



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

Great Glen House
Leachkin Road
Inverness IV3 8NW

Taigh a' Ghlinne Mhòir
Rathad an Leacainn
Inbhir Nis IV3 8NW

T: (01463) 663439
E: info@crofting.gov.scot
W: www.crofting.scotland.gov.uk

Application for Commission Consent to Let a Croft Tenancy (Whole or Part)

Tagradh airson Cead a' Choimisein Gabhail Croite a Leigeil air Mài (Pàirt no Iomlan)

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/Owner 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 LANDLORD/OWNER-OCCUPIER 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 Applicant Details

Name of Organisation/Company/Estate:

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

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

APPLICATION DETAILS

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

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

4 Are you applying to let 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 Is the croft/part croft to be let as a separate unit or as an enlargement to an existing tenanted croft?

Unit ☐ Enlargement ☐ *Only tenanted crofts can be enlarged through letting*

If it is to be let as an **enlargement** to a tenanted croft, please provide the following:

(i) Name of the croft to be enlarged:

(ii) Crofting Commission Register No: Main Location Code Number:

(iii) Are you the landlord of the croft to be enlarged? Yes ☐ No ☐

(iv) If **'No'**, please give name and postal address for the Landlord(s) of the other croft:

NB A decision will not be made on this application unless both this croft and the croft to be enlarged has been registered with the Registers of Scotland.

6 Are there any grazing rights associated with the croft to be included in the let? (These can only be included if you own the right to graze). Yes ☐ No ☐

If the grazing shares are held in tenancy, a separate application to assign the share should be submitted.

If 'Yes', please give details below:

Name of Common Grazing	Croft Share/Souming	Share/Souming to be let

RESIDENCY AND LAND USE

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

- 7(i)** Is there an existing habitable house on the croft? Yes ☐ No ☐
- If 'Yes', is the house and garden to be included in the let? Yes ☐ No ☐
- 7(ii)** If you are an owner-occupier crofter do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes ☐ No ☐
- Will the proposed tenant be ordinarily resident on or within 32 kilometres (20 miles) of the croft, should the Commission approve the application? Yes ☐ No ☐

The Commission requires to know how the croft is currently being used.

- 8(i)** Is the croft currently being used for cropping activities? Yes ☐ No ☐
- If 'Yes', please provide details below:

- 8(ii)** Is the croft currently being used for stock management purposes? Yes ☐ No ☐
- If 'Yes', please provide details below:

8(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

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

WHAT ARE CROFTER'S DUTIES?

Please read section 4.1 - **What are crofter's duties** of the guidance before responding to the following.

9 Does the proposed tenant intend to put this croft or any part of it to a purposeful use other than cultivation?
e.g. Tourist Development, Livery or Renewable Energy Project

Yes ☐ No ☐

WIDER INTERESTS

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

In this section you are provided with the opportunity to make any comments on these matters which you consider the Commission should take into account when considering your application.

CROFTING COMMUNITY

10(i) What effect, if any, do you consider this letting 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

10(ii) What effect, if any, do you consider this letting 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

10(iii) What effect, if any, do you consider this letting will have on the interests of the public at large?

POLICY PLAN

Please read Section 6 - **Policy Plan** of the guidance before responding to the following

11 Please give your reason(s) for applying to let the tenancy:

12 Is there any other information you would like to tell us in support of your application?

PUBLIC NOTIFICATION

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

13 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.

LANDLORD/OWNER/AGENT PLEASE SIGN THIS DECLARATION

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

- ☐ I have advertised this application for consent to let the tenancy 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 17 to 29 have been completed and the declaration has been signed by the proposed tenant or their agent.
- ☐ I have included my application to register the croft (if applicable)
- ☐ I understand that should this application be approved, it will be my responsibility for ensuring that the tenant adheres to the statutory conditions of tenure.
- ☐ I have enclosed a map.

15 DECLARATION

This application is submitted under either section 23 or section 29(A) of the Crofters (Scotland) Act 1993 for consent to the proposed let of the subjects described

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

Signed

Date

Landlord/Owner/Agent

Where the croft is owned by more than one person, all owners must sign the application form. (See Appendix 1)

CROFT AND CONTACT DETAILS

ALL FIELDS MUST BE COMPLETED

16 Proposed Tenant 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 ☐

17 Agent/Guardian Details for Proposed Tenant (if applicable)

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 ☐

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.

☐ 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

18 Are you or any family member related to the landlord/owner? Yes ☐ No ☐

If **'Yes'**, please state the relationship: _____

19 Do you hold an interest in the ownership of the croft or the common grazings (For further information please see Guidance Notes) Yes ☐ No ☐

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

RESIDENCY

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

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

If 'Yes', go to question 21

If 'No':

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

(ii) Is there a habitable house on or in the locality of the croft in which you intend to reside? Yes ☐ No ☐

If 'Yes', please provide details:

(iii) Do you intend to build a new dwellinghouse for yourself on the croft? Yes ☐ No ☐

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

Has planning permission been obtained or are you in the process of applying for planning permission?

Planning obtained ☐ Applied for ☐ No ☐

Planning Reference Number:

(iv) Will any other person reside on the croft prior to you taking up residence? Yes ☐ No ☐

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

(v) How do you propose the croft will be cultivated and maintained until you take up residence?

