



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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Apportionment of Common Grazing Application

Tagradh air Roinneadh Fearann Ionaltraidh

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.

BEFORE YOU APPLY

Before applying it is important that you read the information contained in the accompanying Application for Apportionment Guidance Notes.

Consultation

You should consult with the Grazing Committee (or Grazing Constable) for the Common Grazing on the location and extent of the area of the Common Grazing you are looking to apportion for your own exclusive use.

We recommend that you provide a completed application form and the map of the area you want to apportion to the Grazing Committee or Grazing Constable and allow sufficient time for your proposal to be considered by them before you apply to allow any concerns to be raised and any required amendments to be made to your application.

It is important to do this and make any necessary amendments to the location and extent applied for before you apply to the Commission, as it will not be possible for you to change the extent or location of the area to be apportioned after the application has been submitted.

The Commission must consult with the grazing committee before deciding whether or not to grant an apportionment for the location and extent you have applied for. Any changes to the area following the submission of your application will be limited to essential adjustments, such as resolving access issues, correcting mapping discrepancies, minor restrictions to reflect souming entitlement or ensuring the area is capable of being fenced as a stock proof enclosure. If you need to make more substantive changes to the location and extent, you must withdraw this application and submit a new one for the revised area.

Registration

Please refer to section 2 of the Guidance Notes on the requirement to register your croft land.

Fencing Costs

Should an application be approved you will normally be required to fence the Apportionment with a stock-proof fence within two years of the date of the apportionment order.

As part of the preparation for the apportionment application the Commission would strongly recommend that you obtain an estimate/quote for the cost of any fencing work should the application be approved.

APPLICANT AND CROFT DETAILS

ALL FIELDS MUST BE COMPLETED

1 Applicant Details (additional applicant details can be entered at Appendix 1)

Surname:	Title:
Forename(s):	
Date of Birth ¹¹ :	
Main Residential Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this application by e-mail	
Yes ☐	No ☐

2 Agent Details for applicant (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 ☐

¹¹ 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 Croft Details

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland

Register Number (where registered):

Main Location

Code (MLC):

4 Additional Croft Details (only required if application is in respect of more than one croft)

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland

Register Number (where registered):

Main Location

Code (MLC):

The Crofting Commission is required to consult the Grazing Committee (or Constable) as part of the process. We therefore strongly suggest that you consult with the Grazing Committee or Grazing Constable prior to submission of your application to the Commission.

5 Grazing Clerk/Constable Details

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this application by e-mail

Yes

☐

No

☐

6 Landlord Details (additional landlord/owner of common grazing details can be entered on Appendix 2)

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

7 Agent Details for Landlord (only if applicable) – additional agent details can be entered on Appendix 2

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

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

Yes ☐ No ☐

If 'Yes', go to next question

If 'No'

What is your timescale for taking up residence? Please provide reasons for the timescale.

9 Name of Common Grazing: _____

If the Common Grazing is registered with the Registers of Scotland, please provide the registration number _____

Name of scattald (if applicable): _____

Name of park (if applicable): _____

Name of machair (if applicable): _____

(i) If the Grazing is not regulated, you should provide a signed declaration from the landlord confirming:

- *the total extent of the Grazing*
- *the shareholders' names and their respective share entitlement*
- *the name of each of the crofts and non-croft holdings that share in the Grazing*

(ii) If you are not a crofter, but are entitled to share in a Common Grazing along with other crofters, you must provide evidence of your grazing right

- *Where a share is tenanted, either a signed declaration from the landlord of the Common Grazing stating you have a share or a copy of your lease which confirms the right*
- *Where a share is owned, a copy of the Title Deed which shows the right to graze.*

10 How many shares do you have in the Common Grazing? _____

11 What is your souming entitlement? _____

12 What use is currently being made of your existing croft land and any apportionments you may already have?

13 What use is currently being made of your Grazing Share?

14(i) What is the extent of the proposed apportionment? _____

(ii) Please state the reason(s) for the extent and location applied for

(iii) Is any part of the proposed apportioned area contiguous to any part of your own croft? Yes ☐ No ☐

(iv) Is any part of the proposed apportioned area contiguous to any part of another shareholder's croft? If yes, please provided details of the croft and contact details of the crofter in question. We strongly recommend that you discuss your proposal with the crofter in question prior to submitting the apportionment application. Yes ☐ No ☐

15 Grazings Committee Consultation

You should consult with the grazing committee regarding the location and extent of the area applied for prior to submission as the opportunity to modify your application once submitted will be severely limited, and may result in the requirement to withdraw your application and re-apply for a modified area.

Is there a Grazing Committee/Constable in Office?

Yes ☐ No ☐

If "Yes": Have you consulted with the Grazing Committee/Constable on the location and extent of the area applied for?

Yes ☐ No ☐

If you have not consulted with the Grazings Committee please provide reasons why:

16 Fencing

Have you obtained an estimate/ quote on the cost required to enclose the apportionment?

Yes ☐ No ☐

If No, can you set out the reasons why you have not obtained/been able to obtain an estimate or quote for the fencing that will be required should your application be approved.

Please note that grants may be available for the cost associated with fencing the apportionment. However the Commission does not administer grant schemes.

You should contact Scottish Government Rural Payments and Services at the following link:

<https://www.ruralpayments.org/topics/schemes-by-customer/crofters/>

Your application must be accompanied by a map showing the area applied for in relation to your croft detailing the length of the boundaries in metres and extent of the area in hectares. Please read Section 4 – Mapping Information in the accompanying Application for Apportionment Guidance Notes.

