



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

Great Glen House
Leachkin Road
Inverness IV3 8NW

Taigh a' Ghlinne Mhòir
Rathad an Leacainn
Inbhir Nis IV3 8NW

T: (01463) 663439
E: info@crofting.gov.scot
W: www.crofting.scotland.gov.uk

Decrofting Application Croft House Site and Garden Ground – Tenanted

Di-chroiteadh CHS&GG – neach-gabail

This document comprises the application form
at pages 1-23 and guidance notes at pages 24-29.
There is no requirement to submit the guidance notes.

SECTION 1

WHAT IS A DECROFTING CROFT HOUSE SITE AND GARDEN GROUND?

Decrofting is the term used when land is removed from crofting tenure.

The Crofters (Scotland) Act (“The 1993 Act”) provides that a tenant shall be entitled to a conveyance of the site of the existing dwelling-house on the croft he/she tenants, along with an area of garden ground appropriate for the reasonable enjoyment of the dwelling house as a residence.

Therefore, the Commission strongly encourage applicants to agree with their landlord the extent and boundaries of the area to be applied for, before submitting the application, so that it reflects the site they are entitled to purchase under the dwelling-house provisions.

The 1993 Act also provides that an Owner-Occupier Crofter can also apply to decroft the site of the existing dwelling house on the Owner-Occupied Croft that he owns, along with an area of garden ground appropriate for the reasonable enjoyment of the dwelling house as a residence.

In either case a tenant or Owner-Occupier Crofter is only entitled to apply to decroft the site of one dwelling house using the Decrofting Application Croft House Site and Garden Ground application form. They would have to apply using the Decrofting Part Croft application form for any additional house sites or for any proposed developments.

PLEASE NOTE, in any application involving or affecting access to the croft, provisions for sufficient vehicular access must be clearly marked on plans submitted with the application. Please take the time to consider any issues relating to access to the croft carefully before submitting the application to us. This may help avoid delays in dealing with your case. To take account of modern vehicles and equipment, access to the croft should be at least 4 metres wide.

SECTION 2

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 ("The 1993 Act") 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 / landlord
- The proposed tenant / subtenant
- The landlord of the croft
- The owner of the common grazings
- 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.

Please tick this box to confirm you have read and understood the Crofting Commission's Privacy Notice

SECTION 3

PRE-APPLICATION CHECKLIST

Before you apply you must:

1) Check if the croft has already been registered on the Registers of Scotland

Crofting Register. If the croft is not yet registered, you must also apply to register the croft. Ideally your first registration application (RoS Form A) should be made to the Commission at the same time as you make this application. Ideally the RoS Form A to register the croft should be submitted to the Commission along with the Decrofting application.

i Please refer to guidance section – REQUIREMENT TO REGISTER YOUR CROFT LAND

2) Ensure that your application is for a statutory house site and garden ground where there is an existing wind and watertight dwellinghouse on the croft. Sites on which houses are going to be built can only be decrofted under an application made under the reasonable purpose provisions. Therefore, if the application is for a proposed development please use the “Decrofting Part Croft (Tenanted)” application form.

3) Ensure that you have not previously been granted a decrofting direction for a statutory house site and garden ground. If you have please use the “Decrofting Part Croft (Tenanted)” application form.

4) Ensure your decrofting application is accompanied by a site and location map of the area you are applying to decroft. (link to Guidance Module G11a)

i Please refer to guidance section – MAPPING INFORMATION DECRIFTING

5) Give written notice of this application to your landlord. You should also provide your landlord with a copy of the site and location map of the area you are applying to decroft. In order to confirm you have done this could you please submit one of the following with your application:

- a. The sample notification form provided, completed and signed by your landlord

i Please refer to CONFIRMATION OF RECEIPT FROM LANDLORD

- b. A letter confirming receipt of notification from your landlord

- c. A copy of your posting receipt as evidence of notification having been sent by Registered Post/Recorded Delivery to your landlord.

