



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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Inverness IV3 8NW

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Inbhir Nis IV3 8NW

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Application for Commission Consent to Divide By Executor – Croft House Site (Testate Succession only)

Tagradh airson Cead a' Choimisein gu Roinn le Tiomnaiche - Làrach Taigh Croite (Còir-sheilbh Tiomnaichte a-mhàin)

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 and Deceased Crofter Details

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland
Register Number (where registered):

Main Location
Code (MLC):

Name of Deceased Crofter:

Date of Death: / / (please give day, month and year)

2 Executor Details

Surname:

Title:

Forename(s):

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 Executor (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 Landlord Details (details of additional landlords should 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 (if applicable) (Agent details for other landlords should be entered on Appendix 1)

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

APPLICATION DETAILS

Please read Section 3 – Application Details of the guidance before responding to the following

6a Please provide the names and addresses of the legatees

Legatee 1 (Site of the dwellinghouse)

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

Legatee 2 (Remainder of croft land excluding house site)

Surname:	Title:
Forename(s):	
Date of Birth ¹ :	
Main Residential Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this notification 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.

6b Are any of the legatees under 16 years old?

☐ Yes

☐ No

If '**Yes**', please provide their guardian's details:

Name of Legatee under 16 years old

Surname:	Title:
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Forename(s):

Date of Birth ¹ :

Main Residential Address:

	Postcode:
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Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this notification by e-mail	☐ Yes	☐ No
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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.

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 3.1 – Mapping Information in the guidance.

- 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). **N.B. Croft names and revised rent details should be agreed with the croft landlord.**
- If the croft house site area significantly exceeds 0.15ha, a general division application should be used.**

	Name	Extent	Revised Rent
House site (Croft 1)			
Croft 2			

8 Is the house wind and watertight and fit for human habitation?

☐ Yes

☐ No

9 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 4 – **Access** of the guidance before responding to the following

10 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:

11 Is the house site you have applied to divide enclosed separately from the remainder of the croft or common grazings (e.g. with existing fences/walls)? ☐ Yes ☐ No

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

EXECUTOR/AGENT PLEASE SIGN THIS DECLARATION

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

- ☐ I have enclosed a copy of each of the legatees' notifications to the landlord that they have accepted the bequest.
- ☐ Where I am a non-professional agent for the applicant, the applicant and I have separately completed and included an Mandate Agent Authorisation Form.

13 Declaration

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

I declare that:

To the best of my knowledge, the information I have given in this application is correct;

Signed _____ **Date** _____
Executor/Agent

What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- 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 Details

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

Surname:	Title:
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Forename(s):

Postal Address:

	Postcode:
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Telephone:

Alternative Telephone:

E-mail Address:

Additional Agent Details for Landlord (only if applicable)

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

Surname:	Title:
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Forename(s):

Postal Address:

	Postcode:
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Telephone:

Alternative Telephone:

E-mail Address:

Additional Landlord Details

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

Surname:	Title:
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Forename(s):

Postal Address:

	Postcode:
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Telephone:

Alternative Telephone:

E-mail Address:

Additional Agent Details for Landlord (only if applicable)

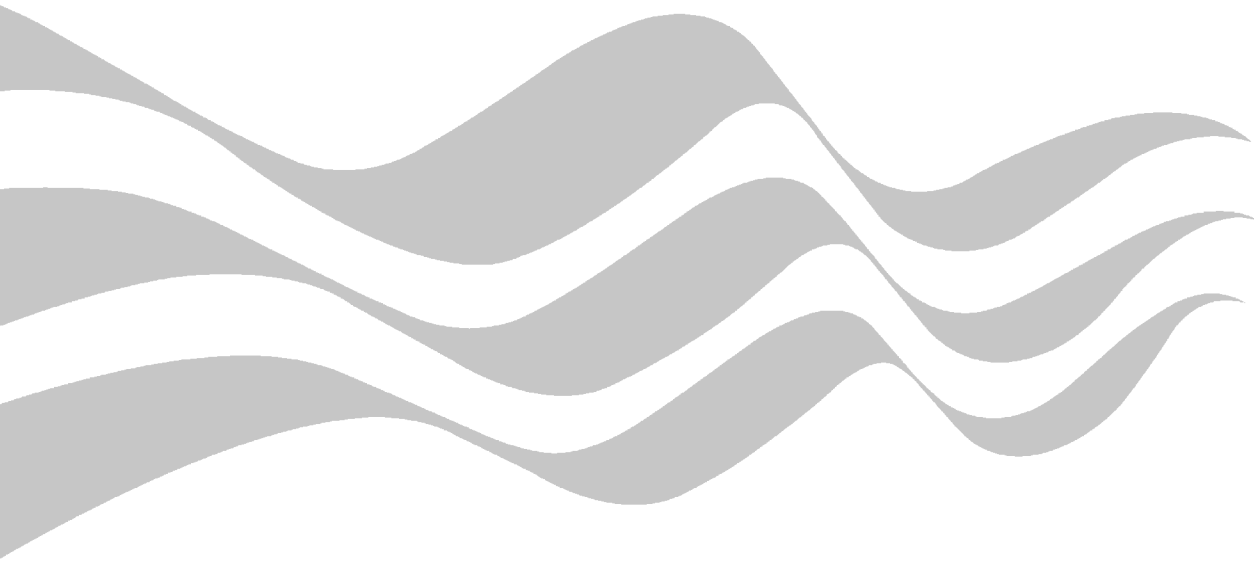
Name:

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