

## Crofting and Scottish Land Court Bill

Rural Affairs and Islands Committee – Evidence Session (Wednesday 12 November)

- **The Committee asked about the annual number of complaints handled by the Crofting Commission, specifically how many proceed to investigation and how many are deemed invalid (OR, col. ref. 10).**

In 2024/25, the Commission received 19 reported notifications of suspected breaches of duty.

- 8 cases – still in the investigation stage of the duties enforcement process.
- 1 case – following investigation, no breach of duty was found.
- 1 case – the submission of a subletting application is imminent.
- 3 cases – the Commission has made a decision that the crofter is in breach – currently in appeal period.
- 4 cases – undertakings to resolve the breach have been given and the Commission has accepted.
- 2 cases – following investigation, it was decided by the Commission, in terms of s.26F(1) of the Crofters (Scotland) Act 1993, that there was good reason not to proceed to the stage of terminating the crofter's tenancy.

No notifications were rejected for being frivolous or vexatious.

- **Michael Nugent undertook to confirm figures during the Committee's discussion about the subdivision of crofts/three-croft limit in section 8 (OR, col. ref. 13).**

The table below counts all holdings and the tenants and owner-occupier crofters with an active relation to these.

Council	Holdings	Crofters	Two or fewer crofts	%	Three or more crofts
Argyll & Bute	1,187	748	664	89	84
Highland	10,281	6,733	6,088	90	645
Orkney	465	272	251	92	21
Shetland	3,434	1,633	1,295	79	338
Western Isles	6,459	5,100	4,895	96	205

There are also two crofters in Arran and one in Moray – all three have only one croft each.

- **Michael Nugent undertook to provide an up-to-date figure for the number of crofters who keep livestock. It would also be helpful if you could clarify which crofters and crofts are included in that total figure (OR, col. ref. 22).**

In 2024, according to figures provided by RPID, 3,529 crofting businesses were funded, through the Basic Payment Scheme, which declared a common grazing on their application form. This figure is consistent with those reported on page 34 in

the Economic condition of crofting: 2019 to 2022 - gov.scot. There will be some crofters that have livestock but don't claim, but we estimate that number to be very low. According to the Crofting Commission Annual Report and Accounts for 24/25, there were 14,932 crofters in total.

- **The Committee discussed ownership of the rights to carbon credits and the Minister indicated that this is still to be fully determined through case law (OR, col. ref. 24). It would be helpful if you could confirm your expectations for when the position on the ownership of carbon credits is likely to be decided.**

We recognise the issues and concerns raised at Committee and we want to find solutions which work for everyone within our rural communities. The legal ownership of carbon credits is still to be fully determined and will be considered in due course.

- **Further information about how transparent grazings committees' management of common grazings land is to the wider, non-crofting community (OR, col. Ref. 25/6).**

Any forestry or environmental venture planned for the common grazings, that requires the Commission's approval or consent, will need to be advertised and the Commission's decision must have regard to the interests of the public at large. Likewise, any application submitted under s.50B of the 1993 Act 'Use of common grazings for other purposes', also needs to be advertised and the Commission's decision must have regard to the interests of the public at large.

**Crofting Bill Team**

5 December 2025