6) Requirement to Provide Mandate Agent Authorisation Form If you are not a solicitor or professional agent (Crofting/Rural Consultant or Adviser) you and the applicant must separately complete a **Mandate Agent Authorisation Form** which will enable you to act on the applicant's behalf. This form can be found on the Commission Website here:

www.crofting.scotland.gov.uk/agency-and-mandate

Before you apply we recommend

That you discuss your application with your landlord. It will be necessary to agree the purchase of the area to effect the direction should the application be approved.

HOW DO I APPLY?

- Online Application (**Recommended**) This application can be completed and submitted through the Online Application Portal on our website here: <https://account.crofting.scotland.gov.uk/>
- Upload this PDF via the Online Portal: <https://account.crofting.scotland.gov.uk/>
- Print and post this application to us. If you are printing this application to submit to us via post there is no need to print the guidance section.

SECTION 4

IMPORTANT INFORMATION (DECROFTING)

It is important that you provide us with as much information as possible. This will help to prevent delays resulting from us having to contact you to obtain additional information. It will also help the Commission arrive at a fully informed decision on this application.

However please avoid, where possible, providing sensitive personal information either in the application itself or as supporting documentation e.g. detailed medical information. For further information, please refer to the terms of the Commission's Privacy Notice.

Policy Plan: Before completing the form you should read the extract from the Commission's Policy Plan in relation to your application  [Module G31](#)

Delegated Decision Making: The Commission operate a model of Delegated Decision Making, with officers able to approve straightforward cases that meet all the legislative, policy and parameter requirements. Parameters are set by the Commission for each regulatory function so that they can be considered under the delegated decision making process. For further information please read further at the following link: [Delegated Decision Making](#)

Before completing the form you should read the delegation parameters relating to your application at the following link: [Delegation Parameters for Decrofting](#)

SECTION 5

WHO IS APPLYING?

Tenant

Legal Guardian of the applicant¹

(Enter Guardian's Name and Address in Additional Information Section)

Holder of Power of Attorney²

(Enter Power of Attorney's Name and Address in Additional Information Section)

Accountant in Bankruptcy³

(Enter Accountant in Bankruptcy's Name and Address in Additional Information Section)

- 1 Legal Guardian of the applicant – A child under the age of 16 years must be represented by a Legal Guardian (usually a parent). Legal Guardians may also be appointed by Order of a Court following an application under the Adults with Incapacity (Scotland) Act 2000, authorising them to act and make decisions on behalf of an adult (anyone over the age of 16 years) with incapacity. If you are applying as the legal Guardian for an adult, you will need to provide us with a copy of the Court Order or other documentation which has authorised you to act in this capacity.
- 2 Holder of Power of Attorney – There are 2 different types of Power of Attorney (PoA). One allows a person (“the grantor”) to appoint one or more people to make decisions on their behalf, should they be unable to do so in the future. The PoA document can cover both “continuing” (in other words, financial and property) powers and welfare powers and needs to be registered with the Office of the Public Guardian (Scotland). The other is a legal document, usually drawn up by a solicitor, which gives an individual a usually time-limited and specific power to do certain tasks such as to sign a legal document on their behalf. You will need to provide us with a copy of the PoA document.
- 3 Accountant in Bankruptcy – The Accountant in Bankruptcy (AiB) is an Executive Agency of the Scottish Government responsible for administering the process of personal bankruptcy and corporate insolvency, administering the Debt Arrangement Scheme, and implementing, monitoring and reviewing government policy in these and related areas, for example protected trust deeds and diligence.

Agent Details (if applicable)

I am completing this application in my capacity as:

Solicitor for the applicant

Professional Agent for the applicant⁴

Non Professional Agent for the applicant⁵

Name:

Postal Address Line 1:

Address Line 2:

Address Line 3:

Address Line 4:

Address Line 5:

Address Line 6:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

⁴ Professional Agent for the applicant – Crofting/Rural Consultant or Adviser.

