

Family Transfer by Executor Application – Grazings Share(s)



Great Glen House, Leachkin Road,
Inverness IV3 8NW
Telephone: (01463) 663439 Fax: 725067
e-mail: info@crofterscommission.org.uk
www.crofterscommission.org.uk

To avoid delays, please ensure you answer all relevant questions and provide all documents requested to the address above. Failure to do so may mean we have to return your application.

Please note that any information you provide is part of an open process and made available to other parties involved in the process. Your information would also be released under a Freedom of Information enquiry subject to any disclosure exemptions under the Data Protection Act 1998.

IMPORTANT INFORMATION

The grazings share must be transferred to one person who is already the tenant or owner-occupier of a croft.

Confirmation of the deceased tenant's Estate must be obtained prior to submitting this application. The confirmation must include the share tenancy.

CROFT AND CONTACT DETAILS

1 Croft and Deceased Tenant Details

Croft to which grazings share(s) pertain:			
Parish:			
Register Number:		Agricultural Code Number:	
Name of Deceased Tenant:			
Date of Death: _____ / _____ / _____ (please give day, month and year)			

2 Executor Details (more details can be entered at Appendix 1)

Surname:		Title:	
Forename(s):			
Postal Address:			
		Post Code:	
Telephone:			
Alternative Telephone:			
E-mail Address:			
I agree to communication regarding this application by e-mail			Yes <input type="checkbox"/> No <input type="checkbox"/>

3 Executor Agent Details (only if applicable, more details can be entered on Appendix 1)

Name:			
Postal Address:			
		Post Code:	
Telephone:			
Alternative Telephone:			
E-mail Address:			
I agree to communication regarding this application by e-mail			Yes <input type="checkbox"/> No <input type="checkbox"/>

4 Owner of Common Grazing Details (more details can be entered on Appendix 1)

Name of Organisation/Company/Estate:	
Surname:	Title:
Forename(s):	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	

5 Agent Details for Owner of Common Grazing (if applicable)

Name:	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	

APPLICATION DETAILS

IMPORTANT INFORMATION

If the proposed assignee is not listed below, you must complete a Non-Family Transfer by Executor Application.

- 6 A list of persons who qualify as a member of your family for succession purposes is listed below. Please tick the appropriate box to let us know whether the proposed transferee is the deceased tenant's:

Husband or Wife Civil Partner Co-habitant

The deceased tenant and their partner will be considered to be co-habitants if they were not married/civil partners but had been living together as if married/civil partners in a house on/pertaining to the croft for at least 2 years.

- Sibling (brother or sister)
 Sibling's spouse or civil partner
 Spouse's or civil partner's sibling
 Father
 Mother
 Son
 Daughter
 Son's spouse or civil partner
 Daughter's spouse or civil partner
 Grandchild
 Grandchild's spouse or civil partner
 Aunt
 Uncle
 Nephew
 Niece

CONFIRMATION TO ESTATE

7 When did you obtain Confirmation of the deceased tenant's Estate?

Date: _____ / _____ / _____ (day, month, year)

IMPORTANT INFORMATION

The Confirmation of Estate must include the share tenancy.

8 Please give details of the grazings share(s) below:

Name of Common Grazing	Grazing Share/Souming

PUBLIC NOTIFICATION

9 You must advertise your application to transfer the grazings share(s) in a newspaper. Please refer to our guidelines on advertising applications. Failure to follow the guidelines may result in you having to re-advertise your application in an accepted newspaper, at your own expense. Please give details of the arrangements you have made below.

Note: *It is important that you send your application to us before your advert appears in a newspaper.*

(i) Name of newspaper displaying the advert: _____

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

A standard advert for your use is attached to this application at Appendix 2.

EXECUTOR/AGENT PLEASE SIGN THIS PAGE

IMPORTANT INFORMATION

If we approve this application, the transfer will take effect not less than two months after we notify you of our decision.

10 Declaration

This application is submitted under section 16(2A)(a) of the Succession (Scotland) Act 1964 as amended by the Crofting Reform Etc Act 2007 for consent by an Executor to transfer a grazings share

I declare that:

- To the best of my knowledge, the information I have given in this application is correct.
- I have given the owner(s) of the common grazing written notification of this application. (See Appendix 3 for example letter)
- I will arrange for questions 11 to 18 below to be completed and signed by the proposed transferee.
- I will advertise this application for consent to transfer the grazings share(s) in a newspaper circulating in the local area.

Signed _____
Executor/Agent

Date _____

PROPOSED TRANSFEREE DETAILS

IMPORTANT INFORMATION

The grazings share must be transferred to one person who is already the tenant or owner-occupier of a croft.

