



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**



Crofting Commission

Annual Report & Accounts

2018/19

Fair, Efficient and Effective Regulation

The Crofting Commission's main function is to regulate crofting in a manner that is fully compliant with the Crofters (Scotland) Act 1993. Hence, the majority of the work carried out by the Crofting Commission is processing regulatory applications and recording notifications.

Application/Notification Type	Received	Approved / Notified	Refused	Invalid	Withdrawn
Apportionment	50	27	3	1	7
Assignation	339	337	0	28	6
Bequest (Notifications)	111	110	0	0	1
Consent to be absent	74	40	6	28	0
Consent to be absent extension	8	7	0	1	0
Decrofting - House Site & Garden Ground	198	168	0	31	3
Decrofting - Part Croft	334	262	10	42	6
Decrofting - Whole Croft	14	8	2	3	2
Division	49	22	4	8	6
Intestate Succession (Notifications)	87	80	0	6	1
Letting	58	57	0	7	1
New Croft created*	9	3	0	4	0
Short Term Lease	24	19	0	2	0
Sublet	156	125	0	10	5
TOTALS	1511	1265	25	171	38
<i>Totals for 2017/18</i>	<i>1366</i>	<i>925</i>	<i>21</i>	<i>132</i>	<i>36</i>

* Under section 3(A) of the Crofters (Scotland) Act 1993

The number of applications received will differ from the number of applications decided due to applications which were carried over from 2018 and those which will be carried over to 2019.

The Commission also conducted one Hearing during the year (3 Hearings in 2017/18) and dealt with **2,459 general enquiries** on crofts and common grazings (over 3,000 in 2017/18).



Delegated Decision Making (DDM)

The Board of Commissioners have been delegating decision making, on straightforward regulatory cases to officers.

These cases must be within the agreed parameters and meet all the legislative and policy requirements, if not, they are escalated to a higher level. The table below shows the different levels of decision making used within the Commission and the number of cases considered at each level.

Level of Decision Making	Number of Cases 2018/19	Number of cases 2017/18
Tier 1 (Case Officers)	735	678
Tier 2 (Senior Officials)	211	186
Tier 3 (3 Commissioners)	53	57
Decision by full Board of Commissioners	4	5

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Crofting Register

In addition to processing regulatory applications we also assess the validity of Croft Registration applications for the Keeper of the Registers of Scotland (ROS).

Croft Registration applications 2018/19


First Registrations	838	
Subsequent Event affecting a registered croft	473	(1,219 in 2017/18)
	(489 in 2017/18)	

Since its inception a total of **5,899** crofts have been entered in the ROS Crofting Register.



Register of Crofts (ROC)

The Crofting Commission maintains its own ROC which holds information on the name, location, rent, the extent of each croft, details of the tenant, landlord and any rights held in a common grazings.

We made amendments to the Register of Crofts as a result of approximately 1,950 Crofting Census forms providing us with additional information which was missing or inaccurate. 
(2,700 amendments made as result of the census returns in 2017).

Number of Crofts recorded in the ROC = 20,867.

