

Caledonia Centre for Social Development

Crofters' Common Grazings

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Commonweal = the common good, well-being (Scots).

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Preface: The Commonweal Project

This paper is one of the early outcomes of *The Commonweal of Scotland*, a project initiated by the Caledonia Centre for Social Development.

The main purposes of the project are to:

- Begin the systematic collection of knowledge about a significant part of Scotland's land use heritage and an important asset of households and the social economy, and to make it available to a wide range of civil society organisations, policy makers and other interested parties.
- Contribute to the growing international interest in common property rights and the need to uphold these in the face of attempts to appropriate them by more powerful local and/or external interests.
- Contribute to discussions about effective ways of asserting common property rights on behalf of disadvantaged groups and other less powerful groups who are threatened with their loss.

The paper was presented to an international study tour on the *Challenges of Common Property Resource Management* (24 to 28 September 2002), held in Scotland. This is part of the 3-year Co-GOVERN international co-operation project between Africa and Europe facilitated by the International Institute for Environment and Development (IIED).

Common Property Rights

Common property rights belong to communities, community-based organisations and other social groups and may be regarded as a form of shared wealth or assets.

Scotland has a tradition of common property rights. They include rights arising from commonties, grazing rights, peat-cutting rights, salmon rights, rights to use harbours and foreshore, mineral rights, sporting use rights, ownership rights, rights to usufruct¹, rights of access to resources, and rights of passage over land and inland water.

The means by which such rights were established is often obscure. Some date from medieval times (for example, rights of access to resources in commonties); others are much more recent (for example, rights to the use of the airwaves). Some rights, which were important in the past, have been eroded and some have been lost. In some areas the right to cut peat, for example, has been upheld but not exercised. Others have been undermined

¹ Usufruct is the right to use and profit from another's property on condition that no damage is done to it.

in a number of ways and for a variety of reasons (for example, inshore salmon netting rights). This process continues today. However, new rights are constantly being asserted and established or contested in law (for example, the right to use a particular Internet domain name).

Common property rights are not just an important part of our historical Scottish heritage but also the basis and foundation in law of much co-operative social or community action. For example, municipal or community Common Good Funds may be dependent on the maintenance of rights to take sustainable yields from natural resources. Any loss of such rights represents a threat to a thriving social economy and a diminution of civil society.

Awareness of these rights and of the importance of maintaining them is therefore very important for the common good. Public awareness of the number, variety and extent of common property rights is particularly important at a time of land reform. There is a need for readily available, accurate and up-to-date information about the different types of rights, their number and extent.

It is also important that such knowledge is available at a time when socially excluded groups in a number of countries throughout the world are in danger of losing common property rights as a result, for example, of changing economic circumstances and household consumption patterns or the misuse of political and corporate power.

