

# New Entrants to Farming

## Introduction to Crofting



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## Introduction to crofting

### What is crofting?

Crofting is a form of land tenure which is unique to Scotland. A croft is a relatively small agricultural land holding which is normally held in tenancy and which may or may not have buildings or a house associated with it. Crofts range in size from less than 0.5 hectares (ha) to more than 50ha but an average croft is nearer 5ha. The largest crofts are in excess of 1,000ha. There are 20,570 crofts in Scotland with 15,388 individual crofters. A crofter is the tenant or owner-occupier of a croft. Usually, the crofter holds the croft on the "statutory conditions", which apply to every croft tenancy, and will not generally have a written lease.

### Crofter's duties

There are legislative duties which must be adhered to when taking over a croft. Residence on the croft is required or the crofter must reside within 32km. There is a duty not to neglect the croft, to cultivate and maintain the croft for agriculture or to put it to another purposeful use (e.g. any use which does not have an adverse effect on the croft, the public interest, the interests of the landlord or the use of adjacent land).

Demographics (Taken from the Commission's ROC)



0-20 years old	0.23%
21-40 years old	10.94%
41-60 years old	39.83%
61-80 years old	39.36%
81+ years old	9.64%

### How are crofts used?

Crofts are typically part-time units. Whilst most crofts are traditionally used for extensive grazing of sheep and cattle, increasing numbers are being put to alternative uses such as commercial horticulture, apiculture, or poultry production. Embracing these alternative uses can help to increase the potential income from croft land.

Beyond the direct agricultural use, crofts can serve as a base for a variety of business uses, such as glamping, local arts and crafts, and croft holiday experiences. These sectors have seen particular growth in recent years with crofters looking to capitalise on the tourist market.

### Who are crofters?

As with farming a large proportion of croft tenants are over 60 with only a small percentage of crofters under 40 years old. The last few years has seen an increase in the number of female and younger crofters.

<sup>1</sup>(Crofting Commission. 2017)

### Common Grazings

There are over 1,000 common grazings in the crofting counties. A common grazing is an area of land shared by a number of crofter shareholders. The use of a common grazing is governed by a grazing committee, elected by the shareholders in the common. The use of the common grazings is governed by the grazings regulations, which are administered by a grazings committee. Individual shareholders have a souming which governs the amount of stock they are allowed to graze. Details of shares and soumings are contained in the common grazings regulations. In order to take advantage of available grants, a common grazing must have a grazing committee in office. In order to have a recognised grazings committee it must be recorded by the Crofting Commission.

<sup>1</sup> Crofting Commission. 2017. Available from <http://crofting.scotland.gov.uk/facts-and-figures>

## The Crofting Commission

The Crofting Commission is a Non-Departmental Public Body (NDPB) responsible for regulating crofting. The Commission comprises of six Crofting Commissioners elected from geographic areas in the crofting counties, and three Commissioners appointed by the Scottish Government.

## Crofting Terminology

There are a number of new terms associated with the crofting world. Below is a summary of a few of the more common terms you are likely to encounter.

### Owner Occupier/Tenant

- Crofts will either be tenanted or owner occupied. The same statutory requirements apply to both tenant and owner occupiers.

### Decrofting/Resumption

- *Decrofting* is the term used for the process of removing land from crofting tenure. This is typically used to secure a house site suitable for commercial lending.
- Similar to decrofting, *resumption* is the removal of land from crofting tenure; in this case it is carried out by the landlord, following permission from the Scottish Land Court

### Apportionment

- Apportionment is the term used when someone who shares in a common grazing wants to take part of the common grazing for their own exclusive use.

### Assignment

- Assignment is the term used to describe the transfer of a croft tenancy from a tenant crofter, referred to as the 'assignor' or 'outgoing tenant', to a person of their choice referred to as the 'assignee' or 'proposed new tenant'.

### Sublet

- Subletting is the term used to describe the arrangement where a croft tenant allows another person (known as the subtenant) to work all, or any part, of their croft and/or the shares in a common grazing for a fixed period of time.

### Register of Crofts (ROC)

- The ROC is a public list of crofts held by the crofting commission which contains basic information about the croft and the people associated with it. The ROC does not contain mapping or boundary information for crofts, this is found on the crofting register which is held by the Registers of Scotland. The Commission ROC is now available online <http://www.crofting.scotland.gov.uk/register-of-crofts-roc>

### Crofting Register

- The crofting register is map based and provides a definitive record of the extent of, and interest in, land within crofting tenure in Scotland. The register shows the boundaries of land and also information on the crofter. The register is maintained by the Keeper of the Registers of Scotland.
- Applications to register a croft should be submitted to the Crofting Commission. As well as completing Form A which can be found at <https://www.ros.gov.uk/services/forms/guidance-and-forms> you must also supply a clear and legible map showing the boundaries of the croft. Maps that meet the desired standard can be acquired from local authorities, architects and surveyors and distributors of Ordnance Survey maps.

### 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. 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.

### Deemed Croft

- When a crofter purchases his/her croft land and the grazings shares pertaining to that croft remain held in tenancy they are “deemed” to be a separate and distinct croft in their own right.

