

PE1729/B

Argyll & Bute Council submission of 22 October 2019

As stated in the SPICe briefing on this petition, the Scottish Government guidance on Charging for Residential Accommodation Guidance (commonly referred to as CRAG guidance) does not make specific mention of crofts in the section dealing with capital assets. A number of years ago, we understand that a commitment was made by the Scottish Government to make such an update, but this has never happened.

In the absence of any such specific guidance, Argyll and Bute Council will consider each case on an individual basis and determine how the croft should be treated. There are various disregards in the legislation such as if the property (croft or non-croft) continues to be occupied by a partner of the resident aged over 60, or a child under 16. We would also check to see if the property has been de-crofted or not, and if it is an owner-occupied croft or a tenanted croft. We have very few croft cases, and in any such cases we would consult carefully with our Legal Services team.

We do not have a formal policy. In general, practice has been usually been to include owner occupied crofts as a capital asset and to disregard tenanted crofts, but it very much depends on the circumstances of each case.