



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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Application for Commission Consent for Exchange of Tenanted Croft Land

Tagradh airson Cead a' Choimisein gu Iomlaid air Fearann Croite Gabhailte

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.

Please tick this box to confirm you have read and understood the Crofting Commission's Privacy Policy ☐

CROFT AND CURRENT CROFTER DETAILS

ALL FIELDS MUST BE COMPLETED

1 Croft 1 Details

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland

Register Number (where registered):

Main Location

Code: (MLC)

2 Crofter 1 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 Croft 2 Details

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland

Register Number (where registered):

Main Location

Code: (MLC)

5 Crofter 2 Details

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 ☐

6 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

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.

Please note the croft land being exchanged **MUST** have the same landlord. The landlord **MUST** also be the owner of any common grazing in which the applicants share.

7 Landlord Details (additional details can be entered on Appendix 1)

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this application by e-mail

Yes

☐

No

☐

8 Agent Details for Landlord (only if applicable) – additional agent details can be entered on Appendix 1

Name:

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:

A crofter can only exchange their croft, or part of their croft, if they obtain the consent of both the landlord and the Crofting Commission. The landlord of the croft must be the owner of any common grazings in which the crofters share.

Your application must be accompanied by a map showing the boundaries of the crofts and identify the areas to be exchanged. Please read Section 3.1 – Mapping Information of the guidance.

Please note that there **MUST** be an exchange of croft land for **BOTH** crofts subject to the application. or the application is not valid and will be returned. i.e. CROFT A must exchange land with CROFT B and CROFT B must exchange land with CROFT A.

9 Why are you applying to exchange the croft land?

10 Is the whole of each named croft to be exchanged?

Yes ☐ No ☐

If **'Yes'**, go to next question.

If **'No'**, please complete tables below.

GRAZING SHARE(S)

Please read section 3.2 – **Grazing Share(s)** of the guidance before responding to the following.

Details for existing Crofts (where no shares included please mark share detail as n/a)

Name	Name of Croft	Extent	Rent	Name of Common Grazing	Share/Souming Detail

Details for Crofts following exchange (where no shares included please mark share detail as n/a)

Name	Name of Croft	Extent	Rent	Name of Common Grazing	Share/Souming Detail

RESIDENCY AND LAND USE – CROFTER 1

Please read Section 4 – **Residency and Land Use** of the guidance before responding to the following:

11 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.

12(i) Is the croft currently being used for cropping activities? Yes ☐ No ☐

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

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

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

12(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

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

13 Do you currently put the croft or any part of it to a purposeful use other than cultivation?
e.g. Tourist Development, Livery, Renewable Energy Project

Yes ☐ No ☐

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

ACCESS – CROFTER 1

Please read Section 6 – **Access** of the guidance before responding to the following:

14(i) Please provide as much information as possible of the current or proposed access provision including details of any existing access including width, gates, condition and any consents obtained or that may be required, together with supporting evidence:

14(ii) If the land to be exchanged includes access to any other croft or common grazing land, what arrangements are (or will be) in place to allow unrestricted access to that land? Please include details of any proposed new access you intend to create:

RESIDENCY AND LAND USE – CROFTER 2

Please read Section 4 – **Residency and Land Use** of the guidance before responding to the following:

15

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.

16(i)

Is the croft currently being used for cropping activities?

Yes ☐ No ☐

If ‘Yes’, please provide details below:

16(ii)

Is the croft currently being used for stock management purposes?

Yes ☐ No ☐

If ‘Yes’, please provide details:

Yes ☐ No ☐

17 Do you currently put the croft or any part of it to a purposeful use other than cultivation?
e.g. Tourist Development, Livery, Renewable Energy Project

Yes ☐ No ☐

If **‘Yes’**, please provide details:

ACCESS – CROFTER 2

Please read Section 6 – **Access** of the guidance before responding to the following:

18(i) Please provide as much information as possible of the current or proposed access provision including details of any existing access including width, gates, condition and any consents obtained or that may be required, together with supporting evidence:

18(ii) If the land to be exchanged includes access to any other croft or common grazing land, what arrangements are (or will be) in place to allow unrestricted access to that land? Please include details of any proposed new access you intend to create:

WIDER INTERESTS Both Crofters (Can be completed by either Crofter 1 or Crofter 2)

Please read Section 5 – **Wider Interests** of the guidance before responding to the following:

ESTATE

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

CROFTING COMMUNITY

19(ii) What effect, if any, do you consider this exchange will have on the interests of the crofting community?

