



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

Great Glen House
Leachkin Road
Inverness IV3 8NW

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

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Application for Commission Consent to Divide the tenancy of a Grazing Share(s)

Notaichean Stiùiridh a thaobh Tagradh airson Cead a' Choimisein gu Gabhaltas Roinn(ean) Ionaltraidh a Roinn

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

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 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 ☐

☐ 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

4 Owner of Common Grazing 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 Grazing (only if applicable) – additional agent details can be entered on Appendix 1

Name:

Postal Address:

	Postcode:
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Telephone:

Alternative Telephone:

E-mail Address:

APPLICATION DETAILS

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

6 Please give the name of the Common Grazing(s) where the Share(s) are held:

7 What is your souming entitlement for the grazing right(s) you wish to divide?

8 How many shares will be created as a result of the division?

GRAZING SHARE(S)

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

9 Please let us know the share fraction/souming of each new share/souming resulting for the division.
Details for divided share(s)

	Share/Souming	Rent	Name of Common Grazing	Share detail for divided share(s)

10 Have you agreed names and revised rents for the proposed new share(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.

11(i) Do you intend to apply to assign the new share(s) to another person?

☐ Yes ☐ No

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

11(ii) If intending to assign, has a proposed tenant for the new share(s) been identified?

☐ Yes ☐ No

If **'No'**, please provide details of your intentions following division
e.g. to market newly created share(s)

12(i) Do you intend to renounce the tenancy of the new share(s)?

☐ Yes ☐ No

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

RESIDENCY AND LAND USE

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

13 Do you currently reside on or within 32 kilometres (20 miles) of the common grazing? ☐ Yes ☐ No

14 How do you currently use your grazing share?

WIDER INTERESTS

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

Estate

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

Crofting Community

15(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

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

Public at large

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

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

16 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:

ACCESS

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

- 17** 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

- 18** 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

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

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

20 DECLARATION

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

Date

Crofter/Agent

What Happens Next?

- When we receive this application, we will send you or your agent an acknowledgement letter.
- 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 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 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 1A

ADDITIONAL INFORMATION SECTION

Croft to which Grazing Share(s) pertain: _____

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 Grazing Share(s)

Notification Form – Agreement with Owner of Common Grazing

Name (original share): _____

Is the name of the original share to be changed? Yes ☐ No ☐

If **'Yes'**, give revised name here: _____

Revised	Revised
Annual Rent:	
(original Share) £ _____	Rent: _____

Name for new Share 2: _____

Annual Rent: £ _____

Name for new Share 3: _____

Annual Rent: £ _____

I confirm the foregoing details have been agreed with the Owner of Common Grazing.

Signed	Date
_____	_____

Tenant/Agent

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

Signed	Date
_____	_____

Owner of Common Grazing/Agent

Signed	Date
_____	_____

Owner of Common Grazing/Agent

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

APPENDIX 3

Notice for Owner of Common Grazing Proposed Division of a Grazing Share

I _____ (PLEASE PRINT YOUR NAME)

am applying to the Crofting Commission for consent to divide my share tenancy pertaining to the croft at _____ (croft name and parish)
*into _____ shares.

*The purpose of the application is to assign a new share 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 share(s) to you.

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)

by _____
(insert date here giving 28 days from date of publication in the 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 3A

**To the Crofting Commission –
Confirmation of Receipt of Notification by Owner of Common
Grazing(s)**

I confirm that I have seen the application form for the division of the tenancy of the grazing
share(s) pertaining to the croft at _____
and that I will submit any comments within 28 days of the date below.

Signed	Date
_____ Owner of Common Grazing(s)	



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