⁵ An individual who has been authorised by the applicant to act on their behalf who is neither a Solicitor nor a professional agent, examples could be a family member, friend, carer etc.

I confirm that I am authorised to act as agent for the applicant in relation to their application.

I confirm that, as agent, I am not a direct beneficiary of the application.

I understand this authorisation is only valid while the application is under consideration and will end when the application is concluded.

Important: If you are not a solicitor or professional agent (Crofting/Rural Consultant or Adviser) you and the applicant must separately complete a Mandate Agent Authorisation Form which will enable you to act on the applicants behalf.

SECTION 6

CROFT DETAILS

Croft:

Township:

Parish:

Crofting Commission Register of Crofts Number:

Registers of Scotland Crofting Register

Croft Number (where registered):

C

SECTION 7

TENANT DETAILS

Title:

Surname:

Forename(s):

Date of Birth¹:

Postal Address Line 1:

Address Line 2:

Address Line 3:

Address Line 4:

Address Line 5:

Address Line 6:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

Residency

Do you currently reside on or within 32 kilometres (20 miles) of the croft?

Yes

No

¹ The 1993 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.

SECTION 8

LANDLORD OF CROFT DETAILS

Name of Organisation/Company/Estate:

Title:

Surname:

Forename(s):

Postal Address Line 1:

Address Line 2:

Address Line 3:

Address Line 4:

Address Line 5:

Address Line 6:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

If you have more than one landlord, please enter the details in Additional Information Section.

OWNER OF COMMON GRAZINGS DETAILS

Name of Organisation/Company/Estate:

Title:

Surname:

Forename(s):

Postal Address Line 1:

Address Line 2:

Address Line 3:

Address Line 4:

Address Line 5:

Address Line 6:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

If there is more than one owner of Common Grazings, please enter the details in Additional Information Section.

AGENT DETAILS FOR LANDLORD/OWNER OF COMMON GRAZINGS (only if applicable)

Name:

Postal Address Line 1:

Address Line 2:

Address Line 3:

Address Line 4:

Address Line 5:

Address Line 6:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

If you have more than one agent, please enter the details in Additional Information Section.

SECTION 9

DECROFTING CROFT HOUSE SITE AND GARDEN GROUND APPLICATION DETAILS

Please provide the extent to three decimal places:

What is the extent of the whole croft in hectares?

How much land are you applying to decroft in hectares?

Please state the reasons for the size of the area applied for including, where appropriate, reference to the siting of septic tanks, soak-aways, heating systems, power and water supplies:

I confirm the house is wind and watertight and fit for human habitation.

If it is not, please do not use this form. Instead you must complete a **Part Croft Decrofting** Application form.

Is this area already enclosed separately from the croft?

Yes

No

Are there any other buildings used for domestic purposes included within the area applied for?

Please refer to guidance section – ADDITIONAL DOMESTIC BUILDINGS ON HOUSE SITE

If **Yes**, please tell us:

Type Garage Domestic Storage Domestic Shed Workshop	Size	Condition Good Moderate Poor Derelict	Age <5 years 5-10 years 11-20 years 20> years	Currently use	Grant Assistant Received

Is the area applied for situated on an apportioned area of Common Grazing land? Yes No

If **Yes**, please provide details of the apportionment:

Name of Common Grazing:

Date of Apportionment Order:

Extent Granted:

Extent Granted:
(Please provide copy of the Order and Map)

* An apportionment order for the area applied for must have been issued and effected under Section 52(4) of the Crofters (Scotland) Act 1993, before a decrofting application can be considered.

SECTION 10

HAS THE PURCHASE OF THE SITE BEEN AGREED WITH THE LANDLORD?

The Commission strongly encourage applicants to agree with their landlord the extent and boundaries of the area to be applied for, before submitting the application, so that it reflects the site they are entitled to purchase under the dwelling-house provisions.

