



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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Application to Create a New Croft

Cruthachadh croit ùr

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.

Please read the enclosed explanatory notes carefully before starting. Incomplete forms cannot be considered and will be returned to you.

Part 1 – CONTACT DETAILS (ALL APPLICANTS)

ALL FIELDS MUST BE COMPLETED

1 Applicant Details

Name of Organisation/Company/Estate:

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 ☐

2 Owner Details (if not already provided at question 1)

Name of Organisation/Company/Estate:

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 Tenant Details (if not already provided at question 1)

Surname:	Title:
Forename(s):	
Date of Birth ¹ :	
Main Residential Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this application by e-mail	
Yes ☐	No ☐

4 Applicant's Agent Details (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

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.

Part 2 – YOUR STATUS

All applicants must fill in this page

5 You must tick the box that describes you.

(i) I own the land ☐ (Please refer to Guidance Notes)

If you are applying as owner, you must provide the following:

- 5(a) A full copy of the Land Certificate and associated Title plan.

Please confirm the following:

- 5(b) I still own the full extent of the land to be constituted as a croft as at the date of the application.

Yes ☐ No ☐

If yes, please provide details

Important: If you answer '**No**' to question 5(b) you are **not** eligible to apply to register land you do not own as a croft.

If you are applying as the owner, if approved, you will be the constituting landlord of a vacant croft. Please be aware that this may have implications including your eligibility for certain forms of grant assistance. Please contact your grant provider for more information.

Go to PART 3

(ii) I am the tenant of the holding ☐

Go to PART 5

Part 3 – ELIGIBILITY CRITERIA FOR LANDOWNER APPLICANTS

If you own the land you must fill in this page

6 You must confirm the location of your holding. Please tick the box that is appropriate to you.

(i) My holding is located within the crofting counties ☐ go to question 8

(ii) My holding is located outwith the crofting counties ☐ go to question 7

7 My holding is in an area designated by the Scottish Ministers as being suitable for creating new crofts (*Please refer to guidance notes*) Yes ☐ No ☐

Important: If you answer '**No**' to question 7, you are **not** eligible to apply to register the holding as a croft.

8 Is the land currently let to a tenant?

Yes ☐ go to part 4 No ☐ go to part 6

If yes, please provide details at part 1 question 3.

Part 4 – DETAILS OF TENANCY FOR LANDOWNER APPLICANTS

If you own a holding that has a tenant, you must fill in this page

9 How much is the rent for the holding: £ _____

10 Does the tenant agree with the holding being registered as a croft? ☐ Yes ☐ No

If **‘Yes’** you must provide written confirmation to this effect signed by the tenant. A sample form of agreement is attached at Appendix 1 at the end of this form for your use.

Important: If you answer **‘No’** to the above question, you are not eligible to apply to register the holding as a croft.

11 If approved, do you intend to let the new croft to the tenant subject to the statutory conditions of tenure as described in the Crofters (Scotland) Act 1993 (Refer to Appendix 1 of Explanatory Notes) ☐ Yes ☐ No

If you have answered **‘No’** above, please see note below.

Note: If you intend to enter into a contract or agreement which deprives the tenant of rights in relation to assignation, purchase, sharing in the value of land resumed by the landlord, and/or sharing in the value of land taken possession of compulsorily, the Commission must be provided with a copy of the contract or agreement, should the Commission approve the application. In addition, if you have entered into a contract or agreement which deprives the tenant of any other rights, the contract or agreement must also be approved by the Scottish Land Court.

12 Are you or any family member related to the tenant? ☐ Yes ☐ No

If **‘Yes’** please give details of family relationship:

Part 5 – ELIGIBILITY CRITERIA FOR TENANT APPLICANTS

If you are applying as the holding tenant you must fill in this page

The tenant must be a natural person rather than a legal person i.e. they should not be part of a firm, partnership or limited company.

Please tick Yes or No to questions 13-15

13 I am tenant of a holding located outwith the original crofting counties ☐ Yes ☐ No
and

14 My holding is in an area designated by the Scottish Ministers as being suitable for creating new crofts ☐ Yes ☐ No
and

15 I have obtained a certificate from the Scottish Land Court confirming my status under the Small Landholders (Scotland) Acts 1886-1931 ☐ Yes ☐ No
A copy of the certificate must be provided.

