

Crofting and Scottish Land Court Bill

Online engagement with crofters, 10 November 2025

Introduction

The Rural Affairs and Islands Committee heard from various crofters from across Scotland about how the Bill would affect them. Participants were split into two groups, and discussions were grouped into six themed sections.

Environmental use of crofts

Participants supported allowing environmental use of crofts and thought that crofters should be allowed to do it without landlord consent. However, they stressed it must be well-planned, managed, and complementary to productive or community-beneficial activities, not a replacement for them. There were concerns that some might use environmental duties as an excuse for neglect or absenteeism, potentially worsening issues like depopulation and speculative ownership.

There was a concern around the potential impact of some forms of environmental use on adjacent land and participants highlighted the need for scrutiny, clear responsibility, and effective enforcement by the Crofting Commission. There was strong emphasis placed on the word “planned” and on ensuring environmental use benefits the wider township.

There were some suggestions that environmental use should be limited to a certain percentage of a croft.

Enforcement of crofters’ duties

Many said that reporting on neighbours for crofting rule breaches is seen as problematic as it can harm community relations and create an atmosphere in small areas. One participant described it as “creating a police state within a small community where everyone knows everyone”. While it was thought that external enforcement would be easier and more impartial, it was acknowledged that this would have resourcing implications. Some expressed uncertainty over whether the Bill would make a real difference to enforcement of duties.

Some participants agreed with the Scottish Crofting Federation’s view that an existing body, such as the Scottish Government’s Rural Payments and Inspections Division, could take on the enforcement role. Overall, however, the consensus was that enforcement should be managed by established bodies like the Crofting Commission in collaboration with the Scottish Government’s Rural Payments and Inspections Division so that it reduces the burden on local communities. There was

also discussion about how emerging technologies, such as AI, could potentially help with enforcement.

Crofting Commission's powers

A number of issues were raised by crofters. The current mapping system prevents creation of new common grazings, forcing individuals to fund mapping themselves. The Crofting Commission's limited engagement in planning decisions involving decrofted areas was criticised. Community-owned organisations, such as land trusts in the Western Isles, were highlighted as important because it empowers locals, create jobs and drive sustainable, community-led projects. Calls were made for equal treatment between owner-occupiers and tenants, particularly in croft transfers, with support for the transfer of owner-occupied crofts to have same conditions attached as tenant assignments. Concerns were also expressed about restrictive time limits (e.g. the section 11 ten-year rule) and inconsistencies in regulation.

There was broad support for simplifying mapping and boundary processes to reduce bureaucracy and errors.

Common grazings

Participants discussed problems arising from unattached grazing shares, including where rectifying ownership errors costs more than the land itself. Some highlighted that the lack of access to common grazings limits eligibility for rural support payments. Concerns were raised about a few crofters monopolizing grazing shares and re-letting them at inflated prices, drawing parallels to fishing licence systems, and called for the need to prevent similar inequalities.

One participant emphasised that crofts and grazing shares should in all instances be undivided and even re-united. A croft without grazing share is not a viable unit by any stretch of the imagination. Seasonal sublets of grazing shares are a way for someone who doesn't want to use their share to let someone else benefit, but a croft (tenanted or owner occupied) should never be separated permanently.

There were strong calls for greater support and legal powers for grazings committees to carry out environmental and community projects without landlord involvement. Participants stressed that this has implications for grazing committees' ability to enter scheme contracts, as well as for those who financially benefit from carrying out the work associated with environmental projects. Participants supported grazing shares remaining tied to croft tenancies to avoid speculative trading, especially in relation to carbon and renewable projects. Broader themes included depopulation, sustainable land use, and maintaining community-based crofting rooted in local stewardship and cooperation.

Crofting Register

The Crofting Commission was recognised for improving access to information, though there was frustration that buyers aren't informed at purchase about registering on the crofting register. There was support for updating the register and allowing communities to contribute updates. Overall, the proposals were considered sensible improvements.

It was felt that challenges remain in accessing maps, and clearer guidance on obtaining them is needed. Encouraging prompt registration when tenancies begin was viewed positively. However, minor changes were seen as 'window dressing', and there was a call for landlords to be required to keep registrations up to date to ensure the traceability of ownership.

A list of how to get maps would be useful it's quite hard to get maps, a better way to source maps would be useful. To get them to be registered more actively, as soon as you get your tenancy you can't leave it a year you've just got to do it is a positive change.

Wider crofting landscape

While progress has been made, broader and more significant issues remain, as highlighted in the [2008 Shucksmith report](#). One participant summarised their view on the Bill as 'good, but more legislation is required'. Key points raised include:

- The need to discuss removing the "right to buy" and broader market interventions. One participant highlighted that removing the right to buy crofts can help reduce financial strain on new tenants and prevent inactive individuals from acquiring land without crofting. However, there was a concern that it can also take away the security, pride, and potential sale profits of owning a croft, which are especially important for older crofters who have invested years of hard work. Successful crofts are valuable assets, and it was suggested that tenancy sales be capped per hectare, with new tenants required to hold and actively work the croft for at least ten years.
- Concerns about the sale of tenant crofts through estate agents, with support for guidance or advice to ensure informed sales about crofting duties.
- The importance of keeping crofts financially accessible to locals, not just focusing on the land value itself.
- Promoting the crofting model positively, noting international interest.