

## **CROFTING CENSUS FAQs**

Please remember that the information shown on the Census forms was extracted from the Register of Crofts on 21 November 2017 and changes will have taken place since. In these circumstances you may wish to check our [ROC Online](#) so you can view the entry for your croft.

### **What is the Crofting Census?**

Following the implementation of the Crofting Reform (Scotland) Act 2010, the Crofting Commission has a duty to issue the Crofting Census, which is known legislatively as the Annual Notice. The Crofting Census is a legal requirement and all crofters must complete and return it to the Crofting Commission annually.

The Crofting Commission is required to issue the Crofting Census form to tenant and owner-occupier crofters to ascertain if they are complying with their duties.

### **Who needs to complete the Crofting Census form?**

A Census form is to be completed and returned for each croft. All tenant and owner-occupier crofters need to complete the Crofting Census form.

### **How long do I have to complete the Census form?**

You will have 3 months to complete and return the Crofting Census form, with all forms to be returned to the Commission by the 31 March 2018.

### **2017 crofting census forms was issued on 5<sup>th</sup> Jan 2018.**

- Census is vital in building up evidence base on the value of crofting
- 2016 Census: (17,471 forms issued – 13,315 returned)
  - 76% return rate
  - 85% resident on their croft
  - 82% cultivate and maintain their croft or put it to another purposeful use
  - 76% do not neglect or misuse their croft

### **What do we do with the information on the census returns?**

- 4000 changes made to the Register of Crofts as a result of the 2015 census
- 2800 changes made from 2016 census
- A report on the information gathered from the census is used in the Commission's Annual Report  
[http://www.crofting.scotland.gov.uk/userfiles/file/annual\\_report\\_and\\_accounts/Crofting-Commission-Annual-Report-2016-17.pdf](http://www.crofting.scotland.gov.uk/userfiles/file/annual_report_and_accounts/Crofting-Commission-Annual-Report-2016-17.pdf)

### **What is happening about the Grazings Census?**

- The grazings census forms are available on our website for Grazings Committees to complete and return to the Commission -  
<http://www.crofting.scotland.gov.uk/common-grazings-census>

### **Why did I get a census form?**

- You are recorded on the Commission's ROC as the tenant/owner-occupier or one of the tenants/owner-occupiers of the croft. (*See letter that was issued along with the census form for explanation of why we are sending to all tenants and owner-occupiers this year*). The requirement to complete a crofting census form was introduced by the Crofting Reform (Scotland) Act 2010, but was not implemented until 2014.

### **I've sold my croft so why did I get a census form?**

- We have not been notified that there has been a change of owner. Please complete a "Notification of Change of Ownership Form", in particular can you

advise whether the grazing shares were included in the purchase, or whether they remain in tenancy.

If the purchase took place after 30 November 2013, you also need to submit an application to register the croft on the Crofting Register held by the Keeper of the Registers of Scotland.

- Our records show that although the croft land has been sold the grazing share(s) pertaining to the croft were **not** included in the purchase. As such separate entries will be created in our Register of Crofts for these shares, which are deemed to be separate crofts in their own right. A census form is required to be completed in respect of these shares.
- If already notified, the change may not have been updated prior to the census data being extracted on 21 November 2017.

### **Notification of the Purchase of a croft**

- To enable us to update our records could you please complete a “Notification of Change of Ownership Form”, in particular can you advise whether the grazing shares were included in the purchase, or whether they remain in tenancy.

If the grazings share(s) pertaining to the croft were not included in the purchase, separate entries will be created in our Register of Crofts for these shares, which are deemed to be separate crofts in their own right. A census form is required to be completed in respect of these shares.

### **Why did I not get a census form?**

- The return of the census forms for 2016 resulted in the status for many crofts being amended from owner-occupier to landlord of a vacant croft. Why? Because the “owner occupier” status was used by the Commission prior to the 2010 Act coming into force to make a policy distinction between individuals who owned a croft and who were expected to live and work on the croft and Estates who owned crofts that were actually vacant and available for let.

A landlord of a vacant croft is someone who has title to croft land, but does not satisfy the three section 19B conditions to be an “owner-occupier crofter”, neither do they have a croft tenant. They are therefore “landlord of vacant crofts”. Should they let the crofts their status would revert to simply being “landlord”. If you are the landlord of a vacant croft you are not required to complete a census form.

### **What is a landlord of a vacant croft?**

A landlord of a vacant croft is someone who has title to croft land, but does not satisfy the three section 19B conditions to be an “owner-occupier crofter”, neither do they have a croft tenant. They are therefore “landlord of vacant crofts”. Should they let the crofts their status would revert to simply being “landlord”. If you are the landlord of a vacant croft you are not required to complete a census form.

The return of the census forms for 2014 resulted in the status for many crofts being amended from owner-occupier to landlord of a vacant croft. Why? Because the “owner occupier” status which was used by the Commission prior to the 2010 Act coming into force to make a policy distinction between individuals who owned a croft and who were expected to live and work on the croft and Estates who owned crofts that were actually vacant and available for let.

Prior to the 2010 Act there was no reference in the Crofting Acts to owner-occupiers, however S19B of the 2010 Act specified the conditions that had to be met in order for an individual to be entered in the Register of Crofts as an owner-occupier crofter.

### **Why are Grazings Shares held in tenancy Deemed to be a croft?**

- The Scottish Land Court in a general determination made on issues relating to grazing rights have confirmed that when croft land is purchased, any unpurchased grazing share is a separate legal entity and is “deemed” to be a croft in its own right.

Therefore, separate entities have been created in our Register of Crofts for these shares which are deemed to be separate crofts in their own right.

### **Why did I get a census form for a common grazings share/deemed croft?**

- Because a census form is required to be completed in respect of the shares/deemed croft.
- I can advise that the Census Form was sent out in respect of the deemed croft comprising the grazing share formerly pertaining to the croft X. Our records show X as tenant of the grazing share, a census form is therefore required to be completed in respect of the share.

### **What is GAEC?**

The Common Agricultural Policy 2004 regulations requires that land in receipt of the Single Farm Payment should be kept in Good Agricultural and Environmental Condition (GAEC) so that land abandonment is avoided and so that the positive environmental benefits of agricultural management of the land are secured.

There are four aspects within the GAEC framework which must be observed, namely:

- soil erosion (e.g. ensuring an adequate soil cover)
- soil organic matter (e.g. ensure a good crop rotation)
- soil structure (e.g. appropriate machinery use)
- minimum levels of maintenance (e.g. over grazing)

### **What are the RSABI stickers included with my census?**

RSABI wanted to bring awareness of their services to the crofting community via the census mailshot. They are not affiliated or endorsed by the Crofting Commission or the Scottish Government. Please contact RSABI on the number provided on the sticker, or via their website at [www.rsabi.org.uk](http://www.rsabi.org.uk), with any queries or for further information. *(Please see second last paragraph of cover letter issued with census form(s).)*