Important: If you answer ‘No’ to question 13, 14 and 15, you are not eligible to apply to register the holding as a croft.

16 Does your tenancy form part of a larger agricultural unit or business? ☐ Yes ☐ No

17 Has the landlord provided fixed equipment necessary to enable you as tenant to cultivate the croft? ☐ Yes ☐ No

Important: If you answer ‘Yes’ to question 16 and 17, you are not eligible to apply to register the holding as a croft. The fixed equipment must not be provided by the landlord.

18 How much is the rent for the holding: £ _____

19 Compensation details. Please tick the box that is appropriate to you:

- (i) Agreement has been reached about the amount of compensation payable if the land is registered as a croft ☐
- (ii) Agreement reached – no compensation will be payable to the owner, if the land is registered as a croft ☐
- (iii) A valuer has been appointed to determine compensation ☐

Part 6 – APPLICATION DETAILS

All applicants must fill in this page

20 Please explain your reason(s) for applying to register the land/holding as a croft:

21 Do you occupy any other land? ☐ Yes ☐ No

(i) If 'Yes' you must provide information on the following:

Main Location Code	Croft/Holding Name	Any common grazing rights (Yes/No)	Area in Hectares	Status e.g. owner-occupier, tenant subtenant, or short lease tenant	Details of stock held on other land

(ii) Details of how the additional land is managed:

Part 7 – LAND/HOLDING DETAILS

All applicants must fill in this page

22 The name provided below will be used in the Commission's Register of Crofts.

Holding Name: _____

Holding Address: _____

_____	Postcode: _____
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Main Location Code (MLC): _____

Total Extent of holding (in hectares): _____

23 If you are applying to create more than one croft, please give name and extent for each new croft to be created from this holding:

Name: _____ Extent: _____ ha

Name: _____ Extent: _____ ha

Name: _____ Extent: _____ ha

Name: _____ Extent: _____ ha

24 How is the land currently used?

25 Do you own or keep any livestock on the holding ☐ Yes ☐ No
If **'Yes'** please give details:

26 Are there any dwellinghouses on the holding? ☐ Yes ☐ No
If **'Yes'** please give details:

RESIDENCY AND LAND USE

All applicants must fill in this page

27 Are there any agricultural buildings on the holding?

☐ 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

28 Does any part of the holding comprise part of any of the following?

Description	Responsible body	☐ Yes	☐ No
National Nature Reserve (NNR)	Local Authority	☐ Yes	☐ No
Special Area of Conservation (SAC)	SNH	☐ Yes	☐ No
Special Site of Scientific Interest (SSSi)	SNH	☐ Yes	☐ No
Special Protected Area (SPA)	SNH	☐ Yes	☐ No
Listed Buildings Scotland (LBS)	Historic Scotland	☐ Yes	☐ No
Scheduled Ancient Monuments (SAMS)	Historic Scotland	☐ Yes	☐ No
National Scenic Area (NSA)	SNH	☐ Yes	☐ No
Cairngorm National Park (CNP)	Cairngorm National Park Authority	☐ Yes	☐ No
Loch Lomond and the Trossachs National Park	Loch Lomond and the Trossachs National Park Authority	☐ Yes	☐ No
Forestry schemes (SFGS/WGS)	Forestry Authority	☐ Yes	☐ No

If **'Yes'** please enclose a copy of your Management Agreement or scheme from the appropriate named body.

29 Does the holding have any rights in an existing common grazing?

☐ Yes ☐ No

If **'Yes'** please give details

(i) Name of Common Grazing: _____

(ii) Shareholding/Stock entitlement:

Part 8 – WIDER INTERESTS

All applicants must fill in this page

30 Please provide details of any anticipated socio-economic or public interest benefits if the land is registered as a croft; for example additional employment, additional revenue to the local area, new business opportunities, retention of local services, bring new people, skills or both to the area and so on.

31 Please provide details of any community workings you take part in; for example, livestock gatherings, agricultural neighbouring, community projects and farmers markets, or local produce markets and so on.

☐ Yes ☐ No

ACCESS

Part 9 – OTHER INFORMATION

Filling in this page is optional

- 33** If you have any other information which you think will help us in considering this application, please give details below and provide any supporting evidence where appropriate; for example skills or your occupation.

