



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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Application for Commission Consent to Sublet a Grazing Share(s)

Tagradh airson Cead a' Choimisein gu Roinn(ean) Ionaltraidh fho-leigeil air Màl

Please read **Application for Commission Consent to Sublet
a Grazing Share(s)** guidance notes before completing this application.

OFFICE USE ONLY CASE No:

PRIVACY NOTICE

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. Further details on the Crofting Commission's Data Protection Policy can be found at 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. For details of how to complain to the Information Commissioner, please visit www.ico.org.uk.

CROFT AND CURRENT CROFTER DETAILS

ALL FIELDS MUST BE COMPLETED

1 Croft Details

Croft To Which Grazing Share(s) Pertain:

Parish:

Crofting Commission Register Number

Registers of Scotland

Register Number (where registered):

Main Location

Code: (MLC)

2 Crofter Details

Surname:

Title:

Forename(s):

Date of Birth¹ :

Main Residential Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this application by e-mail

Yes

No

¹ 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.

3 Agent Details for Crofter (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

4 Owner of Common Grazings Details (additional owner of common grazings 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:

5 Agent Details for Owner of Common Grazings (only if applicable) - additional agent details can be entered on Appendix 1

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

6 Please provide details of the grazing share(s) you wish to sublet:

Name of Common Grazings	Grazing Share/ Souming	Share/Souming Souming to be sublet

SUBLETTING INFORMATION

Please read section **2.1 Subletting Information** of the guidance before responding to the following.

7(i) How long are you applying to sublet for? _____ years

7(ii) Please provide reasons for sublet and the duration applied for:

RESIDENCY AND LAND USE

Please read Section **3 - Residency and Land Use** of the guidance before responding to the following

- 8** Do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes No
- Will the proposed subtenant be ordinarily resident on or within 32 kilometres (20 miles) of the croft, should the Commission approve the application? Yes No

WIDER INTERESTS

Please read Section 4 - **Wider Interests** of the guidance before responding to the following

ESTATE

9(i) What effect, if any, do you consider this subletting of the tenancy will have on the interests of the estate?

CROFTING COMMUNITY

9(ii) What effect, if any, do you consider this subletting will have on the interests of the crofting community?

SUSTAINABLE DEVELOPMENT

Please read Section 4.1 - **Sustainable Development** of the guidance before responding to the following

9(ii) What effect, if any, do you consider this subletting of the tenancy will have on the sustainable development of the local crofting community?

PUBLIC AT LARGE

Please read Section 4.2 - **Public Interest** of the guidance before responding to the following

9(iv) What effect, if any, do you consider this subletting will have on the interests of the public at large?

10 Please provide any additional information in support of your application that you consider may be helpful to the Commission in reaching its decision (for example, you may wish to tell us more about why you are applying to sublet your croft):

PUBLIC NOTIFICATION

Please read Section 1.2 - **Public Notification** of the guidance before responding to the following

11 Please give details of the public notification arrangements you have made below.

(i) Name of newspaper displaying the advert: _____

(ii) The date advert will be displayed in newspaper: _____

A standard advert for your use is included in the guidance notes.

CROFTER/AGENT PLEASE SIGN THIS DECLARATION

12 I confirm that I have carried out the following in connection with this application:

- I have given the owner of common grazings written notification of this subletting application and enclose evidence (see guidance section Owner Notification and Appendix 2A).

- Where the proposed sublet exceeds a period of 10 years, I have enclosed a copy of the landlord's consent.

- I have advertised this application for consent to sublet the tenancy in a newspaper circulating in the local area.

- The proposed subtenant has completed question 16 of the application, advising where he/she will be ordinarily resident.

- Questions 14 to 25 have been completed and signed by the proposed subtenant or their agent.

- I understand that should this application be approved, it will be my responsibility for ensuring that the subtenant adheres to the statutory conditions of tenure.

**Delete as appropriate*

13 DECLARATION

This application is submitted under section 27 of the Crofters (Scotland) Act 1993 for consent to sublet the tenancy.