Acknowledgements

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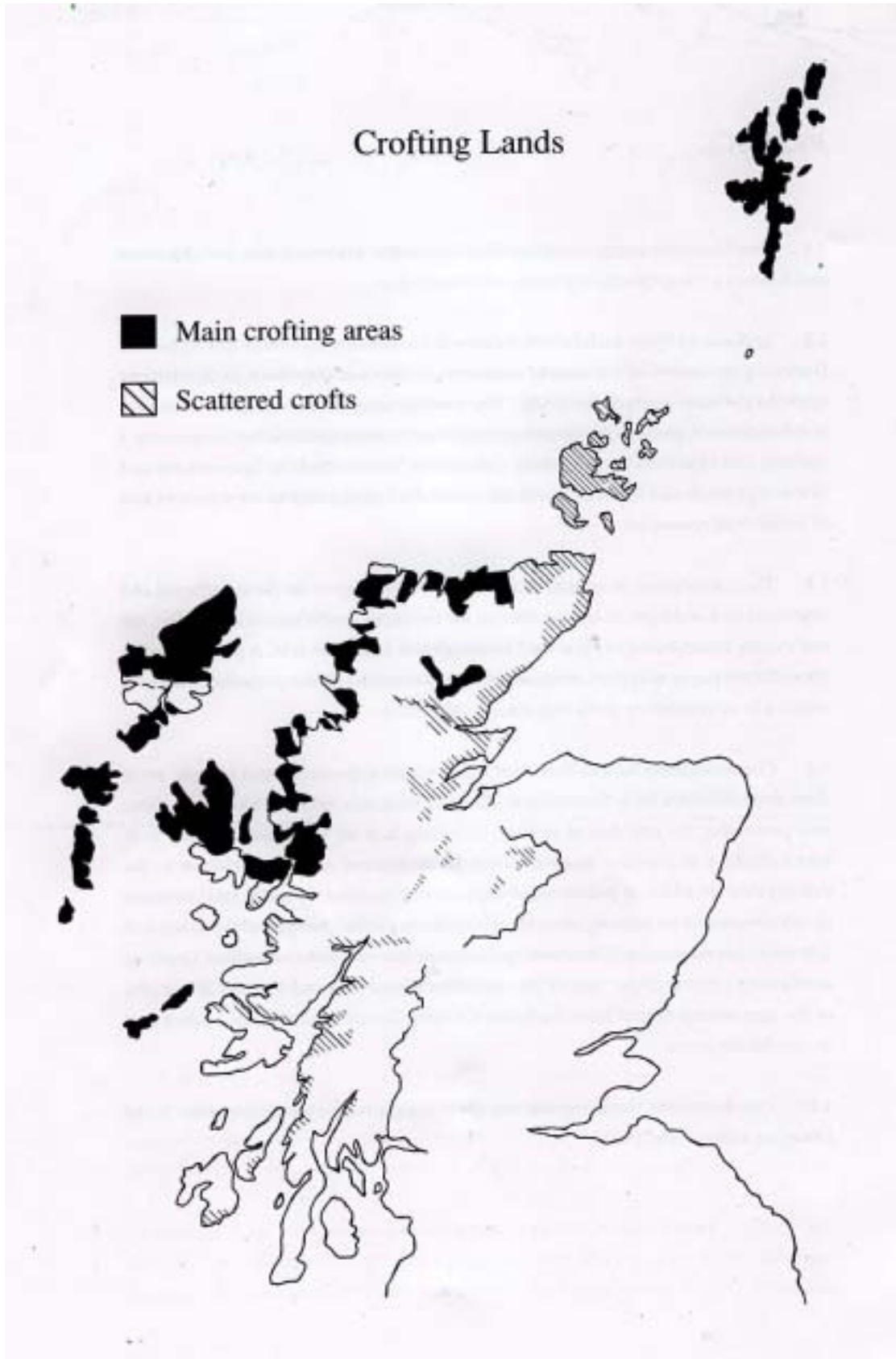


Fig. 1. Distribution of Crofting Land
(Source: Crofting in the 90s, Crofters Commission, Inverness 1991)

1. Introduction

Crofters' Common Grazings are an example of a common property resource where legislation has been used to safeguard equitable access to the resource by those entitled to a share in it.

Crofters' Common Grazings are areas of land used as rough grazing in many parts of the north and west Highlands of Scotland, including the Inner and Outer Hebrides, and the Shetland Isles². Extending to some half a million hectares, they are an important part of crofting, a relatively recent system of landholding in the Highlands and Islands of Scotland, which first appeared around 1800 and which has been regulated by legislation since 1886.

For many hundreds of years, however, the predominant type of subsistence agriculture practised in the region was a form of pastoralism known as transhumance. This form of peasant livestock agriculture was widespread across most of the upland and marginal lands of Europe³. In Scotland it was rooted in peasant communities who for the greater part of the year lived in permanent settlements close to their arable lands. However in late spring with the appearance of new growth in the upland grazings, communities moved parts of their family and livestock into the hills and moorlands for the summer.

A large proportion of these ancient common grazings have been lost due to the systematic eviction and clearance of hundreds of peasant communities from their traditional lands in the interior of the country. Crofters Common Grazings therefore represent only a small proportion of an ancient and much more extensive system of land use and common property resource management that once covered the majority of the country.

The Development of Crofting

The forces that led to the loss of much of the traditional lands - landlords' aspirations for larger cash incomes, commodity prices, commercial capitalist agriculture, the agricultural 'improvements' movement – also led to the establishment of crofts.

In many parts of the Highlands and Islands landlords began to re-organise their estates by dividing land tenanted under the traditional systems⁴ into

² They are to be found in six of the former counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney, and Shetland – the 'seven crofting counties' (Orkney is the exception).

