



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

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# **Apportionment of Common Grazing Application**

## **Tagradh air Roinneadh Fearann Ionaltraidh**

OFFICE USE ONLY CASE No:

## PRIVACY NOTICE

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The Crofting Commission acts as the 'Controller' of the personal data you provide us with when you complete a Regulatory Application. Under the Crofters (Scotland) Act 1993 we are obliged to collect this information in order to facilitate the processing of your application. Please note that the Commission will be unable to process your application if you do not provide the information requested.

Any data provided by you is part of an open process and may be made available to other parties involved (unless told otherwise). These could include:

- The tenant / owner-occupier crofter / landlord of a vacant croft
- The proposed tenant/sub-tenant
- The landlord of the croft
- The owner of the common grazings
- The area assessor
- The grazings committee
- The owner of any adjacent non-croft land
- The occupier of any adjacent non-croft land
- Any member of the local crofting community
- Any other person with a significant interest
- Third Party Organisations – *RPID (Rural Payments & Inspections Directorate) and the Registers of Scotland.*

Your data will be used to update the Register of Crofts and it may also be released under a Freedom of Information enquiry, subject to any disclosure exemptions under Data Protection Laws.

Your information will be stored in the format received and electronically in the Commission's Crofting Information System (CIS). We will not keep your personal data for any longer than is necessary to complete the relevant processing and in line with our Retention Policy.

If at any point you believe the data we process on you is not accurate, you can request to see it and have it corrected or deleted. If you wish to raise a complaint about how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. Our Data Protection Officer can be contacted by e-mailing [DataProtection@crofting.gov.scot](mailto:DataProtection@crofting.gov.scot). Further details on the Crofting Commission's Data Protection Policy can be found at [www.crofting.scotland.gov.uk/data-protection-act](http://www.crofting.scotland.gov.uk/data-protection-act).

For information on submitting a complaint to the Crofting Commission, please visit our website at [www.crofting.scotland.gov.uk/complaints](http://www.crofting.scotland.gov.uk/complaints). For details of how to complain to the Information Commissioner, please visit [www.ico.org.uk](http://www.ico.org.uk).

## APPORTIONMENT – REQUIREMENT TO REGISTER YOUR CROFT LAND

The Crofting Register is map based and will provide a definitive record of the extent of, and interest in, land within crofting tenure in Scotland. In addition to showing the boundaries of land, the register will also contain information on the tenant, owner-occupier crofter and/or the landlord of the registered croft. The Crofting Register is maintained by the Keeper of the Registers of Scotland, although the application for registration should be made in the first instance to the Crofting Commission who will check the information contained in or accompanying the registration application against the information contained in the Commission's Register of Crofts.

If your croft is unregistered, the Commission will be unable to make a decision on your apportionment application until the croft has been registered with the Keeper of the Registers of Scotland. To avoid delays therefore, we recommend that your apportionment application should be accompanied by the application to register the croft on the Crofting Register. This should be accompanied by a map showing the boundaries of the croft along with the registration fee, which is £90 per croft. A copy of the registration form and accompanying guidance notes can be found at <http://www.ros.gov.uk/croftingregister/guidance.html>. If an application to register is not submitted within 6 months of the date of receipt of this application, the application to apportion will be withdrawn from our records and returned to you.

If the land to which the apportionment application relates to is non-croft land, the requirement for registration does not apply.

## CROFT AND CURRENT CROFTER DETAILS

ALL FIELDS MUST BE COMPLETED

### 1 Applicant Details

Surname:	Title:
Forename(s):	
Date of Birth <sup>1</sup> :	
Main Residential Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
<b>I agree to communication regarding this application by e-mail</b>	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

<sup>1</sup> The Act was amended on 1 October 2011 to include the requirement that the age and date of birth of the tenant of each croft shall be entered in the Register.

