



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

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# **Application for Commission Consent by Owner-Occupier Crofter for Short Term Let**

## **Tagradh airson Cead a' Choimisein le Croitear Seilbhe airson Gabhail Geàrr-amail**

Please read Application for Commission Consent by Owner Occupier Crofter for Short Term Let guidance notes before completing this application

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 Owner-Occupier Crofter 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

No

### 3 Agent Details for Owner-Occupier 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)

# APPLICATION DETAILS

Please read Section 2 - **Application Details** section of the guidance before responding to the following

A map must be provided showing the boundaries of the croft and the area to be let (if different). Please show any excluded house site(s). Please read Section 2.1 Mapping Information of the guidance.

**4** Are you applying to let only part of the croft?

Yes  No

If 'Yes', please tell us:-

i) The extent of the whole croft: hectares

ii) The extent of the area to be let: hectares

**5** Why are you applying to let the croft/part croft?

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**6(i)** How long are you applying to let the croft/partcroft for? years

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**7(i)** Is there a croft house on the croft?

Yes  No

**7(ii)** If 'Yes', is the croft house and garden to be included in the let?

Yes  No

Please show any excluded house site.

**8 Only to be completed if grazing share(s) are owned.**

Are any grazing shares to be included in the short term let

Yes

No

If 'Yes', please give details:-

Name of Grazing	
Croft Share/Souming	
Share/Souming to be Let on a Short Term basis	

If the grazing share(s) are tenanted a separate application for Commission Consent to Assign the grazing share(s) should be used.

## RESIDENCY AND LAND USE

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

**9** 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**

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

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

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

If **‘Yes’**, please provide details below:

**10(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) e.g. general purpose shed, dwellinghouse (other than the croft house):

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If only part of the croft is to be let, which if any, of these buildings is to be included in the let?

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

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## WHAT ARE CROFTER'S DUTIES

Please read section 3.1 – **What are Crofter's Duties** of the guidance before responding to the following

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

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

Yes  No

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

## WIDER INTERESTS

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

## CROFTING COMMUNITY

**12(i)** What effect, if any, do you consider this short term let 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

**12(ii)** What effect, if any, do you consider this short term let of the tenancy will have on the sustainable development of the local crofting community?

# PUBLIC AT LARGE

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

**12(iii)** What effect, if any, do you consider this short term let will have on the interests of the public at large?

**13** 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 let your croft):

## PUBLIC NOTIFICATION

Please read Section 5 - **Public Notification** of the guidance before responding to the following

**14** 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

## OWNER-OCCUPIER CROFTER/AGENT PLEASE SIGN THIS DECLARATION

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

- I have made arrangements to advertise this application for consent to let the croft/part croft in a newspaper circulating in the local area.
- Where I am a non-professional agent for the applicant, the applicant and I have separately completed and included an Mandate Agent Authorisation Form.
- Questions 16 to 26 have been completed and the declaration has been signed by the proposed short term let tenant or their agent.
- I understand that this short term lease will be subject to the conditions, obligations and duties set out in the 'Style Short Term Lease' produced at Appendix 1 to this application form.
- If this application is approved, I understand that the Crofting Commission may terminate the short term lease if the tenant fails to comply with a condition of lease (other than any relating to rent).
- I have enclosed a map of the croft/part croft which is to be let.

## 16 DECLARATION

This application is submitted under section 29A of the Crofters (Scotland) Act 1993 for consent to lease the croft.

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

Signed

Owner-Occupier Crofter/Agent

Date

# PROPOSED TENANT DETAILS

**ALL FIELDS MUST BE COMPLETED**

## 17. Proposed Tenant Details

Surname:	Title:
Forename(s):	
Date of Birth <sup>1</sup> :	
Main Residential Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
<b>I agree to communication regarding this application by e-mail</b>	
Yes <input type="checkbox"/> No <input type="checkbox"/>	

<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.