³ Adaptations and relics of it can still be found in upland Spain and Portugal, the Alpine regions of France, Switzerland, Austria, Germany and Poland, parts of Sweden and Norway, the west of Ireland and the north of Scotland.

⁴ In the system known as runrig small farmers worked sometimes scattered strips or rigs of land, sharing the better and the poorer land by taking turns to cultivate the different rigs. Larger farms were often jointly tenanted by branches of a family, who sub-let part of the holding to cottars (landless peasants) and servants.

separate holdings, each with a single tenant. This was a necessary step towards the creation of large holdings, which they let to commercial sheep farmers and other entrepreneurs at high rents 'justified' by the upsurge in the price of wool and other commodities on the international market.

Most landlords however had no wish to remove the peasant population entirely, especially in the Outer Hebrides where they needed workers to maintain their incomes from the profitable kelp or seaweed industry. Therefore, to ensure a supply of labour for kelping, and fishing, to which they hoped the evicted would turn, landlords created new holdings or crofts, many in coastal areas, for the displaced population.

However the welfare of their tenants was not high on their agenda. Many of the new crofts were on poor land, often on boggy or rocky ground which had not been cultivated before, and the landlords saw to it that the new holdings were not large enough to allow a tenant to make an adequate living for himself and his family from agriculture alone. Most new crofters had to make do with poor holdings, high rents⁵ and virtually no security of tenure. However they did have the benefit of one element of the old system that survived these changes – the remnants of the traditional grazing land which remained undivided and had not been let to individual tenants⁶. These were to become, almost a century later, after a government Commission of Enquiry and two Acts of Parliament, the Crofters Common Grazings.

2. Common Grazings - The Current Situation

In its present form crofting still owes much to the Crofters Holdings (Scotland) Act of 1886⁷, which gave crofting tenants security of tenure, the right to a judicially reviewed rent and the right to compensation for improvements on leaving their holdings⁸. Crofters continue to make use of both arable ground and hill pasture, though transhumance has long since died out. Many, but not all crofts have two parts: the in-bye land - arable ground on which the crofter's

⁵ In a further twist to this system of exploitation, many landlords raised rents to a level, which meant that their tenants had virtually no choice but to accept any work the landlord offered at whatever rates he was prepared to pay – usually close to subsistence level. Thus landlords recovered a considerable proportion of the money they paid out in wages in the form of income from rents incommensurate with the agricultural potential of the land their tenants worked.

⁶ The availability of these grazings to the new crofters was due, it has been suggested, to the extent of the large areas leased to the new sheep farmers and the number of new crofters who could claim a share of what was left, rather than to any good will on the part of the landlords. See Hunter (1976), page 30.

⁷ The legislation of 1886 has been added to and amended over the years, most importantly in 1891, 1911, 1919, 1955, 1976 and 1993. The Scottish Executive has recently invited consultation on proposals for new legislation designed to allow more flexible use of crofts and to simplify administrative procedures. Crofting is currently regulated by the Crofters Commission (see Section 7 below).

⁸ The Crofters Holdings (Scotland) Act of 1886 was the UK Government's response to the report of the Napier Commission set up to investigate the plight of tenants of small holdings in the areas mentioned above - many of the descendants of those evicted from better land during the Clearances.

house is usually built; and rough grazing held in common with neighbouring crofts, usually a much larger area of rough hill pasture – the common grazings. A crofting tenancy usually includes a right to a share of the common grazings, where these exist. Some crofting areas, mostly in the more southern and eastern parts of the crofting counties area, do not have common grazings.

Since the Crofters Common Grazings Regulations Act of 1891 common grazings have been managed in accordance with regulations based on statutes deriving from legislation⁹. An important outcome of over 100 years of statutory regulation is that knowledgeable experts¹⁰ consider that the overall area of the common property resource has decreased by an insignificant amount - around two per cent. Legislation, it would appear, has helped to ensure that powerful landed elites and their agents have not been able to use the law and other means to encroach on and remove from the less powerful the last remnants of a once extensive system of ancient rights.

It is generally accepted - there is apparently no legal definition - that a common grazing is an area of grazing land belonging to a landlord but used by tenants (there must be more than one), who have a right to a share in the grazing (normally by virtue of their tenancy of the croft)¹¹. It is possible to distinguish Township Common Grazings, which are shared by tenants in a township¹², and General Common Grazings, which are shared by several townships, some of which may also have their own township common grazings. The size of each share is based on the size of the croft or its rental value, and is expressed in terms of the number of animals, which can be kept on the grazings. The common grazings are not usually divided by fencing into individual shares, all stock being allowed to range over the entire area.