Details of previous years can be found at

www.crofting.scotland.gov.uk/annual-report-and-accounts

Na h-Eileanan Siar	
Tenanted	6,083
Owned	235

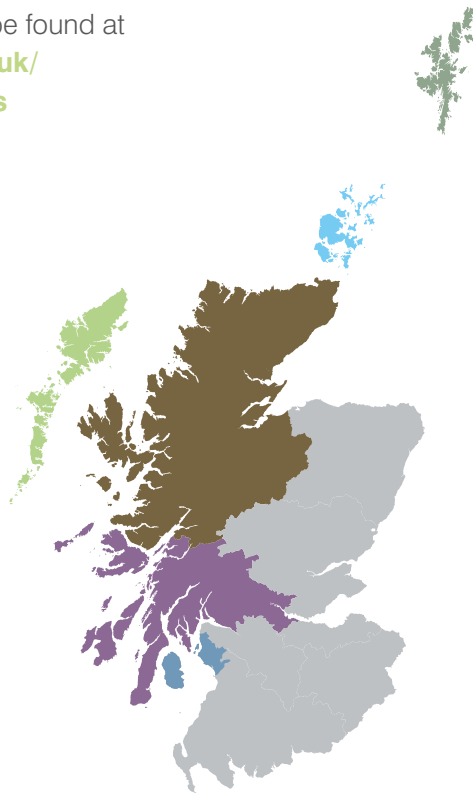
Shetland	
Tenanted	2,104
Owned	1,172

Argyll & Bute	
Tenanted	460
Owned	354

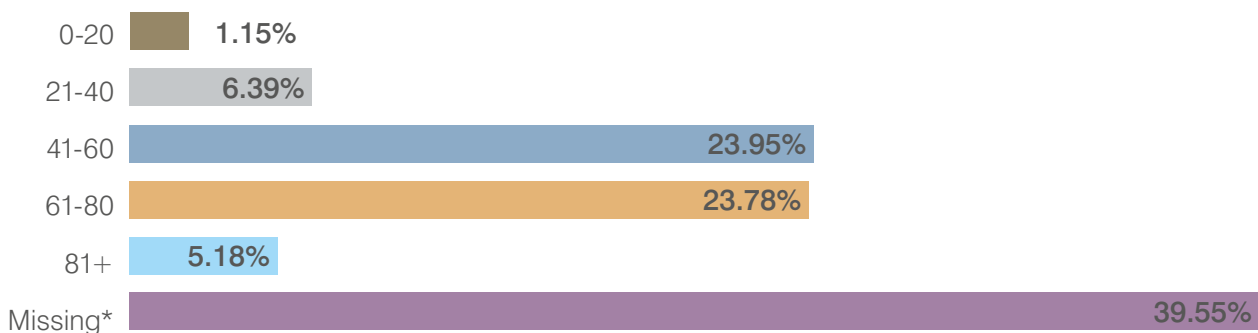
Orkney	
Tenanted	64
Owned	395

North Ayrshire	
Tenanted	0
Owned	1

Highland	
Tenanted	6,258
Owned	3,741



There are over 26,000 crofters recorded in the ROC, the table below shows age by percentage.



*where we have not been informed of the date of birth

ROC Online

The ROC Online was made publicly available in August 2017. It has improved our customer service by allowing the public to have direct access to croft records.

During the year 2018/19 there have been:



74,203
Searches



29,526
Copy entries extracted

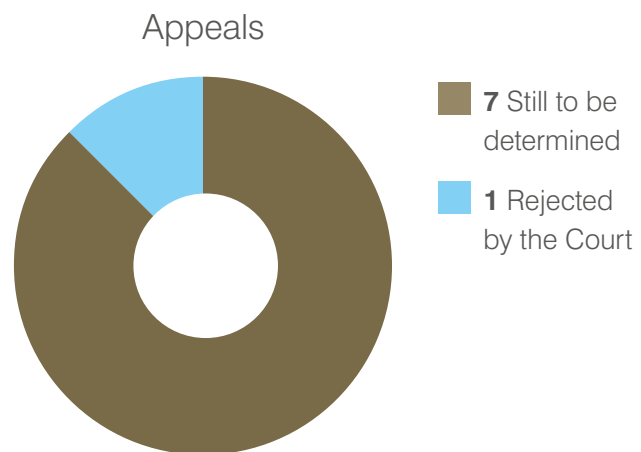
Since the ROC Online was launched there have been a total of 94,980 searches and 50,393 copy entries extracted. The ROC Online is available at www.crofting.scotland.gov.uk/register-of-crofts-roc

Appeals to the Scottish Land Court (SLC)

Applicants can appeal to the SLC against any decision, determination or direction made by the Commission on an application under the Crofters (Scotland) Act 1993. Any appeal must be made within 42 days.

There were 8 appeals made in 2018/19
(5 appeals in 2017/18)

The outcome of 7 of these appeals is still to be determined by the SLC, 1 appeal against the refusal of a decrofting was rejected by the Court.



Crofters Duties

Tenants and Owner-Occupier crofters have a duty to:



Be ordinarily resident on, or within 32km of their croft



Not to misuse or neglect the croft



Cultivate and maintain the croft, or put to another purposeful use.

19 cases of suspected breaches of duty were reported to the Commission over the year. This has risen from 10 suspected cases in 2017/18. If a failure to comply with any of the duties are reported by a member of the crofting community, a grazings committee/ Constable or an Assessor the Commission have an obligation to investigate.



Status of cases

3 withdrawn*



1 invalid (crofter concerned was deceased)



1 croft was sublet by the crofter as a result of the notification



14 cases ongoing



* Two of the tenancies were terminated by the landlord, and one tenancy was renounced

In addition to the above there are 5 ongoing cases carried forward from 2017/18.

The Commission also let **2 crofts** during the year where the tenant was not complying with their duty to be resident and the landlords failed to let the crofts within the required timescales.



Crofting Census 2017 – Duties

In a new initiative the Commission wrote out to all 98 crofters who indicated for the first time on a Crofting Census that they were in breach of one or more of their statutory duties, giving them options for resolving the breach and allowing them until the 2018 Crofting Census to resolve the matter.

We also wrote to **208 crofters** who indicated on two or more consecutive Census Returns that they were in breach of one or more of their statutory duties, setting out a timescale for resolving their breach. Among these were:



- **23 crofters** have subsequently resolved their breach and are now in compliance
- **27 crofters** have applied for and received Consent to be Absent
- **13 cases** where the Commission considered that whilst the crofter was in breach, there was a good reason not to take duties enforcement action
- **15 crofts** were sublet
- **4 crofts** were assigned
- **1 croft** was relet

There are currently **142** cases ongoing.