I declare that

- To the best of my knowledge, the information I have given in this application is correct;**

Signed

Date

Crofter/Agent

PROPOSED SUBTENANT'S DETAILS

Please read Section 5 - **Proposed Subtenant Details** of the guidance before responding to the following

ALL FIELDS MUST BE COMPLETED

14 Proposed Subtenant Details

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

15 Agent/Guardian Details for Proposed Subtenant (only if applicable)

Name:	
Postal Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this application by e-mail Yes <input type="checkbox"/> No <input type="checkbox"/>	

RESIDENCY AND LAND USE

Please read Section 3 - **Residency and Land Use** of the guidance before responding to the following

16 Do you currently reside on or within 32 kilometres (20 miles) of the Common Grazings.? Yes No

If **'Yes'**, go to question 17

If **'No'**:

(i) Please give details of your timescale for taking up residence on or within 32 kilometres of the croft:

(ii) Please give details of how the Share will be worked in your absence:

17 How do you intend to Use the Grazings Share(s)? Please provide details.

Crops (please specify)	Hectares
------------------------	----------

Livestock (e.g. sheep, cows, pigs, poultry)	Proposed number and timescale
---	-------------------------------

Other proposed cultivation (e.g. horticulture, apiary)
--

18 How do you intend to maintain the croft during the proposed sublet? e.g. Ensuring all fences are stockproof and land is properly drained. Please provide details.

WHAT ARE CROFTER'S DUTIES?

Please read section 3.1 - **What are crofter's duties** in the guidance before responding to the following

- 19** Do you intend to put the croft land to a purposeful use other than cultivation?
e.g. Tourist Development, Livery or Renewable Energy Project

Yes No

If **'Yes'**:

- (i) Please provide details (it may be helpful to include a copy of your Business Plan if this is available):

- (ii) Has the landlord consented to the croft being put to this purposeful use? Yes No

- 20** If the proposed sublet includes a common grazing share, please provide details of how you intend to use the share:

POLICY PLAN

Please read Section 6 - **Policy Plan on Subletting** of the guidance before responding to the following

- 21** What experience and/or skills do you have to implement your plans for working and maintaining the land, including non-agricultural experience and skills?
(You should include any relevant qualifications):

22 Are you currently the owner, owner-occupier crofter, tenant crofter or subtenant of any other croft or agricultural land?

Yes No

(i) If **'Yes'**, please give details below:

Main Location Code (MLC)	Croft or Holding	Croft/Holding Name	Area in Hectares	Any common grazings rights? (Yes/No)	Status e.g. owner-occupier, tenant, subtenant or short lease tenant

(ii) How do you cultivate or otherwise use this other land?

Crops (please specify)	Hectares
Livestock (e.g. sheep, cows, pigs, poultry)	Present Number
Other Use (e.g. horticulture, trees, apiary)	

23 Please provide details of any crofting activities you already take part in or intend to take part in e.g. livestock gatherings or crofting community projects or sharing of machinery:

24 Please provide any additional information in support of this application that you consider may be helpful to the Commission in reaching its decision:
(includes wider community activities).

PROPOSED NEW CROFTER/AGENT PLEASE SIGN THIS DECLARATION

25 DECLARATION

I declare that:

- To the best of my knowledge, the information I have given in this application is correct.
- I am aware of the duties which a crofter is required to comply with relating to residency and land use as stated in Section 3 - 'What are Crofter's Duties' in the guidance.

Signed

Date

Proposed Subtenant/Agent

What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- At the end of the 28 day consultation period we must decide whether or not to grant the application or to investigate further. If we decide to investigate further we will notify all interested parties. We aim to take a decision within 12-16 weeks.
- Please note if the application is approved, the Commission no longer issue Missives of Sublet. A Missive of Sublet should be drawn up and completed by both parties (an example is provided in Appendix 3).
- 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 Owner of Common Grazings Details

Name of Organisation/Company/Estate:	
Surname:	Title:
Forename(s):	
Postal Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	

Additional Agent Details for Owner of Common Grazing (only if applicable)

Name:	
Postal Address:	
	Postcode:
Telephone:	
E-mail Address:	

Additional Owner of Common Grazings Details

Name of Organisation/Company/Estate:	
Surname:	Title:
Forename(s):	
Postal Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	

Additional Agent Details for Owner of Common Grazing (only if applicable)

Name:	
Postal Address:	
	Postcode:
Telephone:	
E-mail Address:	

APPENDIX 2

Notice for Owner of Common Grazings

Proposed Sublet of a Grazing Share(s)

I _____ (PLEASE PRINT YOUR NAME)

am applying to the Crofting Commission for consent to sublet my grazing share pertaining to the croft at _____

to _____ (proposed subtenants name)

of _____ (address) for _____ years

If you have any comments, you may submit these in writing to the Crofting Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW or email info@crofting.gov.scot by*

**(insert date here giving 28 days from date of publication of newspaper advert)*

Please note that any comments received by the Crofting Commission are part of an open process and will be made available to myself and any interested parties. Your comments would also be released under a Freedom of Information enquiry.