Shareholders are nearly always crofters, who have shares by virtue of their crofting tenancies or ownership of the land¹³. They have rights to graze animals and to take peat and seaweed, if available, for their own use on their crofts. They also have the right to apply to the Crofters Commission for the apportionment, for their exclusive use, of a part of the Common Grazings (see

⁹ Before then, as implied above, the grazings were shared in accordance with traditional communal use and practice.

¹⁰ Graham Boyd, personal communication from Archie MacNab, Crofters Commission

¹¹ Recently, in a few areas beginning with North Assynt in 1992, crofters have acted jointly to establish legal entities, usually referred to as Crofting Trusts, to which they have passed ownership of their land on purchasing it from their landlord. Through the Trust they collectively own their land, while remaining tenants of the Trust and continuing to hold rights to shares in the common grazings.

¹² A township is a group of crofts which share common grazings: "All crofting townships had, and still have, important common characteristics which generally outweigh the differences between individual settlements: a nucleus of arable land made up of a number of separate smallholdings and surrounded by a tract of hill pasture varying considerably in quality and extent, known as the outrun or rough grazing, and held in common by all the township's tenants..." (Hunter, 1976, p.30)

¹³ The Crofting Reform (Scotland) Act 1976 gives a crofter the right to buy his or her croft or part of it (with the exception of any right in the common grazings and certain apportioned areas of common grazings).

Section 6 below), the right to take ground game (hares and rabbits), and the right to carry out land improvement. Since 1992 they also have the right to plant trees provided they have the landlord's agreement and the Crofters Commission's approval. Non-crofters may also have shares by virtue of their occupation of holdings other than crofts, and if so are bound by the Grazings Regulations. They are also entitled to apply for apportionments.

For the sake of completeness, mention should also be made of another form of common grazing which still exists in many townships. This practice is called Open Township. During the winter months, usually from a set date in November to a set date in April, each shareholder opens his croft (that is, his in-bye arable land) to stock belonging to the other shareholders in the common grazings. A shareholder may apply to be excused from this regulation if the practice interferes with his individual use of his in-bye land, and has the right of appeal to the Crofters Commission.

3. Legal Provisions for the Management of Common Grazings

The management of common grazings is governed by regulations, which are based on statute, as is a crofter's tenancy itself. The Act of 1886 "made it a statutory condition of the crofter's tenure that 'he shall not persistently violate any written condition signed by him for the protection of the interests of the landlord or of neighbouring crofters which is legally applicable to the holding and which the Crofters Commission' (now [i.e. in 1954] the Scottish Land Court) 'shall find to be reasonable.'"¹⁴

The Crofters Common Grazings Regulations Act of 1891 set out the main statutory provisions. It authorised the appointment of Common Grazings Committees and sets out their responsibility for making and enforcing regulations concerning the number of stock each shareholder could put on the grazing as well as dealing with other matters affecting "the fair exercise" of their joint rights on the grazings. The Act required that the regulations had to be approved by the Scottish Land Court, set up under the Act, and could be altered with its approval.

The role of the Grazings Committees and their responsibility for the Grazing Regulations remain largely unaltered to this day. However since 1955 the supervision of the regulation of the common grazings has been the responsibility of the Crofters Commission, which was re-constituted under the Crofters (Scotland) Act 1955 and given the powers relating to regulation, which the Land Court had exercised since 1911¹⁵. Although the overall role and responsibility of Grazings Committees have remained largely unchanged, individual sets of Grazings Regulations have always varied from place to place and have been altered over the years to take account of changing

¹⁴ Report of the Commission of Enquiry into Crofting Conditions, page 59, paragraph 193.

¹⁵ The original Crofters Commission, which was set up under the 1886 Act, was abolished in 1911 on the establishment of the Scottish Land Court.

circumstances, such as the rise in the number of absentee crofters and the increasing number of inactive crofters.

Despite the legislation there are an estimated 200 unregulated grazings. The shareholders of unregulated grazings have no legal control over what their fellow shareholders do on the grazings, no means of recovering money for maintenance work (new fencing, for example), and cannot take advantage of such schemes as the Crofting Counties Agricultural Grants Scheme, Environmentally Sensitive Area Schemes, and the Crofter Forestry Scheme. The total area of unregistered common grazings is not known.