Crofting Census 2018

The Crofting Census forms are issued on an annual basis and crofters have a legal obligation to complete and return their forms to the Commission.

2018 saw the issue of **19,269** Crofting Census forms, (**17,213** general croft forms and **2,056** in relation to deemed crofts). With 13,347 forms being returned to the Commission this makes a 69% return rate which is up 7% from 2017. For the previous year's figures, visit our website at <http://www.crofting.scotland.gov.uk/annual-report-and-accounts>



Ordinarily Resident on, or within 32km of their Croft:
87%

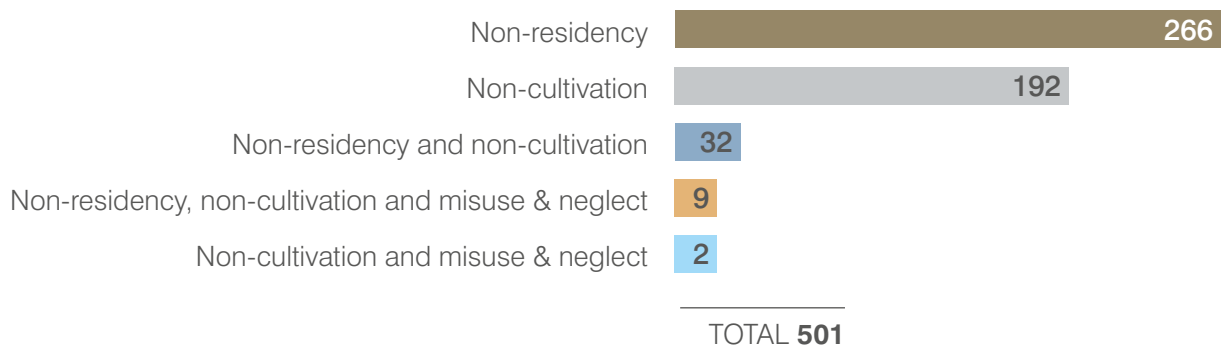


Not Neglected/ Misused:
80%



Croft is Cultivated/Maintained/ Put to Purposeful Use:
82%

Number of crofters not complying with their Duties as notified through the 2018 Crofting Census



Common Grazings

Common grazings are areas of land used by crofters and others who share the right to graze stock on that land. A shareholder can make an application to the Commission to apportion, some or all of their grazings share for their own exclusive use.

During the year we received **50 applications** to apportion areas of common grazings.



Grazings Committees are set up by the shareholders to carry out certain management responsibilities regarding the common grazings. To aid Grazings Committees the Commission created and issued a new set of guidance for Common Grazings Committees. The Guidance is intended to assist Grazings Committees with their responsibilities to maintain and improve common grazings.

The Guidance is distinct from Grazings Regulations; it provides an aide to Committees by advising on what must be in regulations and what may also be considered best practice.

www.crofting.scotland.gov.uk/common-grazings-regulations-template

	No of Common Grazings	No of Committees in Office
Argyll & Bute	61	6
Highland	540	215
Na h-Eileanan Siar	295	158
Orkney	9	1
Shetland	169	38
Totals	1,074	418
2017/18	1,072	463


There have been **2** additional common grazings added to the Commission's records during the year.



Common Grazings Census

Grazings Committees are required to report every 5 years on the condition of the common grazings and the condition of every croft of tenant and owner-occupier crofters who share in that common grazings and on any other matter affecting the common grazings or crofting in any township associated with the grazings.

During 2018/19
4 census forms
 were returned to the Commission by Grazings Committees (*101 forms returned in 2017/18*).



Common Grazings Registration

There was one common grazings registered with Registers of Scotland (ROS) during the year (*There were no common grazings registered in 2017/18*).

Freedom of Information Requests

The Commission is committed to complying with legislation that gives members of the public the right to request information and for that information to be provided unless an exemption applies.

The Commission makes as much information as possible publicly available through its website and social media channels.



This legislative requirement falls under the Freedom of Information (Scotland) Act 2002, Data Protection Act 2018, General Data Protection Regulation and the Environmental Information (Scotland) Regulations 2004. During the course of the year, we received 43 enquiries for information.



NB: Responses for 3 FOI's and 2 EIR's were carried over to 2019/20

Complaints

The Crofting Commission is committed to providing high-quality customer services and we use information from customers who are dissatisfied to improve our services.

During 2018/19 we received **74** complaints. There were **55 complaints** handled at frontline resolution stage over the year, the tables show the outcome of these cases.



Frontline Resolution 2018/19		2017/18
Upheld & Resolved	16	10
Upheld & Escalated	0	1
Partially Upheld	16	2
Not Upheld	23	7
Totals	55	20

In addition to the Frontline Complaints we also considered **19 complaints** at Investigation Stage.

Investigation 2018/19		2017/18
Upheld	5	2
Partially Upheld	8	4
Not Upheld	4	5
Invalid	1	3
Investigation in Progress	1	0
Totals	19	14



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