Has agreement been reached with the landlord to purchase the site applied for? Yes No

If **No**, please provide details below:

SECTION 11

ACCESS TO CROFT FOLLOWING DECROFTING

Is the current access to the croft included in the area applied for in the application? Yes No

i Please refer to guidance section – ACCESS

Will the current access be impacted by the removal of the area applied for? Yes No

If the answer to either of these questions is **Yes**, please provide further information regarding alternative access provision by completing the table below.

Description of Proposed New Access	Yes / No	Please provide as much information as possible of the proposed access including details such as width, gates, condition
Will there be access for vehicles and agricultural machinery?		
Will there be stock / pedestrian access?		
Will this access be taken from a public road?		
Will access be taken from a track?		
Will access be taken via another croft or common grazing land?		
Will access be shared with other users?		
What other access arrangements will there be?		

SECTION 12

ADDITIONAL INFORMATION

Please provide any additional information in support of this application that you consider may be helpful to the Commission in reaching its decision:

SECTION 13

DECROFTING DECLARATION

I confirm that:

The house is wind and watertight and fit for human habitation.

I have attached map(s) of the site and location of the area I have applied to decroft.

I have attached evidence that my landlord has been provided with written notification of this regulatory application.

Where the croft is not registered with the Registers of Scotland, I have separately applied to register the croft.

Where the application is being submitted by a non-professional agent, a completed Mandate Agent Authorisation Form has been included with this application.

I have read and understood the Commission's Privacy Policy.

I agree to communication regarding this regulatory application by e-mail.

DISCLAIMER

All parties involved in any application/notification to the Commission should satisfy themselves as to the identities of the relevant parties involved in an application/notification as the Commission does not have the facility to carry out identity checks to verify a person's identity.

Any person who (i) knowingly provides false or incorrect information including any documentation or other information supplied with this application/notification, and/or (ii) who forges a signature (electronic or physical), may be guilty of a criminal offence. The Commission takes no responsibility for any such fraudulent acts or omissions. However, the Commission may investigate suspected fraud and any declarations, signatures or statements made in connection with the application/notification which the Commission suspects to be fraudulent will be reported to Police Scotland.

By signing this declaration, I acknowledge that I have read, understood, and agree to be bound by these terms and conditions.

DECLARATION

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

Signed

Date

SECTION 14

WHAT HAPPENS NEXT?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- Provided the croft is registered with the Keeper of the Registers of Scotland, we must decide whether or not to grant the application or to investigate further. This will usually involve obtaining a report from the local SGRPID office. If further investigation, including a SGRPID report is required, we will notify parties. Once we are satisfied that sufficient information has been obtained, the case will proceed to make a decision on the application.

SECTION 15

APPENDIX – NOTICE TO LANDLORD

Croft:

Crofting Commission Register Number:

NOTICE FOR LANDLORD/ WHERE THE APPLICANT IS A TENANT: PROPOSAL TO DECROFT THE CROFT HOUSE SITE AND GARDEN GROUND

| (name)

of

(address)

intend to apply to the Crofting Commission for an 'advance of purchase' decrofting Direction in respect of the site of the dwellinghouse on or pertaining to my croft at

The site I wish to decroft extends to **hectares.**

A Map(s) showing the boundaries of the proposed site, existing access routes and its location is enclosed for your information.

If you have any comments on the proposal, you may submit these in writing to the Crofting Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW or email info@crofting.gov.scot within 14 days of receipt of this notice.

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 Tenant/Agent

Date

SECTION 16

APPENDIX – CONFIRMATION OF RECEIPT FROM LANDLORD

Croft:

Main Location Code (MLC):

Crofting Commission Register Number:

TO THE CROFTING COMMISSION – CONFIRMATION OF RECEIPT OF NOTIFICATION BY LANDLORD.

I confirm that I have seen the application form for the decrofting of the Croft House Site and Garden Ground and that I will submit any comments within 14 days of the date below.

Signed
Landlord/Agent

Date

PLEASE PRINT NAME:

END OF APPLICATION FORM

REQUIREMENT TO REGISTER YOUR CROFT LAND

The Crofting Reform (Scotland) Act 2010 established the Crofting Register.