We would encourage you to contact the local Grazings Clerk/Constable to make them aware of your proposals, as experience has shown this can help establish good community relationships.

11 Proposed Transferee Details

Surname:		Title:
Forename(s):		
Date of Birth:		
Main Residential Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
I agree to communication regarding this application by e-mail		Yes <input type="checkbox"/> No <input type="checkbox"/>

12 Agent/Guardian Details for Proposed Transferee (if applicable)

Name:		
Postal Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
I agree to communication regarding this application by e-mail		Yes <input type="checkbox"/> No <input type="checkbox"/>

13 Do you currently live within 16 kilometres (10 miles) of the common grazings?

Yes No

(i) If **'No'**, please give details of the timescale for taking up permanent residence within 16 kilometres of the common grazings

(ii) If you are not resident on or within 16 kilometres of the common grazings, please give details of how the share will be worked in your absence:

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

Yes No

(i) If **'Yes'**, please give details below:

Agricultural Code No	Croft Name	Any common grazings rights? (Yes/No)	Area In Hectares	Status eg owner, tenant/subtenant

(ii) How do you use this other croft land?

15 If the transfer is approved, to which of the above crofts will the share be linked?

16 How do you propose to use your new share(s) in the grazings?

17 What experience and/or skills do you have to implement your plans for using the grazings share(s), including non agricultural experience and skills? (You should include any relevant qualifications):

18 Please provide details of any community activities you already take part in or intend to take part in eg livestock gatherings or community projects:

PROPOSED TRANSFEREE/AGENT PLEASE SIGN THIS PAGE

IMPORTANT INFORMATION

If we approve this application, the transfer will take effect not less than two months after we notify you of our decision.

19 Declaration

I declare that:

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

Signed _____ *Date* _____
Proposed Transferee/Agent

What Happens Next

- When we receive an application, we will send the applicant or their agent an acknowledgement letter within 5 working days.
- At the end of the 28 day consultation period, we must decide within 21 days whether or not to intervene in the application.
- If we decide not to intervene we will notify the applicant or their agent, the landlord or their agent and any other interested parties, that the application has been approved.
- If we decide to intervene we will notify the applicant or their agent, the landlord or their agent and any other interested parties of the reason for intervention. In these circumstances, it may take a further 12 to 16 weeks before a decision is made.
- If we decide to intervene in the application, 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 Owner of Common Grazing Details

Name of Organisation/Company/Estate:	
Surname:	Title:
Forename(s):	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	

Additional Agent Details for Owner of Common Grazing (if applicable)

Name:	
Postal Address:	
	Post Code:
Telephone:	
E-mail Address:	

Additional Executor Details

Surname:	Title:
Forename(s):	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	

Additional Agent Details for Executor (if applicable)

Name:	
Postal Address:	
	Post Code:
Telephone:	
E-mail Address:	

Sample Newspaper Advert

Please refer to our guidelines on advertising applications. Failure to follow the guidelines may result in you having to re-advertise your application in an accepted newspaper, at your own expense.

Proposed Family Transfer by Executor of a Grazings Share(s)

_____ Executor, of the
late _____ is/are applying to the
Crofters Commission for consent to transfer the _____ grazings share(s) pertaining to the croft at

to _____ (proposed tenant name)
of _____ (address).

If you are a crofter, shareholder or owner of a croft in the township, or if the Commission consider that you have a direct interest in this application, you may submit comments on the proposal in writing or some other permanent form to the Crofters Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW (e-mail info@crofterscommission.org.uk) within 28 days from the date of publication of the advert.

Please note that any comments you provide are part of an open process and will be made available to interested parties. Your comments would also be released under a Freedom of Information enquiry. Frivolous, vexatious or unreasonable comments cannot be accepted.

Notice for Landlord

Proposed Family Transfer by Executor of a Grazings Share(s)

I am applying to the Crofters Commission, in my capacity as Executor of the late _____ for consent to transfer the grazings share(s) in the _____ common grazing pertaining to the croft/*holding at _____ to _____ (proposed transferee name) of _____ (address).

If you have any comments on the proposal, you may submit these in writing or some other permanent form to the Crofters Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW (e-mail: info@crofterscommission.org.uk) by _____ *(insert date here giving 28 days from date of publication of newspaper advert)*.

Please note that any comments received by the Crofters Commission are part of an open process and will be made available to myself and any interested parties. Your comments would also be released under a Freedom of Information enquiry. Frivolous, vexatious or unreasonable comments cannot be accepted.

Signed _____ Date _____
(Executor/Agent)

PLEASE PRINT NAME: _____