If you are seeking to use the common grazing for any purpose listed below, this form should not be used. The appropriate form and function in relations to other purposes is set out below.

Purpose	Appropriate Section of the Crofters (Scotland) Act 1993	Regulatory Function
Communal planning of trees/use as woodlands	Section 50	Use of common grazing for forestry purposes
Purposes other than cultivation or woodlands	Section 50B	Use of common grazing for other purposes

N.B. Should any crofter propose that an area of common grazing be used for another use, this should be done by the grazing committee under section 50B of the Crofters (Scotland) Act 1993.

Section 50B of the 1993 Act requires that the proposal is not detrimental to the use being made of the grazing or the interests of the owner. The process requires that the grazing committee hold a meeting of shareholders and invite the owner to give his or her views and the opportunity to discuss the proposal in advance of the meeting. The proposal must obtain a majority support from shareholders attending the meeting, and then the Committee must apply to the Commission seeking approval for its implementation. It is only in this manner that an area of the common grazing can be used for some other purpose. Therefore, any application to apportion for another purpose will not be considered.

17(i) Please select the purpose of your apportionment application in the table below.

Purpose	Appropriate Section of the Crofters (Scotland) Act 1993	Regulatory Function	Please tick relevant box below
Cultivation: Stock Management	Section 52(4)	Apportionment	
Cultivation: Agricultural Building (Existing or Proposed)	Section 52(4)	Apportionment	
Site of an Existing Dwelling House	Section 52(4)	Apportionment	
Site of a *Proposed Dwellinghouse	Section 52(4)	Apportionment	
Planting trees/use as woodlands for the exclusive use of the crofter	Section 52(4)	Apportionment	

* If the apportionment application is in respect of a site for a proposed agricultural building or dwellinghouse, you must have applied for and/or obtained planning consent from the local Planning Authorities. You should therefore include a copy of the planning consent obtained for the proposed development or your planning application reference number (where the planning application has not yet been decided). If the local Planning Authorities have determined that planning permission is not required, you must provide written confirmation of this together with a copy of the relevant Planning Department's final response to the Prior Notification procedures if applicable. If the proposed purpose of your apportionment changes following the submission, the current application will have to be withdrawn. You can then resubmit an application for the new purpose.

If other purpose, please state reason below:

(ii) If your application is for stock management purposes please provide details of your existing and proposed stock numbers in the table below:

Existing Stock	Number	Proposed Stock	Number
Cows		Cows	
Sheep		Sheep	
Other (please specify)		Other (please specify)	

18 Does any part of the area applied for form part of a:

Description	Responsible body	Yes/No
National Nature Reserve (NNR)	Local Authority	
Special Area of Conservation (SAC)	NatureScot	
Special Site of Scientific Interest (SSSi)	NatureScot	
Special Protected Area (SPA)	NatureScot	
Listed Buildings Scotland (LBS)	Historic Environment Scotland	
Scheduled Ancient Monuments (SAMS)	Historic Environment Scotland	
National Scenic Area (NSA)	NatureScot	
Cairngorm National Park (CNP)	Cairngorm National Park Authority	
Loch Lomond & The Trossachs National Park	LLTTNP Authority	
Forestry schemes (SFGS/WGS)	Forestry Authority	
Agri-Environment Climate Scheme (AECS)	NatureScot	
Other (Please specify)	(Please specify)	

If **‘YES’** to any of the above you are required to provide

- (i) details of existing management agreements or schemes and
- (ii) evidence that you have contacted the responsible body about your proposal.

19 If the area applied for includes access to the remainder of the Common Grazing or other croft land, what arrangements are (or will be) in place to allow unrestricted access to the Common Grazing or croft land? Please include details of any proposed new access you intend to create.

APPLICANT/AGENT PLEASE SIGN THIS DECLARATION

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

- ☐ I have included a map of the proposed apportionment and I am aware that, should the application be approved, I will be required to enclose the apportionment with a stock proof fence within the timescale set out in the order (normally 2 years).
- ☐ I have enclosed all necessary documentation e.g. management agreement or details of lease/Title associated with my application.
- ☐ I *have/have not included my application to register the croft.
- ☐ I have completed all questions and the declaration has been signed

23 Declaration

This application is submitted under section 52(4) of the Crofters (Scotland) Act 1993.

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

Signed

Date

Applicant/Agent

Signed

Date

Applicant/Agent

What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- Once the Commission are satisfied that all the necessary documentation has been provided and the associated map complies with Commission standards, we will write to you instructing you to advertise the application, At the same time we will provide the Grazing Committee with a copy of your application for comment.
- 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 Applicant Details

Name of Organisation/Company (if applicable):	
Surname:	Title:
Forename(s):	
Date of Birth ² :	
Postal Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	

I hereby agree to this application being made

Signed (Applicant/Agent): _____ Date: _____

Additional Applicant Details

Name of Organisation/Company (if applicable):	
Surname:	Title:
Forename(s):	
Date of Birth ¹ :	
Postal Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	

I hereby agree to this application being made

Signed (Applicant/Agent): _____ Date: _____

² 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.

APPENDIX 2

Additional Landlord/Owner of Common Grazing 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:

Additional Landlord/Owner of Common Grazing Details

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Date of Birth:

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:



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