## 18. Agent/Guardian Details for Proposed Tenant (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)

## RESIDENCY AND LAND USE

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

**This lease will be subject to the conditions set out in the 'Style Short Term Lease' produced at Appendix 1 to this application.**

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

If '**Yes**', go to question 19

If '**No**':

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

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

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**20.** How do you intend to cultivate the croft?

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Crops (please specify)	Hectares

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

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

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**21.** How do you intend to maintain the croft?

e.g. ensuring all fences are stockproof and land is properly drained.

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Please read Section 3.1 - **What are Crofter's Duties** of the guidance before responding to the following

**22** Do you intend to put the croft or any part of it 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):

# POLICY PLAN

Please read Section 6 - **Short Term Letting** of the guidance before responding to the following

**23** 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):

**24** 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:

Agricultural Code No	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? Please provide details.

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

**25** 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.

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

# PROPOSED SHORT LEASE TENANT/AGENT PLEASE SIGN THIS DECLARATION

## 27 DECLARATION

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I declare that:

- To the best of my knowledge, the information I have given in this application is correct.
- 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 understand that this short term lease will be subject to the conditions, obligations and duties set out in the 'Style Short Term Lease' produced at Appendix 1 to this application form.
- I understand that the Crofting Commission may terminate a short term lease if I fail to comply with a condition of let (other than any relating to rent).

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Signed

Date

Proposed Tenant/Agent

## What Happens Next?

- When we receive this application, we will send the Owner-Occupier Crofter 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.
- If we approve the application, we will then send the owner-occupier crofter or their agent a paper copy of the Short Term Lease. All information required by the lease must be provided and it must then be signed (before a witness) by both Owner-Occupier Crofter and Tenant. The signed lease must then be returned to us and will become effective on the date specified within the lease (Condition 2 of the lease).
- 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

If the application is approved, we will send you this lease for completing, signing and returning to the Crofting Commission.

### SHORT TERM LEASE

**between**

**residing at**

(“the Owner-Occupier Crofter”)

**and**

**residing at**

(“the Tenant”)

WHEREAS the Parties hereto have agreed that the Tenant shall lease from the Owner-Occupier Crofter the croft/part of the croft (delete as appropriate) known and registered on the Register of Crofts as \_\_\_\_\_ and outlined in red on the plan annexed and signed as relative hereto (“the Croft”), the said Parties have agreed and DO HEREBY AGREE the following terms and conditions:-

1. This is a Short Term Lease in terms of ss.29A and 29B of the Crofters (Scotland) Act 1993 (“the Act”). Parties acknowledge that the Tenant under this lease is not:-
  - (a) a Crofter in terms of s.3(3) of the Act; nor
  - (b) the tenant under a lease constituting a 1991 tenancy, a short limited duration tenancy or a limited duration tenancy within the meaning of the Agricultural Holdings (Scotland) Act 2003 (asp11).

2. The duration of the lease shall be \_\_\_\_\_  
beginning on \_\_\_\_\_ and ending on \_\_\_\_\_

3. The rent shall be \_\_\_\_\_ (£ \_\_\_\_\_ )  
STERLING, payable monthly in advance.

4. The lease may be terminated by either Party giving one month's notice in writing, or by the Crofting Commission in terms of s.29A (6) of the 1993 Act.

5. The Tenant shall ensure that all livestock are removed from the Croft on or before \_\_\_\_\_

6. The Tenant must be ordinarily resident on, or within 32 kilometres of, the Croft.

7. The Tenant must not misuse or neglect the Croft, and must cultivate it or put it to such other purposeful use so that every part of the Croft which is capable of being cultivated or put to another purposeful use either is cultivated or is put to such use.

8. The Tenant must keep the Croft in a fit state of cultivation (except insofar as the use of the Croft for another purposeful use is incomplete with the Croft being kept in such a state).

9. The Croft shall be used for the purpose of \_\_\_\_\_.  
If the Croft is to be used for a purposeful use other than cultivation, the Tenant must agree any change in purposeful use with the Owner-Occupier Crofter.

