

It is therefore quite common to have crofts where the croft house and garden is decrofted, but the agricultural land going with it remains crofted.

When a croft, or part of croft is decrofted the Crofters Commission issue a **Decrofting Direction**, which includes a plan showing which area has been decrofted.

Further Information

If you are interested in buying a croft property, you should always use a Solicitor (like Georgesons) familiar with the crofting legislation. Almost all of these are located in the crofting areas (Highlands and Islands) although there are a few specialists in some of the larger Glasgow or Edinburgh firms.

For other information about becoming a crofter or crofts generally, you can contact the Crofters Commission, who have a wide range of leaflets available:

The Crofters Commission
Castle Wynd
INVERNESS
IV2 3EQ
Tel: (01463) 663450
www.crofterscommission.org.uk

This information contained in this leaflet is general advice only. It cannot be relied upon as a definite statement of the law and you should take specific legal advice on any particular situation.

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WHAT IS A CROFT?



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What is a croft?

A croft is a particular type of small-holding which is governed by the Crofting Acts.

The Crofting Acts were social engineering designed to ensure that there was land available for small scale agricultural enterprise and to ensure that rural areas remained populated. An administrative body called the [Crofters Commission](#) regulate the occupation of crofts and ensure that these statutory requirements are complied with. It also keeps a register of properties which are [Registered Crofts](#).

Physically, a croft will generally comprise of the croft house and a small amount of agricultural ground, originally used for subsistence farming or to supplement the income the crofter made in some other trade. A croft may also have other associated rights, such as Common Grazings, or Peat Cuttings, but this is not always the case.

Tenancies and Owner Occupiers.

Crofts can be divided into two types, Tenancies or Owner Occupied.

A [Croft Tenancy](#) is a secure tenancy for a comparatively low rent. The tenant also has the right to buy the land from the landlord, usually for a fairly small sum.

However transferring the tenancy (whether on the death of the existing tenant or on a sale) can be a complicated legal matter requiring the assistance of someone well versed in crofting law. For example the tenancy must be transferred as a whole, and on the death of a tenant there are strict time limits to give notification who is inheriting the tenancy.

Buying a tenancy involves making the contract with the seller, then placing the price on deposit while an application is made to the Crofters Commission, who advertise the application; the Landlord is also consulted to see if he agrees or disagrees with the transfer, although the final decision still rests with the Crofters Commission. If this application is refused, the sale falls through and the price is returned to the buyer; otherwise the price is paid over to the seller, and the buyer becomes the new tenant.

Nevertheless, Croft Tenancies do give access to a number of grants for agricultural works not so easily available otherwise, so for many life-long crofters the benefits outweigh the complications.

An [Owner-occupied Croft](#) is one owned by the crofter. Such a croft can be bought and sold just like any other property. However the property is still governed by the Crofting Acts, under the continued supervision of the Crofters Commission. Technically it is "vacant" since there is no separate tenant, so if the owner does not occupy the croft (e.g. by living in a croft house, or farming croft land), the Commission may impose a tenant. Also, if the property is rented out to anyone that lease will automatically be a Croft Tenancy, giving the tenant all the rights which go with that, unless certain special forms of lease are used.

Use of a Croft

The Crofters Commission have a duty to ensure that all croft land is being used in accordance with the Acts. If the property is unused, or improperly used, the Crofters Commission can force the owner to take a tenant, or replace an absent tenant.

Use of the land other than for the traditional activities of keeping livestock or growing crops

requires special permission from the Crofters Commission. Whether or not this is granted will depend on various circumstances, including the benefit or otherwise of the new activity to the local crofting community, and whether there are people looking for croft land to use for the traditional activities.

Use of the house and garden simply means living in it - however, this does mean that a croft house cannot generally be used as a holiday home.

Because of the restrictions of use, and the Crofters Commission's ability to put someone into an empty croft, banks will almost never give a loan secured over a croft. However banks will give loans secured over decrofted houses (see below) with croft land, usually based on the value of the house alone ignoring the value of the land.

Decrofting

Decrofting is the procedure to remove property from the operation of the Crofting Acts, and involves an application to the Crofters Commission.

In most cases an application to decroft a house and garden will almost automatically be granted, providing it complies with the requirements and recommendations laid down for such applications. The procedure does take some time, however.

Decrofting agricultural land is much more difficult, as the applicant requires to show that there is no demand for croft land in the area. As it has not been possible to create new croft land in recent decades, the shrinking of the available "pool" of croft land from past decroftings means land is now almost never possible to decroft.