## 2 Agent Details for applicant (only if applicable)

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this application by e-mail

Yes

No

## 3 Croft Details

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland  
Register Number (where registered):

Main Location  
Code (MLC):

## 4 Additional Croft Details (only required if application is in respect of more than one croft)

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland  
Register Number (where registered):

Main Location  
Code (MLC):

The Crofting Commission are required to consult the Grazing Committee (or Constable) as part of the process. We therefore strongly suggest that you consult with the Grazing Committee or Grazing Constable prior to submission of your application to the Commission.

## 5 Grazing Clerk/Constable Details

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this application by e-mail

Yes

No

## 6 Landlord Details (additional landlord/owner of common grazing details can be entered on Appendix 1)

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

**7 Agent Details for Landlord (only if applicable) – additional agent details can be entered on Appendix 1**

Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_

Telephone: \_\_\_\_\_

Alternative Telephone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**8** Do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes  No

If 'Yes', go to next question

If 'No'

What is your timescale for taking up residence? Please provide reasons for the timescale.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9** Name of Common Grazing: \_\_\_\_\_

If the Common Grazing is registered with the Registers of Scotland, please provide the registration number \_\_\_\_\_

Name of scattald (if applicable): \_\_\_\_\_

Name of park (if applicable): \_\_\_\_\_

Name of machair (if applicable): \_\_\_\_\_

(i) If the Grazing is not regulated, you should provide a signed declaration from the landlord confirming:

- *the total extent of the Grazing*
- *the shareholders' names and their respective share entitlement*

(ii) If you are not a crofter, but are entitled to share in a Common Grazing along with other crofters, you must provide evidence of your grazing right

- *Where a share is tenanted, either a signed declaration from the landlord of the Common Grazing stating you have a share or a copy of your lease which confirms the right*
- *Where a share is owned, a copy of the Title Deed which shows the right to graze.*

**10** How many shares do you have in the Common Grazing? \_\_\_\_\_

**11** What is your souming? \_\_\_\_\_

**12** What use is currently being made of your existing croft land?

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**13** What use is currently being made of your Grazing Share?

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**14(i)** What is the extent of the proposed apportionment? \_\_\_\_\_

**(ii)** Please state the reason for the extent applied for

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**Your application must be accompanied by a map showing the area applied for in relation to your croft detailing the length of the boundaries in metres and extent of the area in hectares. Please read Section 3.1 – Mapping Information of the guidance.**

**If you are seeking to use the common grazing for any purpose listed below, this form should not be used. The appropriate form and function in relations to other purposes is set out below.**

<b>Purpose</b>	<b>Appropriate Section of the Act</b>	<b>Regulatory Function</b>
<b>Communal</b> planning of trees/use as woodlands	Section 50	Use of common grazing for forestry purposes
Purposes other than cultivation or woodlands e.g. renewable energy projects	Section 50B	Use of common grazing for other purposes

**N.B. Should any crofter propose that an area of common grazing be used for another use e.g. renewable energy/wind farm improvements, this should be done by the grazing committee under section 50B. This section of the Act requires that the proposal is not detrimental to the use being made of the grazing or the interests of the owner. The process requires that the grazing committee hold a meeting of shareholders and invite the owner to give his or her views and the opportunity to discuss the proposal in advance of the meeting. The proposal must obtain a majority support from shareholders attending the meeting, and then the Committee must apply to the Commission seeking approval for its implementation. It is only in this manner that an area of the common grazing can be used for some other purpose. Therefore any application to apportion for another purpose will not be considered.**



**15** Please select the reason(s) you require an apportionment in the table below:

<b>Purpose</b>	<b>Appropriate Section of the Act</b>	<b>Regulatory Function</b>	<b>Please tick relevant box below</b>
Cultivation: Stock Management	Section 52(4)	Apportionment	
Cultivation: Agricultural Building (Existing or Proposed)	Section 52(4)	Apportionment	
Site of an Existing Dwelling House	Section 52(4)	Apportionment	
Site of a *Proposed Dwellinghouse	Section 52(4)	Apportionment	
Planting trees/use as woodlands for <b>the exclusive use of the crofter</b>	Section 52(4)	Apportionment	

\* If the apportionment application is in respect of a site for a proposed agricultural building or dwellinghouse, you must either include a copy of outline planning consent or confirmation from the local Planning Authorities stating that the planning permission is not required for the proposed development together with a copy of the relevant Planning Department's final response to the Prior Notification procedures.

