



Non-Family Transfer by Executor Application – Croft Tenancy

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

This application form is for the transfer of the whole of the tenancy – if you wish to retain part of the croft, for example a house or house site on the croft, you must first obtain Title to the area from the landlord.

If an advance of purchase decrofting Direction has been granted in respect of the croft house site and garden ground or part of the croft, this area will be included in the transfer of the croft tenancy unless it has been purchased from the landlord.

The tenancy of a croft cannot be transferred to more than one person.

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

CROFT AND CONTACT DETAILS

1 Croft and Deceased Tenant Details

Croft Name:			
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 Agent Details for Executor (only 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"/>

4 Landlord Details (more details can be entered on Appendix 1)

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

5 Agent Details for Landlord (only if applicable)

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

CONFIRMATION TO ESTATE

6 When did you obtain Confirmation of Estate of the deceased crofter?

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

IMPORTANT INFORMATION

The Confirmation of Estate must include the croft tenancy.

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

EXISTING GRANTS DETAILS

8 Did the deceased receive assistance from the Croft House Grant Scheme (CHGS) or Crofters Etc Building Grants and Loans Scheme (CBGLS) for an existing building or a new development on the croft? Yes No

If 'Yes', please provide the following:

Client Reference Number: _____ Debtor ID: _____

PUBLIC NOTIFICATION

9 You must publicise your application to transfer the tenancy 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 the 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 DECLARATION

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 tenancy

I declare that:

- To the best of my knowledge, the information I have given in this application is correct;
- I have given the croft landlord(s) written notification of this Transfer by Executor Application (see Appendix 3 for example letter);
- I will arrange to have questions 11 to 21 completed and signed by the proposed transferee or their agent;
- I will advertise this application for consent to transfer the tenancy in a newspaper circulating in the local area.

Signed _____
Executor Agent

Date _____

PROPOSED TRANSFEREE DETAILS

IMPORTANT INFORMATION

A croft tenancy cannot be transferred to more than one person.

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

11 Proposed Tenant 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 Tenant (only 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 live:

- on the croft? Yes No
- within 16 kilometres (10 miles) of the croft? Yes No
- within 32 kilometres (20 miles) of the croft? Yes No

If you don't live within 32 kilometres of the croft, give details of:

- the timescale of when you intend to do so?

- how the croft will be worked?

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 How do you propose to use your new croft land?

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.

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

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

18 Are you the Grazings Clerk/Constable or a member of the Grazings Committee? Yes No

19 Are you or any family member employed by the landlord? Yes No

If 'Yes', please provide details: _____

20 Do you hold an interest in the ownership of the croft?
ie a share in the estate or a beneficial interest Yes No

If 'Yes', please provide details: _____

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.

21 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 this 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 a further 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.

Additional Landlord Details

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

Additional Agent Details for Landlord (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 Non Family Transfer by Executor of a Croft

_____, Executor of the late _____ is applying to the Crofters Commission for consent to transfer the tenancy of 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 inquiry. Frivolous, vexatious or unreasonable comments cannot be accepted.

Notice for Landlord

Proposed Non Family Transfer by Executor of a Croft

I am applying to the Crofters Commission, in my capacity as Executor of the late _____ for consent to transfer the tenancy of the croft at _____ to _____ (proposed tenant 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: _____