SUSTAINABLE DEVELOPMENT

Please read Section 5.1 – **Sustainable Development** of the guidance before responding to the following

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

PUBLIC AT LARGE

Please read Section 5.2 – **Public Interests** of the guidance before responding to the following

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

20 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:

21 PUBLIC NOTIFICATION

Please read Section 7 – **Public Notification** of the guidance before responding to the following:

Please give details of the arrangements you have made below.

(i) Name of newspaper displaying the advert: _____

(ii) Anticipated date advert will be displayed in newspaper: _____

A standard advert for your use is provided in the guidance.

CROFTERS/AGENT/LANDLORD/AGENT PLEASE SIGN THIS DECLARATION

22 ***I/We confirm that *I/We have carried out the following in connection with this application:**

- ☐ *I/We have given the croft *landlord(s)/owner of common grazings written notification of this exchange application and obtained their consent.
- ☐ 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 have advertised this application for consent to exchange the tenancy in a newspaper circulating in the local area.
- ☐ *I/We *have/have not included *my/our application(s) to register the croft(s).
- ☐ Where either croft is sublet, I have given the subtenant 6 months' notice of my intention to exchange.

**Delete as appropriate*

23 DECLARATION

This application is submitted under section 4A of the Crofters (Scotland) Act 1993 for consent to exchange the subjects described.

***I/We declare that:**

- To the best of **my/our* knowledge, the information **I/We* have given in this application is correct;

**Delete as appropriate*

Signed	Date
Crofter/Agent	

Signed	Date
Crofter/Agent	

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

Signed	Date
Landlord/Agent	

Signed	Date
Landlord/Agent	

Please note: Where the crofts are owned by more than one person, all owners must sign the application form.

What Happens Next?

- Once your application has been received the Crofting Commission will send an acknowledgment letter to confirm this.
- Providing 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.

APPENDIX 1

Additional Landlord/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

Name:

Postal Address:

Postcode:

Telephone:

E-mail Address:

Additional Landlord/Owner of Common Grazings 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

Name:

Postal Address:

Postcode:

Telephone:

E-mail Address:

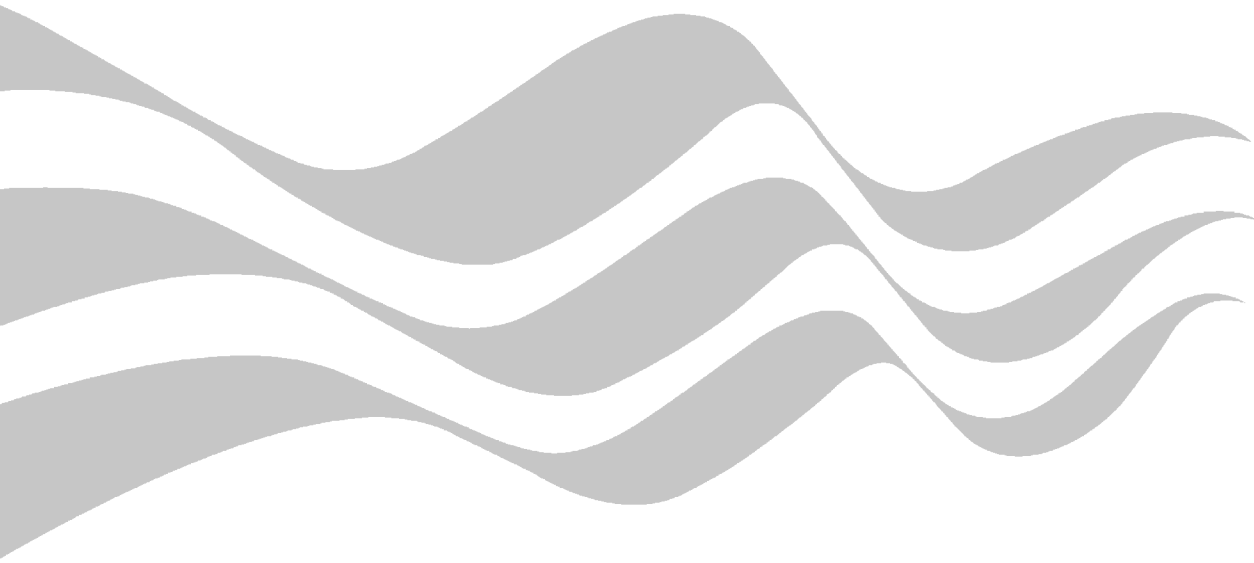
APPENDIX 1A
ADDITIONAL INFORMATION SECTION

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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