



**THE CHURCH OF SCOTLAND  
LAW DEPARTMENT**

**CIRCULAR ON THE CROFTING REGISTER  
TO ASSIST PRESBYTERIES AND CONGREGATIONS  
IN THE CROFTING COUNTIES**

**Introduction**

The Crofting Register (“the Register”) was introduced as a new concept by the Crofting Reform (Scotland) Act 2010. The Register was formally launched on 30<sup>th</sup> November 2012. Registration was on a voluntary basis until 29<sup>th</sup> November 2013. Since 30<sup>th</sup> November 2013 registration has been mandatory. This paper highlights some aspects of the Register and its implications for Church of Scotland property.

**What is different with the Register?**

The Register is a formal register, held by the Registers of Scotland, the aim of which is to show every registered croft on an Ordnance Survey-based system. This is the first time that there will be an obligatory map of each croft. Currently, one of the most difficult aspects of dealing with many crofts is ascertaining the boundaries of them. In many cases there is only a name of the property with no supporting plan, and the boundaries may even end up being fixed on the basis of proof of possession.

**When does a croft need to be registered?**

As of 30<sup>th</sup> November 2013, it is mandatory for a croft to be registered whenever a change takes place, for example in connection with a sale or assignation of the croft, or in connection with any form of regulatory application to the Crofting Commission.

**How will I know if a croft in my area is being registered?**

Section 12(8) of the 2010 Act provides that, in most cases, someone applying for a first-time registration of a croft must give public notice of the registration by: -

1. Placing an advertisement, for two consecutive weeks, in a local newspaper circulating in the area where the croft is situated; and
2. Affixing a conspicuous notice, in the form stipulated by the 2010 Act, to a part of the croft.

The notice is to be placed when a croft is first registered. The purpose of this notice is to alert any neighbouring owners of the crofter’s stated boundaries, as mentioned in their application for registration. There is a 9 month window, following the date when the notice was first posted, for any neighbouring owners to object to the registration of the croft. If no such objection is received then the croft, and all its boundaries, will be deemed final and correct.

### **How does this affect Church property?**

These provisions might affect any property which borders croft land, e.g. the garden of a Manse or part of the Glebe, if a neighbouring crofter enters a first registration of his croft and the boundaries on his registration claim to include part of the Church property. If no objection is made to his boundaries then his croft will be duly registered and part of the Church property will turn into croft land. This brings with it a large body of legislative controls and restraints, and would stop the congregation's free enjoyment of it.

Most importantly, if the land were registered as croft land then the crofter would have an absolute right to buy it at any time.

### **What can I do?**

Be aware of any newspaper notices of croft registrations, or any notices pinned to trees, fences or gates around the Church, Manse and Glebe. Read them carefully and check the boundaries that the crofter wants to claim. If the boundaries include any Church property then contact the Law Department with full details so that the matter can be investigated and, if necessary, a formal objection lodged.

### **Finally**

If you have any queries please do not hesitate to contact the Law Department by email at [Lawdept@cofscotland.org.uk](mailto:Lawdept@cofscotland.org.uk), who will be pleased to assist.