



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

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# **Application for Commission Consent to Divide a Croft Tenancy**

## **Tagradh airson Cead a' Choimisein gu Roinn air Gabhaltas Croite**

There is a requirement to register your croft land,  
please read Section 1 in the guidance notes:

**Requirement to Register your Croft Land**

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).

# CROFT AND CROFTER DETAILS

**ALL FIELDS MUST BE COMPLETED**

## 1 Croft Details

Croft:

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 Birth<sup>1</sup> :

Main Residential Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

**I agree to communication regarding this application by e-mail**

Yes

No

<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.

### 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

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. This form can be found on the Commission Website here: [www.crofting.scotland.gov.uk/agency-and-mandate](http://www.crofting.scotland.gov.uk/agency-and-mandate)

**4 Landlord Details (additional landlord/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 Landlord (only if applicable) - additional agent details can be entered on Appendix 1**

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

# APPLICATION DETAILS

Please read Section 3 - **Application Details** section of the guidance before responding to the following

**6** How many crofts (the existing croft is counted as one croft) will be created as a result of the division? \_\_\_\_\_

Your division application must be accompanied by a map showing the boundaries of the croft and identify the areas to be divided. Please read Section 3 - Mapping Information of the guidance.

## GRAZING SHARE(S)

Please read Section 4 - **Grazing Share(s)** section of the guidance before responding to the following

**7** Please provide details of each of the proposed new crofts resulting from the division of the existing croft (please make sure this matches up with the information provided on the map accompanying your application). If there are grazing share(s) to be divided please indicate these below.

### Details for New Crofts (where no shares included please mark share detail as n/a)

	Name	Extent	Rent	Name of Common Grazing	Souming (number per type of stock e.g. sheep, cows etc)
Croft 1					
Croft 2					

**8** Have you agreed names and revised rents for the proposed new croft(s) with your landlord(s) or his/her appointed agent?

Yes  No

If 'Yes', please complete details at Appendix 2.

If 'No', please be aware that, if approved, we will require these details to be provided to enable the division to take effect.

**9(i)** Do you intend to apply to assign the new croft(s) to another person?

Yes  No

If 'Yes', please advise which of the new croft(s) you intend to assign:

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**9(ii)** If intending to assign, has a proposed tenant for the new croft(s) been identified? Yes  No

If 'No', please provide details of your intentions following division  
e.g. to market newly created crofts

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**10(i)** Do you intend to renounce the tenancy of the new croft(s)?

Yes  No

If 'Yes', please advise which new croft(s) you intend to renounce:

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## **RESIDENCY AND LAND USE**

Please read Section 5 - **Residency and Land Use** of the guidance before responding to the following

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

**The Commission requires to know how the croft is currently being used.**

**12(i)** Is the croft currently being used for cropping activities? Yes  No

If **'Yes'**, please provide details below:

**12(ii)** Is the croft currently being used for stock management purposes? Yes  No

If **'Yes'**, please provide details below:

**12(iii)** Are there any buildings on the croft?

Yes  No

If 'Yes', please provide details below (include information about the size, condition, approximate age and current use and which of the proposed new crofts these will become part of following division) e.g. general purpose shed, dwellinghouse:

**12(iv)** Please provide details of any fixed equipment on the croft e.g. fences and ditches (include information about the condition and approximate age):

**12(v)** Please comment on the proposed uses to which each of the new crofts created by division would be put:

Croft 1:

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Croft 2:

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## **WHAT ARE CROFTER'S DUTIES?**

Please read Section 5.1 - **What are Crofters' Duties** of the guidance before responding to the following

**13(i)** Do you currently put the croft or any part of it to a purposeful use other than cultivation?

i.e. Tourist Development, Livery or Renewable Energy Project

Yes  No

## WIDER INTERESTS

Please read Section 6 - **Wider Interests** of the guidance before responding to the following

## Estate

**14(i)** What effect, if any, do you consider this division will have on the interests of the estate?

## Crofting Community

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

## **Sustainable Development**

Please read Section 6.1 - **Sustainable Development** section of the guidance before responding to the following

**14(iii)** What effect, if any, do you consider this division will have on the sustainable development of the local crofting community?

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## **Public at large**

Please read Section 6.2 - **Public Interests** section of the guidance before responding to the following

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

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**15** Please use this space to provide us with any additional information in support of your application that you consider may be helpful to the Commission in reaching its decision:

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## ACCESS

Please read Section 7 - **Access** of the guidance before responding to the following

**16** Please provide as much information as possible of the current or proposed access provision including details such as width, gates, condition and any consents obtained or that may be required together with supporting evidence:

## **PUBLIC NOTIFICATION**

Please read Section 8 - **Public Notification** section of the guidance before responding to the following

**17** Please give details of the public notification arrangements you have made below:

(i) Name of newspaper displaying the advert: \_\_\_\_\_

(ii) Date advert will be displayed in newspaper:

A standard advert for your use is included in the guidance

## CROFTER/AGENT PLEASE SIGN THIS DECLARATION

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

- I have given the croft landlord/owner of the common grazing written notification of this division application and enclose evidence (see Appendix 3A)
- Where I am a non-professional agent for the applicant, the applicant and I have separately completed and included an Mandate Agent Authorisation Form.
- I have advertised this application for consent to divide the croft in a newspaper circulating in the local area.
- I have included my application to register the croft if applicable.
- Where the croft is sublet, I have given the subtenant 6 months' notice of my intention to divide the tenancy.

### 19 DECLARATION

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This application is submitted under section 9 and section 10 (4A) of the Crofters (Scotland) Act 1993 for consent to divide the tenancy.