The management of the common grazings is currently based on the provisions of the Crofters (Scotland) Act of 1993, which consolidated the crofting law created between 1955 and 1991, and also clarified and simplified some of the existing law. References below are to the 1993 Act.

The total area of registered Common Grazings currently extends to 541,753 hectares.

4. Grazings Committees and Grazings Clerks

Section 47 of the 1993 Crofters Act authorises each set of shareholders to appoint from its members a Grazings Committee, and to call a meeting for this purpose in accordance with statute. The shareholders decide the size of the committee, which may include non-crofters. Once appointed, the Committee appoints a Chairman and also a Grazings Clerk, who need not be a shareholder. If a set of shareholders fails to appoint a Committee, the Crofters Commission has the power to appoint a Committee or a Grazings Constable, who has in effect the full power of a committee.

The responsibilities of the Grazings Committee are outlined in Section 48 of the Act. They are:

- make and administer the regulations for the management and use of the grazings;
- maintain the common grazings and if necessary replace the fixed equipment required; and
- carry out improvements to the grazings or the fixed equipment or to plant trees.

Section 49 of the Crofting Act requires the Grazings Committee to make "Regulations for the Management of the Common Grazings"¹⁶ in consultation with the landlord. These are then submitted to the Crofters Commission, which takes a particular interest in the extent of the grazings, the

¹⁶ The Crofters Commission provides a set of draft regulations, which Grazings Committees may adapt to meet their needs. The Commission is currently preparing a revised set of regulations, which it is hoped Committees will find easier to work with.

shareholding arrangements and the souming, or stock carrying capacity, of the grazings. After confirmation by the Crofters Commission the regulations become legally binding on the common grazing and its shareholders. Any shareholder in breach of the regulations is committing an offence under section 52(1) of the Act and is liable to a fine of up to £200. The Act also empowers the Crofters Commission to make Grazing Regulations in the event of a Grazings Committee failing to do so.

In carrying out their duties Grazings Committees have the help of Grazings Officers, members of the staff of the Crofters Commission, who give advice and provide other assistance.

There are currently 853 Grazings Committees registered with the Crofters Commission.

The main responsibilities of the Grazings Clerk are to:

- arrange and keep records of meetings,
- deal with all correspondence,
- keep records of the stock owned by different shareholders,
- manage all cash transactions and keep accounts,
- arrange an annual audit of the accounts, and
- submit a financial report at the Annual General Meeting of the shareholders.

Under the heading of correspondence, the Clerk deals with a variety of matters, for example:

- arranging for notices from the Crofters Commission to be accessible within the township
- informing the Crofters Commission of any amendment to the grazing regulations desired by the Committee
- informing the Crofters Commission of the names of new members of the Committee or a new Clerk
- informing the Crofters Commission of local difficulties arising from absenteeism or under-use of croft land
- dealing with requests from the Crofters Commission for nominations by the Committee of a crofter as an Area Assessor (see Section 7 below)
- responding to the Crofters Commission's requests for the Committee's views on various matters, such as de-crofting, apportionment, non-family assignation of a tenancy, subletting and re-letting
- making applications for grant on behalf of the Committee and arranging the distribution of any Scottish Land Court compensation payments.

In the view of the Crofters Commission a Grazings Clerk is acting on behalf of, and on the instructions of the Committee, which in turn manages grazings on behalf of the shareholders who appointed it. The Clerk does not carry the

responsibilities of the township alone. The Grazings Committee has the right to agree on remuneration for the Grazings Clerk and collect monies from shareholders.

5. The Grazings Regulations

The content of the Grazings Regulations vary from place to place depending on local circumstances, but they are required by statute to deal with certain matters. These are:

- the souming of the grazings - the number of stock which each shareholder is entitled to put on the grazings
- the management and control of stock
- the maintenance and improvement of the grazings and the recovery from shareholders of the expenses incurred in carrying out improvements
- the creation and management of a grazings fund
- the constitution and procedures of the Grazings Committee
- compliance with the requirements laid down by statute, e.g., on animal health measures and muirburn¹⁷
- collecting penalties for the contravention of the regulations.