Signed

Date

(Tenant/Agent)

APPENDIX 2A

TO THE CROFTING COMMISSION - CONFIRMATION OF RECEIPT OF NOTIFICATION BY OWNER OF COMMON GRAZING

I confirm that I have seen the application form for the subletting of the tenancy of the grazing share pertaining to the croft at

and that I will submit any comments within 28 days from the date of the newspaper advert.

Signed

Date

Owner

APPENDIX 3

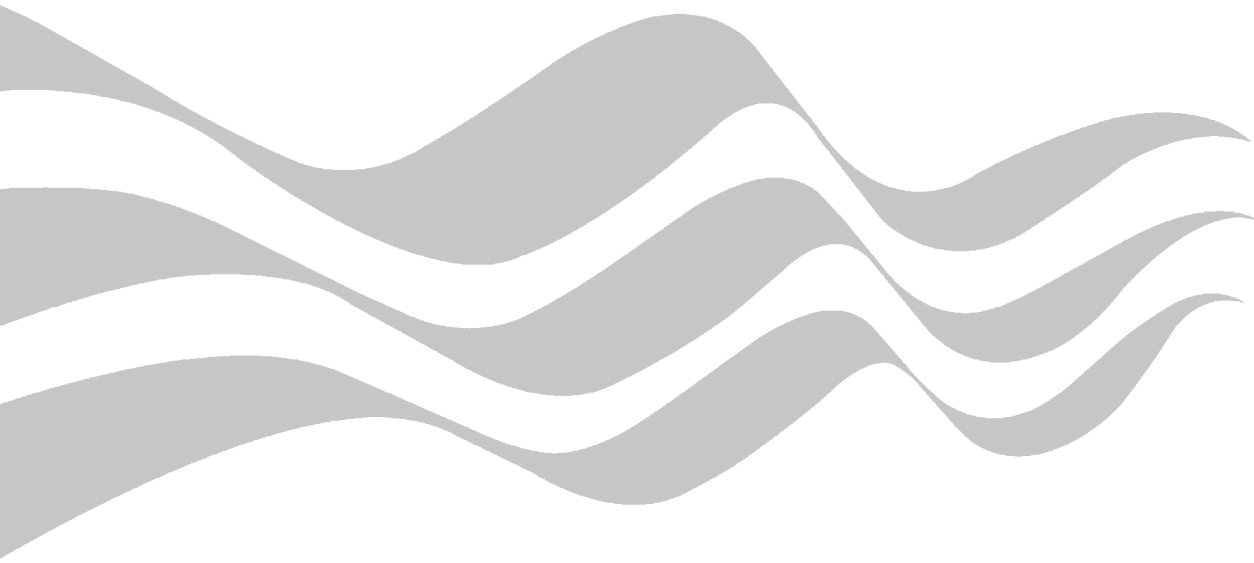
Standard Conditions of Sublet

- 1 The rent shall be £_____ per annum, the first year's payment being due at _____ *(one year from start of sublet) for the year preceding and so forth yearly thereafter for the fixed period of sublet.
 - 2 The fixed period of sublet shall be for _____ years from *(date of decision).
- (Condition 3 will be included only where grazing rights are included in the sublet)**
- 3 You shall be subject to the Grazings Regulations applicable to the _____ Common Grazing in respect of the share therein included in the sublet.
 - 4 This sublet is granted subject to the rights of the proprietor(s) of the croft, whether under the Crofters (Scotland) Act 1993 or otherwise.
 - 5 The subtenant shall make such use for agriculture of the land sublet as, having regard to its nature and location, a tenant reasonably skilled in husbandry might be expected to make of it.
 - 6 You shall maintain any permanent improvements on the subjects sublet in as good a state of repair as they are in at this date. You shall be entitled to carry out on the subjects sublet such improvements as may be agreed between us in writing.
 - 7 I shall give you not less than 6 months' written notice of any intention to assign, exchange or divide the share and after giving said notice, the sublet shall come to an end on such assignation, exchange or division.
 - 8 At termination of the sublet, I shall be obliged to compensate you for any unexhausted value of lime and fertilisers applied during the sublet. The basis of compensation for unexhausted lime and fertilisers will be in accordance with the report in the year of termination of the sublet of the Scottish Standing Committee on Residual Values of Fertilisers calculated net of grant paid to you for land improvement work carried out during the period of the sublet.

I shall further compensate you at waygo for those permanent improvements carried out by you with my consent. The basis of valuation at waygo shall be the value of these improvements to the holding at that time, less the value of any grant-aid paid in respect of these improvements.

Optional Conditions

- 9 The croft house site and garden ground are excluded from the subjects hereby sublet to you.
- 10 I reserve to myself and my successors all rights of access to the said croft/croft house.
- 11 I reserve to myself and my successors all peat rights held by me as tenant of the said croft.



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