

# Division



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

## What is division?

Division is the legal term used when a single croft unit is formally separated to create two or more independent crofts.

- This process must be approved by the Crofting Commission.
- For Owner-Occupiers: If you own and occupy your croft and wish to sell, assign, or transfer only a part of it, you must first get the Commission's consent to divide the croft into the part you want to keep and the part you want to transfer.

## Who can apply?

The following people can apply to the Commission for consent to divide a croft:

- The Tenant of a Croft (to split a tenanted croft into two or more tenancies).
- An Owner-Occupier Crofter (to split an owned croft into two or more crofts).
- An Executor (a person legally managing an estate) where the croft tenancy has been inherited by more than one person.

## Why apply to the Crofting Commission?

The Crofting Commission regulates crofting to ensure crofts are used productively.

## How to apply:

1. Complete the correct division application.
2. Advertise the application and notify the landlord and Common Grazings if required.
3. The croft must be registered with the Registers of Scotland.

## What happens next?

1. Your application is checked and acknowledged if correct.
2. The application is advertised in the local press.
3. Anyone can submit comments within 28 days.
4. The Commission investigates and makes a decision.

## How long will it take?

If all paperwork is in order for the application, the Commission aims to take a decision within 16 weeks.

## What happens after the decision?

If the original croft was Tenanted:

- Assigned (transferred) to a new tenant.
- Renounced (given up) so the landlord can re-let it to a new tenant or used as an enlargement.

If the original croft was Owned:

The portion of the croft that was divided can now be legally sold or transferred to a new owner.

There is the right to appeal the Commission's decision to the Scottish Land Court. This must be submitted within 42 days from the date the Commission publishes its decision.

## More Information

More information is available on the Crofting Commission website.

You can call us on

**01463 663439**

or email on

**info@crofting.gov.scot**

