

***Letter sent by email***

Rural Affairs and Islands Committee  
The Scottish Parliament,  
Edinburgh,  
EH99 1SP

01 October 2025

Dear Emma,

**Crofting and Scottish Land Court Bill**  
**Additional Notes Requested by RAI Committee**

Many thanks for your email of 26<sup>th</sup> September on behalf of the RAI Committee seeking additional information in two areas -

1. Andrew made various comments around the CC increasing its focus on enforcement of existing legislation and regulations and the Convener wondered if there is a policy statement or equivalent relating to this?
  - *Andrew's comments referred to a recent decision of the Board to increase resources devoted to enforcement of sections 5AA, 5B and 5C of the Crofters (Scotland) Act 1993 as amended.*
  - *This a new strategic emphasis for the Board and we are working on the policy implications. The change of emphasis will take time, involves legal complexities and must be managed with sensitivity.*
  - *We referred during the meeting to using section 40A of the Act to drive our enforcement work. This requires crofters to submit a notice annually to the Commission confirming that they are adhering to the terms of sections 5AA, 5B and 5C.*
  - *There is a Board minute from 7<sup>th</sup> May 2025 at item 11, and a Board paper and minute from 25<sup>th</sup> June 2025 at item 8, referring to our work on section 40A as above. These can be found here – [Board meetings | Crofting Commission](#)*
  - *There are provisions in sections 4, 5 and 6 the Crofting and Scottish Land Court Bill that will help to streamline this work.*

2. Gary commented on those aspects of the Bill which are useful for the CC to address issues in existing legislation; it would be useful if you could send some information about these provisions as this would help the Committee sift through the various provisions of the Bill.

Some examples are:

- *Enabling environmental use of crofts – this is already happening, and the inclusion of this provision means that the current step that requires permission to do so under ‘purposeful use’ is not necessary.*
- *Enforcement action against subtenants – this clears up an anomaly whereby subtenants are not treated the same way as tenants.*
- *Power to decline to act in certain circumstances – this allows the Commission to better manage its approach to duties enforcement and not be forced to follow some very prescriptive legislative steps if common sense dictates otherwise.*
- *Determination of the term owner occupier. This is an example of allowing the Commission to make a determination on something that a lay person would find difficult to comprehend in the current legislation. At present, depending on the sequence of events, when a crofter exercises their right to buy their croft, they can become either an owner-occupier crofter or a landlord of a vacant croft. In practical terms, they have the same end result (they buy their croft, live on it and continue to work it) but the current legislation can mean that they may be inadvertently classified incorrectly when their actual circumstances dictate otherwise. This new provision allows the Commission to amend the outcome so that the legal status reflects what the reality is.*
- *Powers to adjust boundaries – this means that obvious material inaccuracies can be adjusted without recourse to a time consuming and sometimes costly legal process.*
- *Servicing of notices – this allows the Commission to determine what the best methods of serving notices might be. As an example, it means that the currently very prescriptive legislation (which in some cases makes reference to communication methods such as recorded delivery that no longer exist) can be replaced by more appropriate methods at the discretion of the Commission.*

I hope that is helpful. Please let us know if we can provide anything else.

With best wishes,

Andrew Thin  
Convener