the Grazings Clerk/Chair of a Grazings Committee

Name of Grazing Committee: _____

(Please provide confirmation that the Committee have been consulted; such as a formal minute)

(b) I am the Grazings Constable

(c) I am the Area Assessor

(d) I am a member of the crofting community

(Please specify) _____

PART 2 – DETAILS OF THE CROFT TO WHICH YOUR NOTIFICATION REFERS:

Croft Name:	
Croft Address:	
Parish:	
Agricultural Code Number:	
Register No:	
Name of Crofter:	

Please specify which duty is not being complied with (crofting duties are defined in the Crofting Act and reports of non-compliance must relate to a specific duty in this context – see attached Crofting Duties summary):

Please explain why you are notifying us of the non-compliance of duty:

PART 3 – SUMMARY OF NON-COMPLIANCE OF DUTY

IMPORTANT INFORMATION

Please provide details of the non-compliance of duty (if more than one non-compliance, please provide specific individual detail and continue on a separate sheet of paper, if necessary).

If available, please attach evidence such as photographs, maps etc.

Detailed evidence will assist with our investigation of the non-compliance of duty.

Please set out facts in a logical order and include (if available):

- **Relevant dates**
- **If you have approached the crofter regarding the non-compliance of duty**
- **If any action has been taken by the crofter to rectify the non-compliance of duty**
- **What impact the non-compliance of duty has on the croft and the township**
- **What action do you consider necessary to rectify the non-compliance of duty**

SUMMARY OF FACTS

PART 4 – DECLARATION

**This form is provided under section 26 of the
Crofters (Scotland) Act 1993 (as amended)**

I declare that:

- **To the best of my knowledge, the information I have given in this form is correct.**

Please remember the information you provide should not contain ‘Frivolous or Vexatious’ comments.

Signed _____

Date _____

CROFTING DUTIES

The crofting duties are as follows:

5AA Crofters: residency duty

A crofter must be ordinarily resident on, or within 32 kilometres of, that crofter's croft.

5B Crofters: duty not to misuse or neglect croft

A crofter must not misuse or neglect the crofter's croft.

A croft is misused where a crofter wilfully and knowingly uses it for any purpose other than:

- Its cultivation¹; or
- Some other planned and managed purposeful use² permitted by the landlord or the Commission that does not adversely affect the croft, the public interest, the interests of the landlord or the owner, or the use of adjacent land; or
- A reasonable subsidiary or auxiliary occupation that is not inconsistent with its continuing or future cultivation and permitted prior to 28th January 2008; or
- An activity or measure intended to conserve the natural beauty of the locality or its flora and fauna.

A crofter neglects a croft where the croft is not managed to meet the standards of good agricultural and environmental condition referred to in regulation 4 of, and the schedule to, the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004 (SSI 2004 No. 518) other than:

- Where the crofter, in a planned and managed manner, engages in, or refrains from, an activity for the purpose of conserving the natural beauty of the locality of the croft; or the flora and fauna of that locality; or
- Where the croft is being used for a subsidiary or auxiliary occupation that is not inconsistent with its continuing or future cultivation and permitted prior to 28th January 2008.

Details are available at link www.scotland.gov.uk/publications/2005/12/0990918/09207 on Scottish Government Rural Payments and Inspections Directorate website.

5C Crofters: Duty to cultivate and maintain

A crofter must cultivate the croft or put it to another purposeful use, to which the landlord or the Crofting Commission has consented, so that every part of the croft which is capable of being cultivated or put to another purposeful use is either cultivated or purposefully used.

The croft must be kept in a fit state for cultivation unless this is incompatible with it being used for another purposeful use.

In ensuring compliance with maintaining the croft in a fit state for cultivation, a crofter must have regard to whether appropriate measures (which may include the provision of drainage) are routinely undertaken, where requisite and practicable, to control or eradicate vermin, bracken, whins, broom, rushes and harmful weeds.

¹ Cultivate includes the use of a croft for horticulture or for any purposes of husbandry, including the keeping or breeding of livestock, poultry or bees, the growing of fruit, vegetables and the like and the planting of trees and use of the land as woodland. **Section 5(8)**

² Purposeful use means any planned and managed use which does not adversely affect the croft, the public interest, the interest of the landlord or (if different) the owner; or the use of adjacent land. **Section 5(8)**

19C Duties of owner-occupier crofters

An owner-occupier crofter:

- a) Must be ordinarily resident on, or within 32 kilometres of, the owner-occupier's croft;
- b) Must not misuse or neglect the croft;
- c) Must cultivate the croft or put it to another purposeful use, so that every part of the croft which is capable of being cultivated or put to another purposeful use is either cultivated or put to another purposeful use;
- d) Must keep the croft in a fit state for cultivations (except insofar as the use of the croft for another purposeful use is incompatible with the croft being kept in such a state).

The duties are virtually the same as those of the tenant crofter, although for purposeful use the owner-occupier crofter obviously does not require the consent of the landlord or, failing that, the consent of the Crofting Commission.