(Continue on a separate sheet of paper if necessary).

Part 10 – APPLICATION DOCUMENTATION

All applicants must fill in this page

34 You must tick the documentation you are enclosing with your application.

A	Location plan showing holding boundaries	(ALL APPLICATIONS BY TENANTS)	☐
B	A full copy of the Land Certificate and associated Title Plan	(ALL APPLICATIONS BY OWNERS OF NON CROFT LAND)	☐
C	Application to register the holding on the Crofting Register held by The Registers of Scotland	(ALL APPLICATIONS)	☐
D	Copy of a certificate from the Scottish Land Court confirming the tenancy is one to which the Small Landholders Acts apply	(Required for all applications by a tenant to register land)	☐
E	Copy of the tenant's agreement to land being registered as a croft	(Required for applications by owners of tenanted holdings)	☐
F	Copy of proposals to vary Conditions of Let (if any)	(Required where conditions of let have been changed question 11 refers)	☐
G	Copy Management Agreement or scheme from the appropriate body	(Required where any part of your holding of is designated by SNH question 28 refers)	☐

Part 11 – Declaration (all Applicants)

The application is submitted under section 3A of the Crofters (Scotland) Act 1993 to have the land/holding constituted as a croft.

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/*we hereby certify that, to the best of my/*our knowledge and belief, the particulars given on this form are correct and complete.

Important note for Owners:

N.B. If we approve this application, you will be entered in our Register as the constituting landlord of the new croft. If the land is currently let to a tenant, they will be shown on the Register of Crofts as the tenant of the croft. If the land is not currently let the new croft will be shown on the Register of Crofts as vacant.

*Signature of applicant, applicants or agent:	Date

APPENDIX 1

Application under section 3A of the Crofters (Scotland) Act 1993,

Written agreement where the land is tenanted

Name of Holding: _____

Name of Owner: _____

Name of Tenant: _____

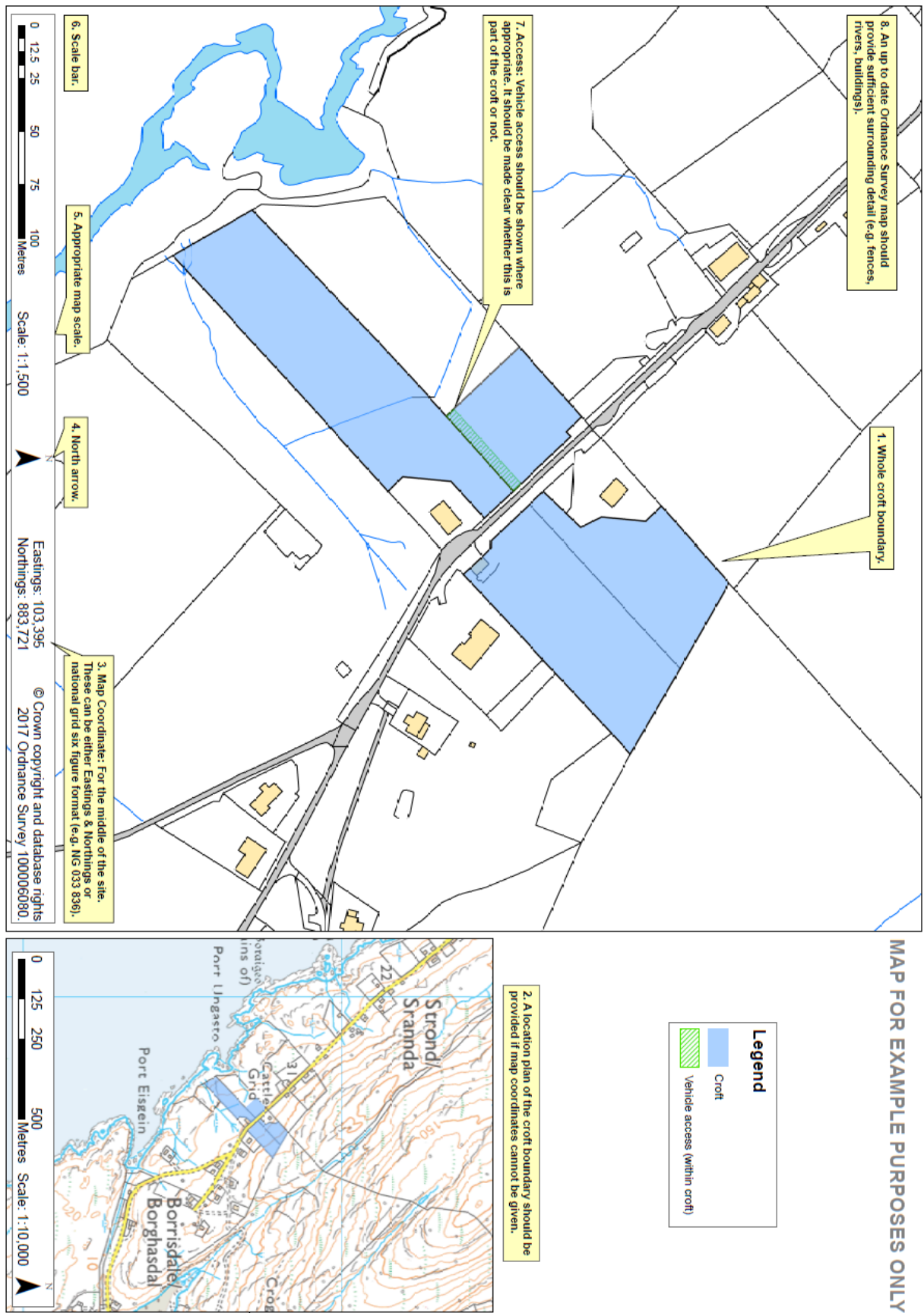
I agree to the owner of the above-named holding applying under section 3 of the Crofters (Scotland) Act 1993 to have the holding of which I am tenant registered as a croft. If the application is approved, I am aware that I will be entered in the Register of Crofts as the croft tenant.