The Crofting Register is map based and provides 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 also contains information on the crofter, owner-occupier crofter and/or the landlord of the registered croft. The Crofting Register is maintained by the Keeper of the Registers of Scotland (RoS), although the application for registration is 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.

These checks include, ensuring the application is in respect of a croft which is entered in the Register of Crofts, ensuring that the parties listed in the application as the tenant, owner etc, matches the information held in the Commission's records, and ensuring the information provided by the applicant in terms of historical apportionments, decroftings and resumptions correspond with our records.

What we are not checking (in most cases) is whether the applicant has accurately mapped the boundaries of the croft. That is because the Commission's Register of Crofts which was established in 1955/56 was never intended to be and has never served the function of being a map based register. In addition, the Commission have no legal locus in determining the boundaries of a croft. The body who are charged with determining the boundaries of a croft are the Scottish Land Court.

If your croft is unregistered, The Commission will be unable to make a decision on your regulatory application until the croft has been registered with RoS). To avoid delays therefore, we recommend that your regulatory application should be accompanied by your application to register the croft on the Crofting Register. This must be accompanied by a map showing the boundaries of the croft along with the registration fee.

A copy of the registration form and accompanying guidance notes can be found at www.ros.gov.uk/services/registration/crofting-register, if an application to register is not submitted within 6 months of the date of receipt of this application, it your regulatory application will be withdrawn from our records and returned to you. If you subsequently re-submit the regulatory application, it will be treated as a new application and will require to be re-advertised.

If your croft is already registered with the Keeper of RoS, an application for Registration of a Subsequent Event will be required should your regulatory application be approved.

MAPPING INFORMATION DECROFTING

The decrofting application must be accompanied by a site map of the area you are applying to decroft.

We also require a location plan showing the location of the site in relation to the croft boundary.

The map should be clearly labeled with the dimensions and extent, in hectares, of the area you are applying to decroft.

An example map is included here  [**Please refer to Guidance - EXAMPLE MAP**](#).

POLICY DECROFTING CROFT HOUSE SITE AND GARDEN GROUND

A straightforward approval can be made to an application by a tenant or an Owner-Occupier crofter if:

- There are no other buildings included in the area that are/could be used as agricultural buildings.
- There are no concerns over access to the remainder of the croft
- There have been no negative submissions from the landlord
- The area applied for extends to no more than 0.40 hectares

If any of these conditions are not met, the application will be escalated.

ACCESS

The Commission will give priority to the provision of appropriate access to all remaining parts of the croft and, where appropriate, the common grazing.

The provision should allow unrestricted access at all times including access for agricultural machinery (the recommended minimum width for access is 4 metres wide). Failure to meet this provision is likely to result in the application being modified or may include in any such direction conditions for the purpose of ensuring that implementation of the proposal would not prevent or impede access to another part of the croft or to other croft land.

Your site map must show all existing access routes to the croft as well as any proposed access provision. Please provide as much information as possible of the current or proposed access provision at question 11 in the application form including details such as width, gates, condition and any consents obtained or that may be required together with supporting evidence.