If other, please state

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**16** Does any part of the area applied for form part of a:

<b>Description</b>	<b>Responsible body</b>	<b>Yes/No</b>
National Nature Reserve (NNR)	Local Authority	
Special Area of Conservation (SAC)	SNH	
Special Site of Scientific Interest (SSSi)	SNH	
Special Protected Area (SPA)	SNH	
Listed Buildings Scotland (LBS)	Historic Scotland	
Scheduled Ancient Monuments (SAMS)	Historic Scotland	
National Scenic Area (NSA)	SNH	
Cairngorm National Park (CNP)	Cairngorm National Park Authority	
Forestry schemes (SFGS/WGS)	Forestry Authority	

If **'YES'** to any of the above you are required to provide

- (i) details of existing management agreements or schemes and
- (ii) evidence that you have contacted the responsible body about your proposal.

**17** If the area applied for includes access to the remainder of the Common Grazing or other croft land, what arrangements are (or will be) in place to allow unrestricted access to the Common Grazing or croft land. Please include details of any proposed new access you intend to create.

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**18(i)** Are there any utilities within the area applied for such as masts, bore holes and turbines?

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**(ii)** Are there leases over these areas and is the land they sit on resumed from the common grazing on a temporary or permanent basis?

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**19** Please provide any additional information you consider relevant.

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## APPLICANT/AGENT PLEASE SIGN THIS DECLARATION

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### 20 I confirm that I have carried out the following in connection with the application:

- I have included a map of the proposed apportionment.
- I have enclosed all necessary documentation e.g. management agreement or details of lease/Title associated with my application.
- I \*have/have not included my application to register the croft.
- I have completed all questions and the declaration has been signed

### 21 Declaration

This application is submitted under section 52(4) of the Crofters (Scotland) Act 1993.

I declare that, to the best of my knowledge, the information I have given in this application is correct.

**Signed**

**Date**

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Applicant/Agent

**Signed**

**Date**

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Applicant/Agent

### What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- Once the Commission are satisfied that all the necessary documentation has been provided and the associated map complies with Commission standards, we will write to you instructing you to advertise the application, At the same time we will provide the Grazing Committee with a copy of your application for comment.
- Our decision can be appealed to the Scottish Land Court within 42 days from the date we notify interested parties of our decision.

# APPENDIX 1

## Additional Landlord/Owner of Common Grazing Details

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

## Additional Agent Details for Landlord (only if applicable)

Name:

Postal Address:

Postcode:

Telephone:

E-mail Address:

## Additional Landlord/Owner of Common Grazing Details

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Date of Birth:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

## Additional Agent Details for Landlord (only if applicable)

Name:

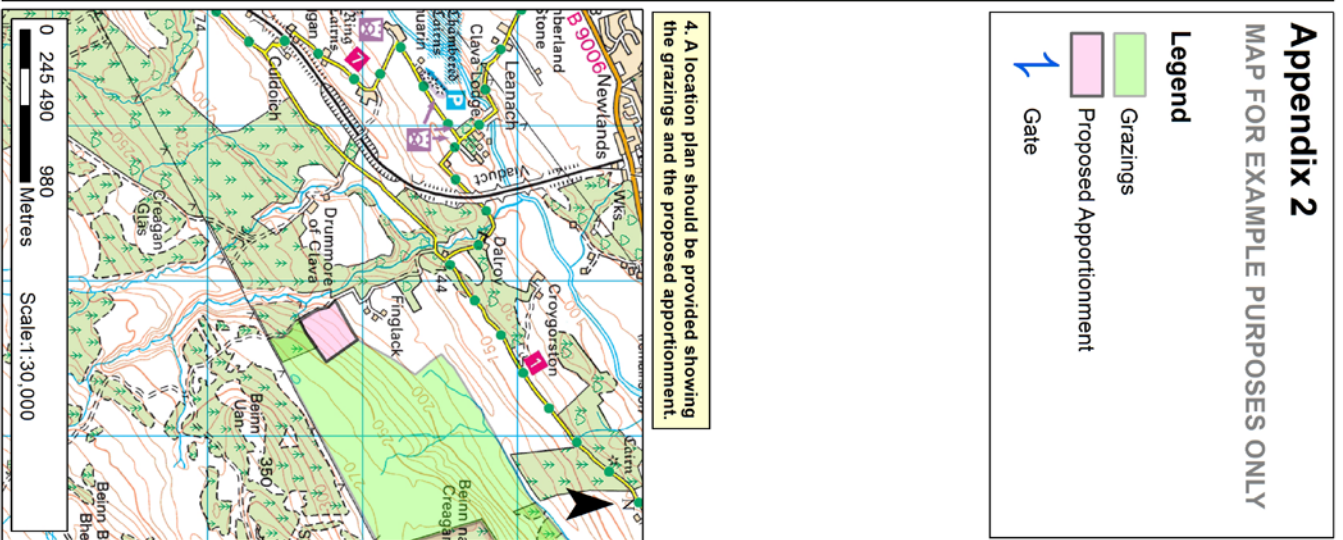
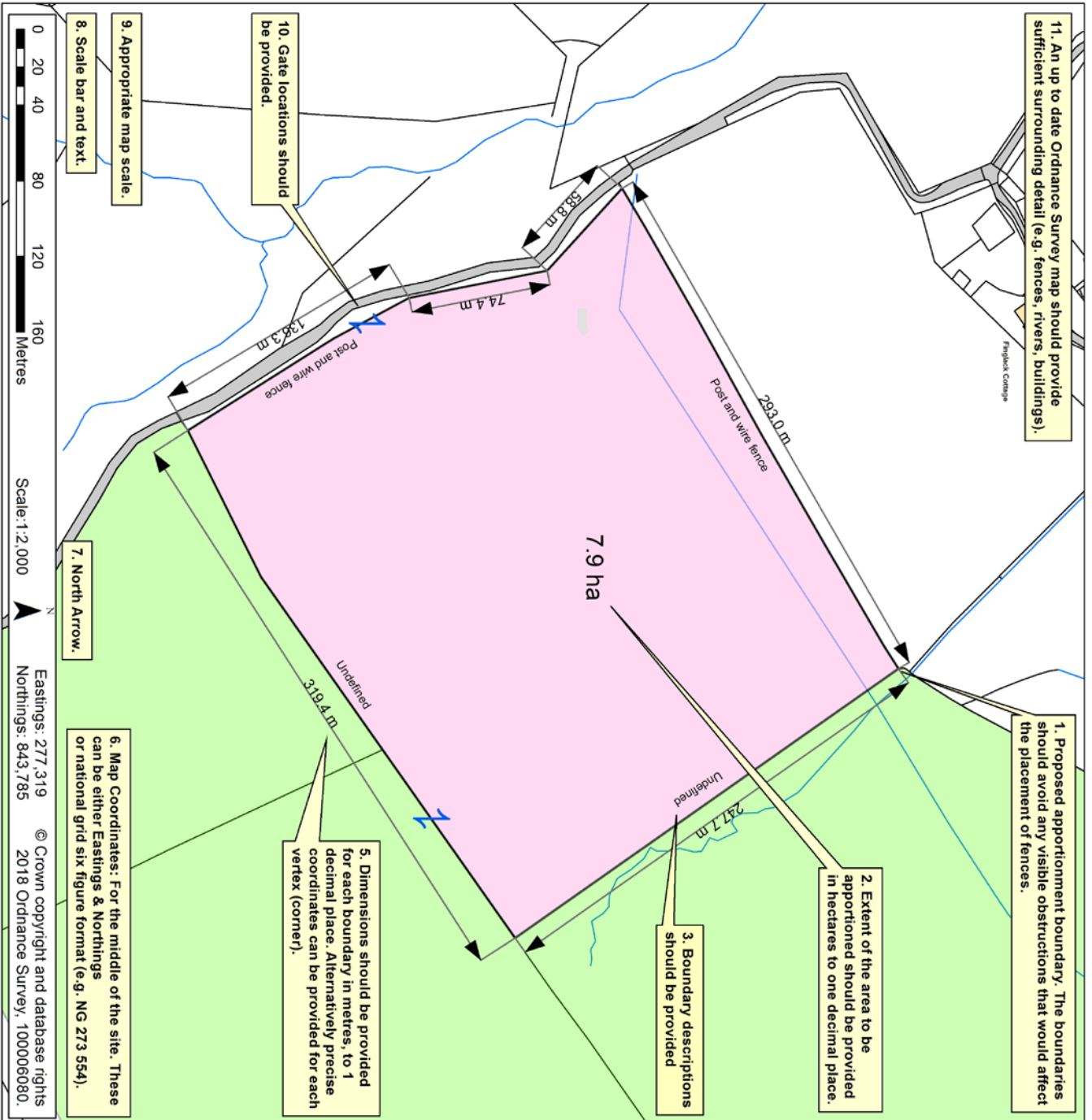
Postal Address:

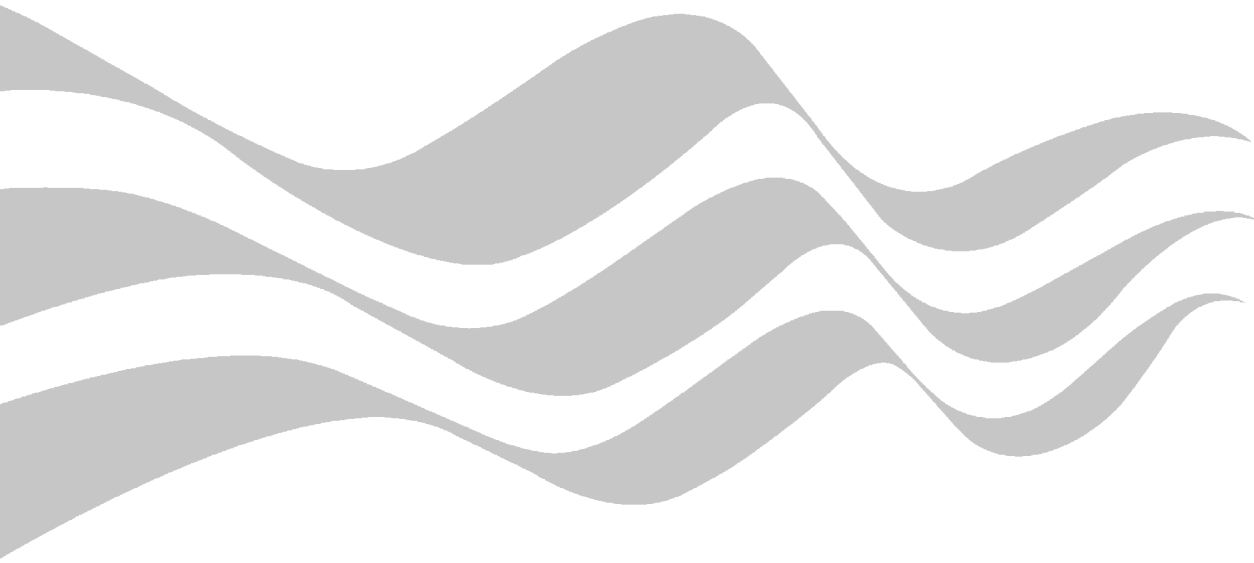
Postcode:

Telephone:

E-mail Address:

# APPENDIX 2





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