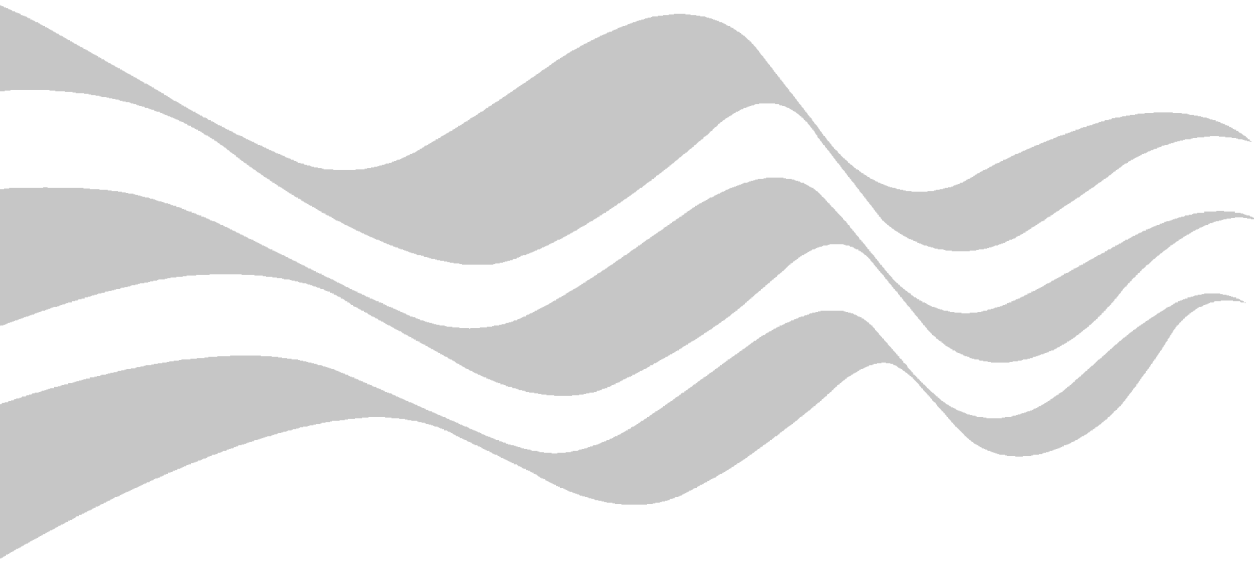
Signed (Tenant): _____

Please Print Name here: _____

Date: _____

Appendix 2 – Example Location map





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