

## **Decrofting of Feus granted under section 17 or section 18 of the Crofters (Scotland) Act 1955**

*Enables subsequent decrofting of a house-site that was retained while the croft tenancy was released by elderly or absent crofters.*

### **LAW**

Crofters (Scotland) Act 1993 (“the 1993 Act”), sections 24(3) and 25(1)(c) of the 1993 Act.

*Where a croft is vacant, the Commission may, on the application of the landlord, direct that the croft shall cease to be a croft or refuse to grant the application; **Section 24(3)***

*The Commission shall give direction under section 24(3) of this Act that a croft shall cease to be a croft if –*

*the application is made in respect of a croft the conveyance in feu of which was granted under section 17 or 18 of the 1955 Act. **Section 25(1)(c)***

## PROCEDURE

- (1) An application by the owner for a direction that part of a croft feued under section 17<sup>1</sup> or 18<sup>2</sup> of the 1955 Act shall cease to be part of a croft, shall be made on the appropriate form provided by the Commission.
- (2) On receipt of an application on the said form, the Commission will check that the application is valid.

If the application is invalid or is incomplete, it will be returned, and reason(s) provided for doing so. The Commission will also advise the applicant of the requirement to submit an application for first registration of the croft.

- (3) If the application is valid and properly completed, the Commission will check whether an application for first registration of the croft solely comprising the feu of the dwelling house. If not, the Commission will inform the applicant in writing that unless an application for first registration is submitted, they will not consider the application for the direction. Failure to submit an application for first registration of the croft within 6 months, beginning with the date on which the decrofting application was made, will result in the form being returned to the applicant.

Where an application for first registration is received, the Commission shall proceed to consider the decrofting application.

- (4) The Commission will check that the site applied for relates to the area feued, that the map supplied meets the Commission's mapping requirements and that confirmation of ownership has been supplied.

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<sup>1</sup> Section 17 Feus were granted to absentee crofters, who gave up their croft tenancy on condition that they obtained Title to the croft house site. In return for obtaining the feu, the crofter renounced the tenancy of the remainder of the croft. The remaining (now) vacant croft was then let to a new tenant as a separate unit. The feud site then became a separate stand alone croft comprising solely of the feued site.

<sup>2</sup> Section 18 Feus were granted to aged crofters who gave up their croft tenancy on condition they obtained Title to the croft house site. In return for obtaining the feu, the crofter renounced the tenancy of the remainder of the croft. The remaining (now) vacant croft was then let to a new tenant as a separate unit. The feud site then became a separate stand alone croft comprising solely of the feued site.

- (5) The Commission shall consider all the information available and if it is satisfied that there is sufficient information available to allow it to decide on the application, will grant the application and give both notice of their decision in writing to the applicant and public notification<sup>1</sup> of its decision specifying the nature of and the reasons for the decision.

The decision on the application will be taken at the appropriate level as set out in the Commission's Scheme of Delegation.

- (6) Notification by **the Commission** to the Keeper of the Registers of Scotland will be given as soon as reasonably practicable after the direction is made.

The direction takes effect on the date of receipt by the Keeper of notification from the Commission of the making of the direction.

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<sup>1</sup> For information on public notification refer to separate Rules of Procedure on *Public Notification*