Grazings Regulations may also deal with other matters, such as those which may arise when only some of the shareholders have contributed to the cost of improvements: for example, adjusting the individual soumings to take account of the improvement scheme; and restricting the use of the grazing to shareholders who have contributed.

The Regulations may also deal with such matters as the management of bulls and tups; the marking of sheep stock and the communal gathering of sheep for clipping, dipping, etc; and the control of vermin (foxes, rabbits, crows, etc).

Soumings

The value of a grazing right is measured in terms of souming, *i.e.*, the number and types of animals a shareholder may put on the grazing. The measure is normally described in one of three ways:

- A croft may carry with it a proportionate share, e.g., a one-tenth share in the common pasture.
- A share may be defined as the right to graze a set number of sheep and/or a set number of cattle on a common pasture.

¹⁷ Muirburn is the practice of burning the grazing in the spring (March and April) to stimulate the growth of new grass. The dates within which muirburn may be carried out are set by the Scottish Executive Environment and Rural Affairs Department (SEERAD).

- A share may be defined as the right to graze a set number of sheep or cattle per sterling pound of the rent of the croft in 1886¹⁸.

Soumings may be based on traditional shares, often dating back many years and related to the shareholders' ability to provide stock with winter feed grown on their arable acreage. Deciding on a souming – for, say, a previously unregulated grazings – will require an investigation by one of the Crofters Commission's Grazings Officers. The Grazings Officer will assess the carrying capacity of the grazings, and also take into account the potential of the crofts to produce winter keep for the animals and the need to introduce a balance of sheep and cattle for the benefit of the grazings. There are many local variations in the equivalences between animals in the soumings. In the 1960s, for instance, a cow was usually equivalent to from four to six sheep on the mainland and on the Isle of Lewis, but in Harris a cow was equivalent to eight sheep. As mentioned above, a Grazings Committee has power to adjust the soumings when all the shareholders have not contributed to the expenses incurred in carrying out improvements.

Their statutory responsibility for soumings also gives Grazings Committees some control over unused or underused shares in the grazings, through what is known as the Excess Stock Rule. Grazings Committees have the power to allow shareholders in need of extra grazing to use shares left unused by inactive crofters, subject to agreement on a set period and payment of a sum fixed by the Committee.

In some townships crofters have formed Sheep Stock Clubs as a way of managing sheep on the common grazings. Sheep Stock Clubs have a long history, some existing at the time of the passing of the 1886 legislation. Others were formed when sheep farms were broken up for the benefit of ex-servicemen after the 1914-18 war, the hirsels¹⁹ being left intact and taken over at valuation as clubs by the new crofters. The common feature of these clubs is that the shareholders, rather than managing their own animals in informal, reciprocal ways, employ a shepherd to manage the collectively owned flock, and receive an annual dividend if the club is in profit. Grazings Regulations take account of the existence of Sheep Stock Clubs, but take precedence over any constitution a Club may have. This acknowledges that a shareholder's interest in a Sheep Stock Club is dependent upon and invisible from his share in the Common Grazings.

Maintenance of the Common Grazings

Maintenance of the Common Grazings is another statutory duty of the Grazings Committee. It involves maintaining and if necessary replacing fixed equipment such as fences, fanks, dippers, roads, drains and shelter belts,

¹⁸ In the past soumings sometimes also stated equivalences between sheep and horses.

¹⁹ A hirsell is a stock of sheep 'hefted' to a particular part of a hill farm, *i.e.*, which range over that area but do not stray on to the areas of other stocks. The areas themselves are also called hirsells.

and also controlling vermin. All shareholders must pay towards the cost of works, the amount being based on the size of their share in the Grazings. Failure to pay constitutes a breach of the regulations. Grazings Committees are not required to give advance notice of the works to each shareholder, although it would seem prudent to do so, especially if they intend to impose a levy in advance of the work being carried out.

Improvement of the Common Grazings

Grazings Committees can carry out schemes for improvement of the grazings²⁰ (including crofter forestry, see below) without the agreement of the majority of the shareholders²¹. These may include schemes submitted to them by a shareholder or group of shareholders, which they are duty bound to consider. However, they must first give every shareholder written details of the proposed improvements, including plans and costs and the proposed allocation of these to individual shareholders.

Shareholders have the right to make representations to the Crofters Commission within one month of receiving details of a proposal. After making enquiries, the Crofters Commission may approve, modify or reject the proposal.

