

Decrofting



CROFTING COMMISSION
COIMISEAN NA CROITEARACHD

What is decrofting?

Decrofting is the legal act of removing land from crofting tenure.

It changes the status of the land so it is no longer subject to the rules and regulations of the Crofters (Scotland) Act 1993.

Decrofting vs. Resumption: If the landlord of a tenanted croft wishes to remove land, they apply to the Scottish Land Court, which is called resumption. This has the same effect as decrofting.

Who can apply?

Different people can apply depending on the status of the croft:

- The Tenant of a Croft (to decroft land they plan to purchase).
- An Owner-Occupier Crofter (to decroft land they already own).
- The Landlord of a Vacant Croft (to decroft land that has no tenant).

Why apply to the Crofting Commission?

The Crofting Commission regulates crofting to ensure crofts are used productively. When reviewing a decrofting application, the Commission will ensure the proposal does not unduly impact the viability of the remaining croft land or the wider crofting community.

How to apply:

1. Complete the correct decrofting application.
2. Provide clear site and location maps.
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 if applicable.
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?

The Decrofting Direction issued: This is the official legal document that confirms the land is removed from crofting tenure.

If you are a tenant, the Direction will require you to purchase the area of land from your landlord within 5 years. This cannot be extended.

The Commission will advertise the granting of the Direction in the local press.

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.

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