ADDITIONAL DOMESTIC BUILDINGS ON HOUSE SITE

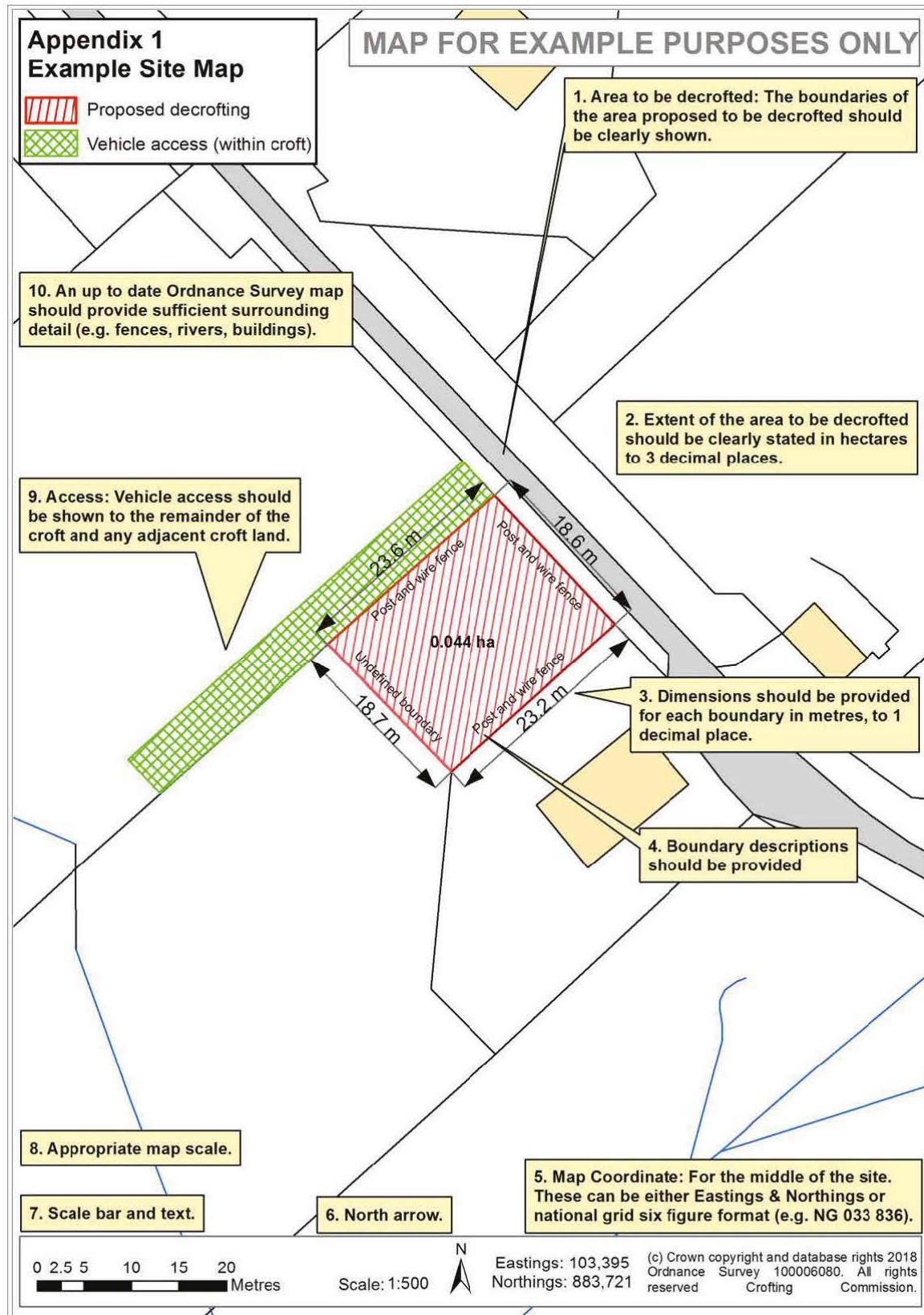
Applications made in respect of the statutory house site must be for one dwelling house.

The Commission is required to give a decrofting direction under section 25(1)(b) of the Crofters (Scotland) Act 1993 where it is satisfied “the application is made in respect of part of a croft which consists only of the site of the dwelling-house...”. The Commission recognises that there may circumstances where other buildings are included within the area applied for that are either contiguous or are located very close to the dwellinghouse and are incidental to and directly associated with or servicing the domestic house. For example, a garage will normally be considered as part of the croft house site and garden ground application.

Any other additional land or buildings must be applied for using the “Decrofting Application Part Croft” application form.

N.B. The Commission would not anticipate that any application under the Statutory House Site provisions would include any buildings being used or having the potential to be used for agricultural purposes.

EXAMPLE MAP



END