

# ASSIGNATION SÒNRACHADH

**A**ssignation is the term used to describe the transfer of a croft tenancy from a tenant crofter, referred to as the 'assignor' or 'outgoing tenant', to a person of their choice referred to as the 'assignee' or 'proposed new tenant'.

If we approve your application, everything that is held in tenancy will be transferred to the new tenant. So if there is a house on the croft that you want to keep, you must either decroft and/or purchase the house before you assign the tenancy.

## Who can apply?

- The tenant of a croft
- The tenant of a grazing share/s.  
*(unless you wish to assign all of your grazing share/s, please contact us for advice as you may have to separate/divide the shares first)*

## Why do I have to apply to the Crofting Commission?

The Crofting Commission is the regulatory body for crofting. Crofts are a valuable resource that should be available both now and in the future, for existing crofters and new entrants to crofting, to use productively. The Crofting Commission has regulatory duties and powers to work with crofters and crofting communities to:

- Ensure crofts are occupied by a tenant or owner-occupier crofter
- Prevent misuse and neglect of the land
- Ensure the crofts are cultivated or put to other purposeful uses.

## How do I apply?

- You must complete the appropriate application form and send it to the Commission. Application forms can be found on our website [www.crofting.scotland.gov.uk](http://www.crofting.scotland.gov.uk) or by contacting our office.
- You are required to advertise in the local press that you are making the application and you must notify your landlord in writing, as well as the owner of the common grazing if including grazing shares. Details and an example notice for putting in the newspaper and notifying your landlord are provided along with the application form.
- If you have not already done so, you will be required to register the croft with the Keeper of the Registers of Scotland. Please check the Rules and Procedures on our website for further information. Details can also be found on [www.ros.gov.uk/services/registration/crofting-register](http://www.ros.gov.uk/services/registration/crofting-register).

Gheibhear tuilleadh foisrachaidh mu sònrachadh air ar làrach-lìn  
[www.coimisean.na.Croitreachd](http://www.coimisean.na.Croitreachd)

You can find more information on assignation on our website:

[www.crofting.scotland.gov.uk](http://www.crofting.scotland.gov.uk)

## What happens next?

- We will check the application form and if it is correct, we'll send you an acknowledgement letter.
- Anyone who may have an interest in the application has 28 days, from the date you place the advert in the newspaper, to send comments to the Commission.
- After the 28 day period, if comments have been sent to us on your application we will let you know. We may also need to obtain further information/investigate even if no comments were received.

If your application is approved and you do not confirm the croft has been assigned by returning the Notification Form that we will send you along with our decision letter, the assignation will not take effect.

## How long will the application process take?

Providing your croft is registered with the Keeper of the Registers of Scotland, we aim to take a decision on the application within 16 weeks. If your croft is not registered, we cannot take a decision on your application until this has happened.

## What happens after we take a decision on the application?

- If the application has required you to register the croft for the first time with Registers of Scotland and we agree to the assignation, the assignation will take effect on the date specified by us in our decision letter. The date will not be less than 2 months after we tell you of our decision. Before that date, you and the proposed new tenant may jointly give notice in writing to the Commission that you do not intend to proceed with the assignation, in which case you will remain the tenant.
- If the croft was already registered with Registers of Scotland the new tenant must apply to register the assignation within 3 months of the date of our decision letter. The assignation will take effect on the date it is registered on the Registers of Scotland's Crofting Register
- Our decision or determination of the application can be appealed to the Scottish Land Court, within 42 days from the date of our decision letter.