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

Signed

Crofter/Agent

Date

#### What Happens Next?

- When we receive this application, we will send you or your agent an acknowledgement letter within 5 working days.
- You are required by law to advertise your application. Provided the croft is registered with the Keeper of the Registers of Scotland, 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 to 16 weeks where the croft is registered with the Keeper of the Registers of Scotland.
- 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 Grazings Details**

Name of Organisation/Company/Estate (only if applicable):

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 Grazings 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: \_\_\_\_\_

# **APPENDIX 1A**

## **ADDITIONAL INFORMATION SECTION**

Croft \_\_\_\_\_

Main Location Code (MLC) \_\_\_\_\_

Crofting Commission Register Number \_\_\_\_\_

Please use the space provided below to provide us with any additional information where there is insufficient space on the form.

Please clearly state which question the information relates to.

## APPENDIX 2

### Division of a Croft

#### Notification Form – Agreement with Landlord

Croft Name (original croft): \_\_\_\_\_

Is the name of the original croft to be changed? Yes  No

If 'Yes', give revised name here: \_\_\_\_\_

Revised	Revised
Annual Rent:	Extent
(original croft) £ _____	(ha): _____

Name for new Croft 2: \_\_\_\_\_

Annual Rent: £ \_\_\_\_\_ Extent (ha): \_\_\_\_\_

Name for new Croft 3: \_\_\_\_\_

Annual Rent: £ \_\_\_\_\_ Extent (ha): \_\_\_\_\_

**I confirm the foregoing details have been agreed with the croft landlord(s).**

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

*Tenant/Agent*

**I confirm the foregoing details have been agreed with the croft tenant.**

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

*Landlord/Agent*

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

*Landlord/Agent*

***Please Note: Where the croft has more than one landlord, each landlord must sign this form.***

## APPENDIX 3

### Notice for Landlord Proposed Division of a Croft Tenancy

I (PLEASE PRINT YOUR NAME)

am applying to the Crofting Commission for consent to divide my croft tenancy at

\_\_\_\_\_ (croft name and parish)

\*into \_\_\_\_\_ parts/from my croft.

\*The purpose of the application is to assign a new croft extending to \_\_\_\_\_ ha,  
as indicated on the attached map to \_\_\_\_\_ (proposed tenant name)  
of \_\_\_\_\_ (address).

**(Add details of each share to be separately sold to each person, if more than one)**

\*The purpose of the application is to renounce my tenancy of the new croft(s), extending to  
\_\_\_\_\_ ha to you.

\*The application includes the division of the croft grazings rights in the  
\_\_\_\_\_ Common Grazings.

I attach a scale map detailing the croft boundaries as known to me, along with my proposals  
for the division of land.

If you have any comments, you may submit these in writing or some other permanent form to the  
Crofting Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW

**(e-mail: [info@crofting.gov.scot](mailto:info@crofting.gov.scot))**

by \_\_\_\_\_  
(insert date here giving 28 days from the date of the 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**

\_\_\_\_\_  
(Tenant/Agent)

**Date**

## APPENDIX 3A

### To the Crofting Commission – Confirmation of Receipt of Notification by Landlord

I confirm that I have seen the application form for the division of the tenancy of the croft and that I will submit any comments within 28 days of the date below.

**Signed**

Landlord

**Date**

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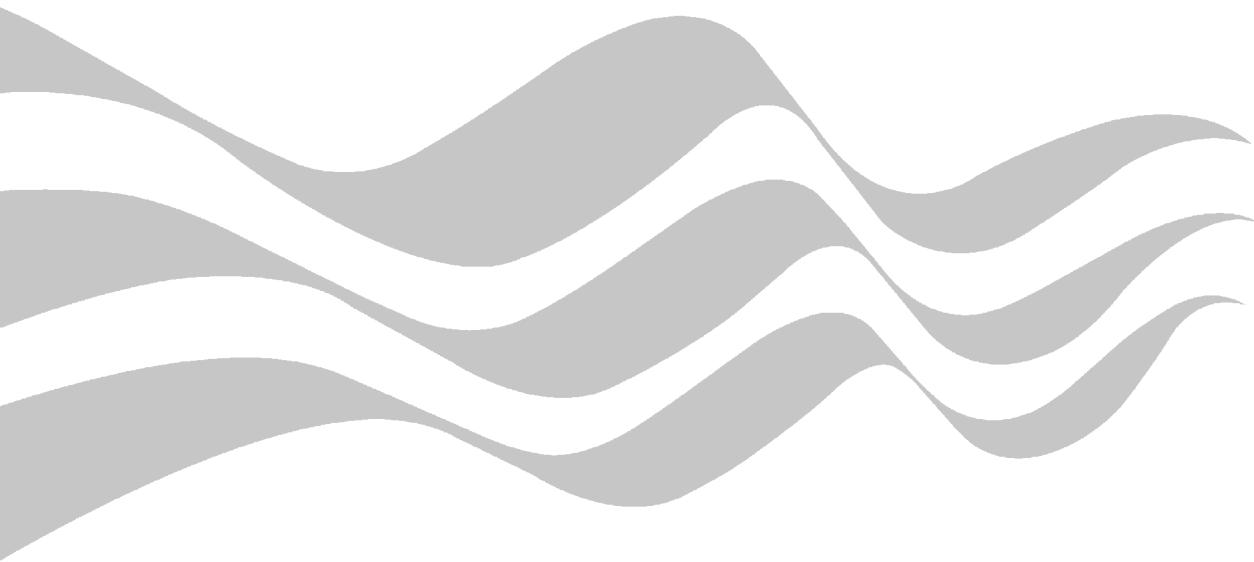
- The tenant / owner-occupier crofter / landlord of a vacant croft
- The proposed tenant/sub-tenant
- The landlord of the croft
- The owner of the common grazings
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