

# Letting

# Leigeil air Mhàl

**L**etting is the term used when a croft, or part of a croft tenancy is Let by the landlord or owner-occupier crofter to a tenant.

**Short-term Let** is the term used when an owner-occupier crofter Lets their croft to a tenant for a period not exceeding 10 years. (The Commission will normally restrict short term lets for non-resident crofters to 5 years or less)

- A landlord cannot apply to let a croft on a short-term let.
- An owner-occupier crofter who lets the tenancy of their croft will then become the landlord of the croft and their owner-occupier crofter status would cease to apply.

## Who can apply to let a croft tenancy?

- The landlord of a croft providing the tenancy of the croft is vacant.
- An owner-occupier crofter

## Who can apply for a short term let?

- An owner-occupier crofter can let their croft under a short term lease i.e. for a period not exceeding 10 years. Under a short-term lease the tenant will not be treated, and will not have the same rights, as a tenant crofter.

## Why do I have to apply to the Crofting Commission?

The Crofting Commission is the regulatory body for crofting. Crofts are a valuable resource that should be available both now and in the future, for existing crofters and new entrants to crofting, to use productively. The Crofting Commission has regulatory duties and powers to work with crofters and crofting communities to:

- Ensure crofts are occupied by a tenant or owner-occupier crofter
- Prevent misuse and neglect of the land
- Ensure the crofts are cultivated or put to other purposeful uses.

## How do I apply?

- You must complete the appropriate application form and send it to the Commission. You must also provide a map of the croft. If only part of the croft is to be let, the map should also identify the area you propose to let.
- Application forms can be found on our website [www.crofting.scotland.gov.uk](http://www.crofting.scotland.gov.uk) or by contacting our office.
- If you are letting the tenancy on a permanent basis and have not already done so, you will be required to register the croft with the Keeper of the Registers of Scotland. A short term let does not trigger the registration process. Please check the Rules and Procedures on our website for further information. Details can also be found on [www.ros.gov.uk/services/registration/crofting-register](http://www.ros.gov.uk/services/registration/crofting-register)
- You are required to advertise in the local press that you are making the application. Details and an example notice for putting in the newspaper are provided along with the application form.



**Gheibhear tuilleadh  
foisrachaidh mu  
Leigeil air Mhà air ar  
làrch-lin**

**www. Coimisean na  
Croitearachd**

**You can find more  
information on letting  
your croft on our  
website:**

**[www.crofting.scotland.gov.uk](http://www.crofting.scotland.gov.uk)**

## What happens next?

- We will check the application form and providing it is correct, we'll send you an acknowledgement letter.
- Anyone who may have an interest in the application has 28 days, from the date you place the advert in the newspaper, to send comments to the Commission.
- After the 28 day period, if comments have been sent to us on your application, we will let you know. We may also need to obtain further information/investigate even if no comments were received.

An owner-occupier crofter applying for a short-term let is not required to register the croft with the Keeper of the Registers of Scotland.

## How long will the application process take?

Providing your croft is already registered with the Keeper of the Registers of Scotland, we aim to take a decision on the application within 16 weeks. If you are letting the tenancy on a permanent basis, and your croft is not registered, we cannot take a decision on your application until the registration process is complete.

## What happens after we take a decision on the application?

- If we agree to the let, you must inform us within 3 months of our decision letter that the let has taken effect, unless it is a short-term let.
- All **Short Term Lets** approved by the Commission will be subject to the conditions set out in the 'Short Term Lease form' which is attached to the application form.
- Our decision or determination of the application can be appealed to the Scottish Land Court within 42 days from the date of our decision letter.