IMPORTANT INFORMATION

If your plans include changing the use of uncultivated and/or semi-natural areas for agricultural production, you should first clarify if the Environmental Impact Assessment Regulations (EIA) will affect your plans by contacting your local Rural Payments and Inspections Directorate Area Office.

21 How do you intend to cultivate the croft?

Please give as much detail as possible.

Crops (please specify)	Hectares
------------------------	----------

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

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

22 How do you intend to maintain the croft?
e.g. ensuring all fences are stockproof and land is properly drained etc.

23 Do you intend to put the croft land 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):

(ii) Has the landlord consented to the croft being put to this purposeful use? Yes ☐ No ☐

24 Does the croft have an associated common grazing share? Yes ☐ No ☐

If **'Yes'**: please provide details of how you intend to use the share:

25 Are you currently the owner or tenant/subtenant of any other croft or agricultural land?

Yes ☐ No ☐

(i) If **‘Yes’**: please give details below:

Main Location Code (MLC)	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 use this other land?

26 What experience and/or skills do you have to implement your proposals for working the land, including non-agricultural experience and skills? (You should include any relevant qualifications):

27 Please provide details of any community activities you already take part in or intend to take part in e.g. livestock gatherings or community projects:

PROPOSED TENANT/AGENT PLEASE SIGN THIS DECLARATION

IMPORTANT INFORMATION

If we approve this application, the let will take effect after you and the landlord/owner enter into a formal tenancy agreement and return information to the Commission for recording.

28 DECLARATION

I declare that:

- Where I am a non-professional agent for the applicant, the applicant and I have separately completed and included an Mandate Agent Authorisation Form.
- To the best of my knowledge, the information I have given in this application is correct.

Signed

Date

Proposed Tenant/Agent

What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- Providing both crofts are 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. We aim to take a decision within 12-16 weeks.
- 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/Owner Details

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

As co-owner of the croft, I hereby agree to this application being made.

Signed: _____

Additional Landlord/Owner Details

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

As co-owner of the croft, I hereby agree to this application being made.

Signed: _____

Additional Landlord/Owner Details

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

As co-owner of the croft, I hereby agree to this application being made.

Signed: _____

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.

APPENDIX 2

Additional Landlord/Owner-Occupier 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)

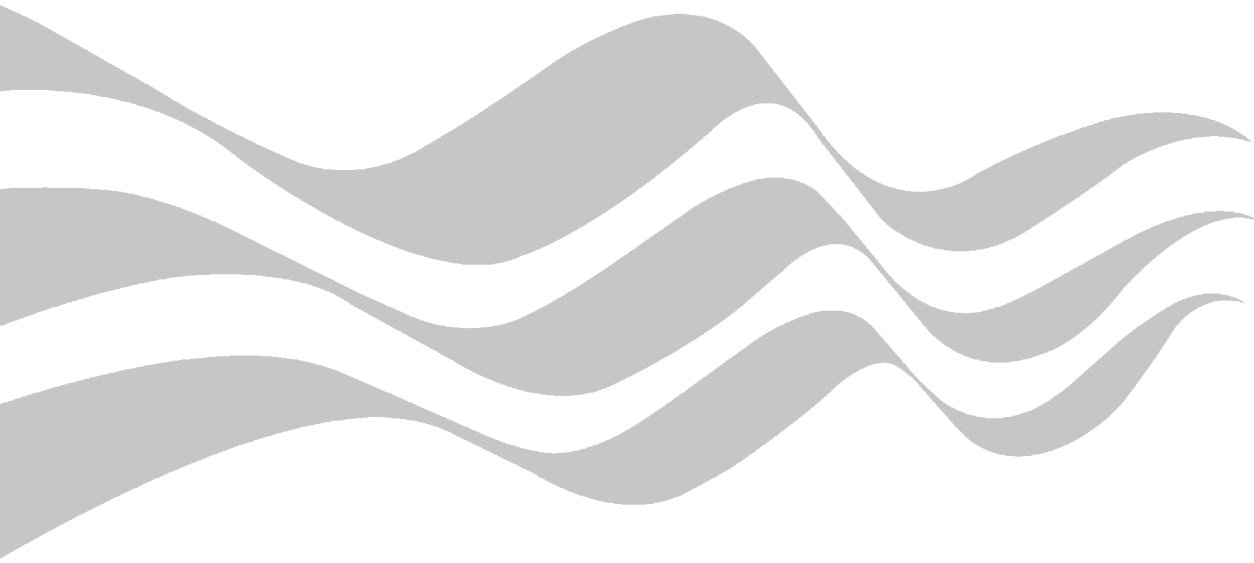
Name:	
Postal Address:	
	Postcode:
Telephone:	
E-mail Address:	

Additional Landlord/Owner-Occupier 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:	



Great Glen House
Leachkin Road
Inverness IV3 8NW

Taigh a' Ghlinne Mhòir
Rathad an Leacainn
Inbhir Nis IV3 8NW

T: (01463) 663439
E: info@crofting.gov.scot
W: www.crofting.scotland.gov.uk