

Briefing

Date: 12 January 2025

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Crofting and Land Court (Scotland) Bill – Stage 1 Debate

- NFU Scotland welcomes this Bill that introduces technical clarifications and procedural adjustments to crofting legislation.
- Scotland's farmers and crofters are the backbone of our rural economy, our national identity, and our food security. Crofts play an important role within the agricultural sector – helping to maintain iconic landscapes, delivering biodiversity benefits, sustaining fragile communities and preserving cultural heritage.
- We welcomed the Rural Affairs and Islands Committee's (RAI) Stage 1 report which recognised the significant importance of crofting in Scotland and the cultural, economic, social, and environmental benefits it continues to deliver in rural areas.
- We also welcomed the Scottish Government's engagement with NFU Scotland and other stakeholders on the Bill's provisions prior to its publication.
- The Bill aims to streamline processes, improve transparency, and modernises aspects of crofting law. However, it does not appear to make material changes to the day-to-day realities for crofters on the ground.
- Our crofting members have some concerns that the Bill, as drafted, does not tackle the intricate and often confusing nature of crofting law, or modernise the framework for today's needs. We understand that these issues could be considered in future legislation on crofting and we note that the RAI Committee's Report recommends that following the election, the new Scottish Government confirms its intention to undertake a review and bring forward further legislation to follow this Bill.

- We support wider measures for collaboration between the Crofting Commission, Registers of Scotland and Rural Payments and Inspections Division (RPID) to reduce the number of registers that are required. This should streamline the process, remove duplication and focus resources. NFUS members feel strongly that the primary aim of crofting businesses must remain agricultural activity. Through that, crofters can continue to contribute positively towards biodiversity and habitat enhancement, carbon sequestration and landscape health.
- We share the concerns highlighted in the RAI report regarding land being used solely for environmental purposes. We agree that any such use must be directly linked to active land management to ensure land is not abandoned under the guise of rewilding or habitat creation. We are concerned about the potential unintended consequences of this approach, including increased absenteeism, neglect and the knock-on effects that has on neighbouring units.
- We believe that any future review of crofting law should explicitly safeguard traditional crofting land uses, ensuring that environmental land use does not undermine active occupation, cultivation, or the core purposes of crofting.
- We support the transferring of grazing shares, when transferred to a crofter who already has shares in that common grazing or is within the same township. This provides flexibility while ensuring shares remain within the crofting system. We propose a permanent change to the legislation to ensure the shares attached to the croft when purchased remains attached with the parent croft. Although complex, we welcome further discussion to fully understand the legal consequences of this.
- We look forward to continuing our engagement with members, Scottish Government, the RAI Committee and wider stakeholders as this Bill goes through Parliament.