

# Subletting

# Ath-ghabhail

## DELEGATED DECISION MAKING AND ESCALATING CASES

Where an application complies with the published Commission policy and delegation parameters, a decision may, generally, be taken by the Case Officer at Tier One of the Commission's Scheme of Delegation as approval of such applications has been delegated to those officials. See our website for how a decision is taken on your application

[Forms & Guidance | Crofting Commission \(scotland.gov.uk\)](#)

Cases which do not meet these guidelines, generally, require us to collect further information e.g. obtaining a SGRPID report. The decision making for such cases is escalated to a panel of three senior officials at Tier Two and potentially escalated further to a Casework Group of Commissioners at Tier Three. As a result, these cases will tend to take longer for the Commission to consider.

Where the Commission has concerns about the length of the term of the proposed sublet, it may enter into discussions with the applicant with a view to modifying their application by reducing the term applied for. Where an applicant makes such a modification, the case could still be dealt with at the Tier One level of decision making. However, it should be noted that modification of any application will not guarantee that the decision will be taken at Tier One as it may have to be escalated for other reasons, e.g. valid objections maybe received following the advertising of the application.



Gheibhear tuilleadh  
foisrachaidh mu  
Ath-ghabhail air ar làrach-lìn  
[www. Coimisean na  
Croitearachd](http://www.Coimisean na Croitearachd)

You can find more  
information on subletting on  
our website:

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

## Not complying with your duty to be resident?

Where an applicant is not ordinarily resident on or within 32 kms of their croft and is unwilling to modify their application, it is likely that the case will be escalated to either Tier Two or Tier Three where the application can be approved, approved for a reduced term or refused. Although, every application is considered by the Commission on its own circumstances and the evidence gathered during the processing of the case.

Applications for Commission consent to sublet a croft are generally escalated to Tier Two and/or Tier Three where the following apply:

Policy	Tier One Parameters
<p>The Commission adopted the following Policy at a meeting of the full Board on 25 June 2020:</p> <p><b><i>The Commission should normally restrict subletting applications from non-resident tenant crofters to five years or less.</i></b></p>	<p>The parameters for delegation require that:</p> <p>All applications by non-resident tenant crofters for consent to a sublet of their crofts for a <b>period longer than five years</b> will require to be escalated to Tier Two.</p> <p>And</p> <p>All applications by non-resident tenant crofters for consent to a <b>second or subsequent</b> sublet of their crofts <b>for any period of time</b> will require to be escalated to Tier Two.</p>