## Obtaining a Croft

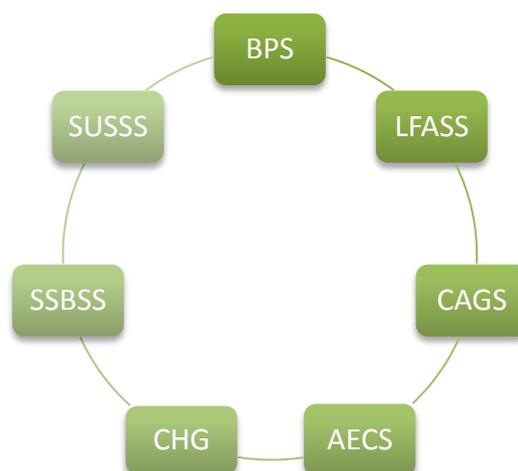
There are a number of ways to obtain a croft. The following table summarises the more common means, and some of the requirements involved.

Type of change	Description	Crofting Commission notification/ approval required?	Register Croft for first time
<b>Assignment</b>	Transfer of a croft tenancy from tenant crofter to proposed new tenant	Yes. Assignment Croft Tenancy Application form	Yes
<b>Sub - Let</b>	Transfer of a croft tenancy from tenant crofter to proposed new tenant for a fixed period of time	Yes. Subletting Croft Tenancy Application form	No
<b>Change of ownership – change of owner-occupier</b>	Purchase of Croft	Yes. Notification of change of ownership of croft land form	Yes
<b>Informal Seasonal let</b>	Commonly used informal agreement	No	No

Tenancies and croft land for sale can be found advertised in local estate agents, the local press, or by word of mouth. Tenancies and croft land prices are hugely variable, starting from below £10,000 to in excess of £200,000. Location and potential for house sites plays a large part in the pricing of crofts; agricultural potential is of lesser importance in setting the price. To be eligible for crofting specific grants, you must be the tenant, sub-tenant, or owner occupier.

## Crofting Support Schemes

Agriculturally active crofters with over 3 hectares of land are entitled to the same subsidies that are available to the rest of the farming industry, including Basic Payment Scheme, Greening, and Less Favoured Area Support Scheme. Crofters can also claim the Scottish Upland Sheep Support Scheme (SUSSS) and the Scottish Suckler Beef Support Scheme (SSBSS). There are also grants schemes specifically designed to benefit crofters. A brief descriptor of the aid schemes available to crofters can be found overleaf.



### Crofting Agricultural Grant Scheme (CAGS)

This scheme provides grants for crofters to make improvements to their crofts and help to sustain their businesses. Funds of up to £25,000 for individual crofters and £125,000 for groups of crofters can be used for capital projects, such as the construction or improvement of agricultural buildings and for the establishment of Common Grazings Committees.

Grant rates for individual crofters under the age of 41 and in business for less than 5 years are 80% in Less Favoured Areas (LFAs), and 60% in non-Less Favoured Areas. For other crofters, that rates are 60% in Less Favoured Areas and 40% in non-Less Favoured Areas. Grazing committees are eligible for 80% grant rate in Less Favoured Areas and 60% in non-Less Favoured Areas.

Funding for eligible capital projects can cover all aspects of the project, including the cost of materials, transportation of materials, costs of contractors and own labour. Items eligible for grant aid include: buildings, hard-standings, re-seeding, slurry storage, drainage and ditching, livestock feeding equipment, animal handling facilities, shelter belts, fencing, provision of power and water, provision of electrical equipment, and access tracks.

### Croft House Grant (CHG)

This scheme provides grants for crofters to improve and maintain the standards of crofter housing, with the aim of attracting and retaining people within the crofting areas of Scotland. Funding of 40% of the costs up to a maximum of £38,000 in high priority areas and up to £28,000 in standard priority areas can be used for new builds, major repairs, internal improvements and rebuilding work. Projects below £8,000 in value are ineligible for grant aid under CHG. For new build houses, an area of land is typically decrofted before building, in order to secure commercial lending. Fees associated with decrofting include solicitor's fees and a purchase fee for the land.

Eligibility is partly based on the production of a 5 year business plan for the croft. There are limits applied to the size of a new build house which relate to the number of bedrooms. Applications are accepted all year round, but decisions are typically made four times a year. Applications are scored based on a number of factors including those mentioned above.

## Agri-Environment Climate Scheme (AECS)

AECS supports land managers who wish to manage their land to benefit wildlife. There are a range of options available, including late cutting of silage fields, and management of grazing to protect habitats and breeding birds. In addition, there are a number of options which are particularly relevant for crofters and small farms. These include



### Management Option

Conservation Management of Small Units (up to 30ha)  
Cattle Management on Small Units  
(up to a max of 20ha @ 2 ha/cow)  
Cropped machair

### Payment Rate

£77.78/ha  
Retention - £107.38/ha  
Introduction - £162.63/ha  
£239.76/ha

### Training

There are no formal qualifications specifically for crofting. Agricultural qualifications at all levels are available from SRUC. Practical, one or two day courses aimed specifically at crofters are offered by the Scottish Crofting Federation (SCF), including courses for new entrants to crofting. One day and evening meetings on practical and technical subjects are offered free by the Farm Advisory Service (FAS), delivered by SAC Consulting, throughout the crofting counties.

### Sources of further information

Crofting Commission - <http://www.crofting.scotland.gov.uk/>

Registers of Scotland - <http://www.crofts.ros.gov.uk/register/home>

Scottish Crofting Federation - <http://www.crofting.org/>

Rural Payments & Services - <https://www.ruralpayments.org/publicsite/futures/>

FAS New Entrants - <https://www.fas.scot/new-entrants/>

Farm Advisory Service - <https://www.fas.scot/>