Peat Cutting

The Grazings Committee are also required by statute to direct and control the cutting of peat²², and have the authority to state where and how peat will be extracted. This is an important matter in view of the increased use of mechanical methods of cutting, which can lead to drainage problems and create hazards for livestock. Shareholders are required to restore the soil and surface after cutting, and in the event of any failure to do so, the Committee has the power to recover from the offending shareholder the cost of restoration work.

Use of Part of the Grazings as Woodland Plantations

Since 1992 a Grazings Committee have been able to plant trees on any part of their common grazing and use them as woodlands, provided that they first obtain the written consent of the landlord and the approval of the Crofters Commission. The Committee has no right of appeal if the landlord refuses his consent. If the Committee do however gain consent and approval and proceed with a scheme, the landlord cannot apply at a later date to resume

²⁰ Since the withdrawal of grant assistance for reseedling or reclamation of virgin hill land, there are virtually no schemes for the improvement of the grazing itself.

²¹ The requirement for majority agreements was dropped in an attempt to promote development in townships where there were a large number of absentee or inactive crofters.

²² A crofter has the right to cut peat for domestic use. Such a right resembles a right in the Common Grazings and is often associated with it, for the peat bank may be situated in the Common Grazings, but is in fact a distinct and separate right.

any part of the woodland, and a shareholder cannot get an apportionment (see Section 6 below). A Committee, which obtains consent and approval is eligible to apply for grants for the planting of trees and the management of plantations to the Forestry Commission. The trees planted on the Common Grazings under this provision are regarded as a harvestable crop rather than permanent improvements.

6. Apportionment of Common Grazings

A shareholder in a Common Grazing is entitled to apply to the Crofters Commission for an apportionment of part of the Common Grazing in order to obtain exclusive use of a particular part of the grazing. The Crofters Commission is required to consult the Grazings Committee, and also gives the other shareholders and the landlord the opportunity to make their views known. In granting an application the Crofters Commission may make an apportionment dependent on such conditions, relating for example to fencing, or drainage or land improvement, as it thinks fit.

However, as stated above, any part of a Common Grazing, which has been planted with trees and used as woodland with the consent of the landlord and the approval of the Crofters Commission cannot be apportioned.

7. Regulatory Powers

Crofters Commission

In line with the one of the recommendations of the 1954 Report of the Committee of Enquiry into Crofting Conditions (the Taylor Report) the Crofters Commission was re-established in 1955. The new Crofters Commission took over the administrative functions of the Scottish Land Court relating to crofting, particularly the regulation of the Common Grazings and their apportionment, on the grounds that development of the grazings was now an administrative rather than a judicial matter.

The Crofters Commission comprises a part-time Chairman and seven part-time Commissioners, all of whom have crofting backgrounds. The Crofters Commission is based in Inverness and has offices in Lerwick, Kirkwall, Thurso, Lairg, Oban, Portree, Benbecula and Stornoway.

The Crofters Commission exists to:

- re-organise, develop and regulate crofting
- promote the interests of crofters
- review matters relating to crofting and to advise the Scottish Executive and Parliament on crofting matters.

In order to carry out the first of these functions, the Crofters Commission has specific regulatory powers and duties. These include the regulation of changes in tenancy, the re-letting of vacant (untenanted) crofts,

apportionment of land, and regulation of the management and use of the common grazings.

In striving to maintain a thriving crofting community, the Crofters Commission administers the Crofting Counties Agricultural Grants (Scotland) Scheme and other grant schemes designed to bring young people into crofting, advises crofters, and encourages crofting townships to co-operate on development projects and to improve the quality of livestock.

The Crofters Commission is assisted by a Panel of Assessors appointed by the Commissioners on the nomination of crofters. The assessors, of whom there are about a 100, act as a channel of communication between crofters and the Commission and provide an objective assessment of local crofting issues and inform townships in their areas of the Commission's policies and initiatives.

The Scottish Land Court

The Scottish Land Court has the power to determine any question of fact or law arising under the Crofters (Scotland) Act 1993, which may be raised by any person having an interest or referred to it by the Crofters Commission. Such questions include:

- Whether a holding is a croft
- Who is the tenant of any croft
- What are the boundaries of a croft or common grazings
- Whether any land is part of a croft or common grazings.

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