10. The Tenant shall not sublet the Croft or any part thereof.

11. The Tenant shall be subject to the Grazing Regulations applicable to the \_\_\_\_\_ Common Grazing  
in respect of any grazing share or right which forms part of the Croft.

12. The definitions appearing in the Annex hereto are to be used in the interpretation of this lease.

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Owner-Occupier Crofter - Signature

Witness - Signature

Full name and Address of Witness:

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Occupation

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Place of signing:

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Date of signing:

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Tenant - Signature

Witness - Signature

Full name and Address of Witness:

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Occupation

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Place of signing:

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Date of signing:

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**This is the Annex referred to in the foregoing Short Term Lease.**

## **Definition and Interpretation**

**“Cultivation”** includes the use of a croft for horticulture or for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, the growing of fruit and vegetables and the like and the planting of trees and use of the land as woodlands.

**“Other Purposeful Use”** means any planned or managed use which does not adversely affect the croft, the public interest, the interests of the landlord or (if different) the owner, or the use of the adjacent land.

**“Misuse”** means wilfully and knowingly uses the croft other than for the purpose of its being cultivated or put to such other purposeful use as is consented to under section 5C(4) of the 1993 Act; failure to use the croft for the purpose of its being cultivated; or failure to put the croft to any such purposeful use.

**“Neglect”** is where the Croft is not being managed so as to meet the standards of good agricultural and environmental condition referred to in regulation 4 of, and the schedule to, the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004 (SSI 2004 No.518).

# **APPENDIX 1A**

## **ADDITIONAL INFORMATION SECTION**

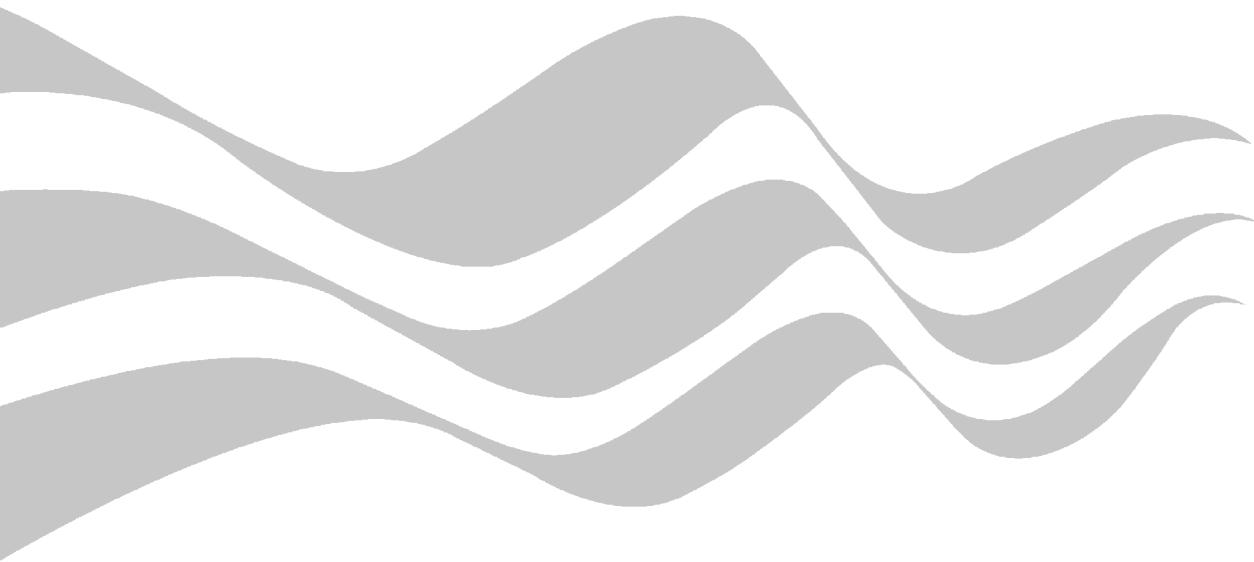
Croft \_\_\_\_\_

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.



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