

Eligibility and Occupancy of Land

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Business Registration

The Agri-Environment Climate scheme (AECS) is open to farmers, crofters, groups of farmers and other land managers with land in Scotland who are registered with us and have a Business Reference Number (BRN). Find out [how to register your account](#) .

Occupancy of Land

To apply to AECS, you must either own and occupy the land, have a secure tenancy, have a contractual licence or be a grazing clerk submitting an application on behalf of a grazing committee.

You must be able to demonstrate that you have the legal right to carry out the proposed works on the land included in your application, for the length of the contract and for any associated monitoring period. (Contracts are normally for five years and there is a five-year monitoring/retention period from the final payment for any capital item).

Landlords and owner/occupiers

If you are a landlord or an owner/occupier you can apply for land that is managed in hand or let out on a seasonal basis. If any of the land included in the application is let out on a seasonal basis, it will be your responsibility to ensure that all scheme requirements are met.

Tenancies

If you are a non-croft tenant or an official sub-tenant of a croft, it is your responsibility to discuss the proposed application with your landlord or main tenant to make sure it does not break the conditions of your tenancy.

You must be able to demonstrate a legal right to carry out the proposed works on the land included in your application for the length of the contract (normally five years). If you apply for capital items, your rights must last for the associated monitoring/retention period, which is five years from the final payment for a capital item.

In order to demonstrate this, you **must** submit with your application, either:

- a signed [Landlord Declaration Form \(PDF, Size: 245.3 kB\)](#) in which your landlord or main tenant confirms that the lease extends beyond the required duration,

or

- a copy of the lease

If you choose to submit a lease you must make sure that the lease meets the AECS requirements. If RPID already has a current copy of your lease for another purpose you must reference this clearly in the “proof of secure tenancy” box in the “Supporting Documents” section of your application.

You must also make sure that sufficient details are entered in the proof of secure tenancy section of the online AECS applications to alert the case officer of this request. This should be information on the lease’s earlier submission and that it is also to be used for this scheme.

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Contractual licences (third-party applications)

If you are not a landowner or tenant, you can apply to do works on land covered by a contractual licence. However, you can **only** apply for stand-alone capital items which are to be undertaken across a number of holdings; for example, work to remove invasive non-native species.

You must have written agreement from all the relevant landowners and tenants. To demonstrate this, you must submit a copy of the contractual licence with your application.

The licence must be in effect before you apply to the scheme and include the following:

- a map of the area covered by the licence
- the duration of the licence
- the details of responsibilities and liabilities
- details of the landowners or main tenants covered by the licence
- details of the activities covered by the licence*

*For capital items, contractual licences must cover the contract monitoring period which is five years from the final payment of the capital item.

Short-term tenancies and short-term contractual licences

Where your tenancy or licence will not cover the required duration, you must submit the [Landlord Declaration Form \(PDF, Size: 245.3 kB\)](#) with your application. In the Form, your landlord or main tenant must confirm that they will take responsibility for carrying out the proposed management options and capital items for the remainder of the contract and any associated monitoring period (see also ‘change of occupiers or transfer of land’ section below).

You cannot apply for land-based options on seasonal-held land, including arable, if your lease is for a period of less than a full year.

Crofting

If you are a main tenant of a croft with a tenancy which covers the required duration, you do not have to submit any supporting documentation.

If you are an official sub-tenant of a croft, which falls within the jurisdiction of the Crofting Commission, you must submit a copy of the letter issued by the Crofting Commission confirming the approval of the sub-let and its duration or a copy of your lease.

If you are a grazing clerk, submitting an application on behalf of a grazing committee, your application **must** include the following supporting information:

- the written consent of a majority of the crofters with shares in the common grazing
- evidence that notice of the intention to submit an application and the proposed division of the grant amongst the eligible crofters has been issued by the grazings committee or constable to all shareholders sharing in the common grazings

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Management Options and Capital Items Eligibility

Each management option and capital item has its own webpage, which includes a section with the eligibility requirements. Please check if you can meet the requirements for each management option and capital item which you wish to apply for. Please also refer to the [Management Options page](#) and the [Capital Items pages](#) for further guidance on options and capital items eligibility.

Please also note that some options and items are spatially targeted to certain parts of Scotland. This is explained in the [Management Options page](#).

Further Information on Eligibility

Number of applications allowed in a single year

You will normally be limited to a single AECS application per business per year. However, there are some exceptions:

A. If you manage any of the following designated sites: SSSIs and European sites (SACs and SPAs): you can submit one application for the designated site management and another for management on other parts of your land

B. Land managers who have widely separated areas of land (normally at least five miles apart) where it is more appropriate to apply for each area separately.

C. Applications for Organic Conversion or Organic Maintenance may be made separately from other AECS applications.

Eligibility checks by case officers

You can view a table of the questions which case officers have to answer, when checking each applicant's eligibility for the scheme:

[AECS Application Eligibility Questions \(PDF, Size: 73.4 kB\)](#)

Fair Work First (FWF)

If you intend to apply to AECS you must be able to comply with the Fair Work First requirements.

Please read the [Fair Work First guidance](#).

Work not funded by AECS

AECS cannot fund works required as part of a statutory or legislative obligation. This would include, for example, works required under a habitat or environmental management plan as part of a wind farm (or similar) planning approval.

Your application must not include any works which you have already started on (including purchase of associated items or equipment). If your application is successful, you must not start on any of the works applied for until you have signed your contract and an 'authority to proceed' letter has been issued.

Also, you must not apply for funding for work which has already, partly or fully, secured funding from another source. Please see the [Double Funding and Incompatibility page](#).

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Change of occupiers or transfer of land under an AECS contract

If there is a change of occupancy or a sale/transfer of the land within the contract agreement period, you must make sure that the new occupier or owner of the land takes on your obligations under this scheme and that a Succession request form is completed.

Where your tenancy or licence does not cover the required duration, the landlord or new tenant must enter into a successor's agreement, within three months of the tenancy or licence ending, by submitting a completed succession request form.

If these requirements cannot be met, you will normally need to repay all or part of the payments you have already received, plus interest.

You must let your local RPID area office know about any changes affecting the legal occupiers of the land under a contract.

Please also see guidance on [Withdrawing from the scheme](#) and [Contract Succession](#) .

[Recent changes](#)

Section	Change
Whole page	The page has merged the former Eligibility page and Occupancy page, with updates.

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