

# Application to Sublet – 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.

## CROFT AND CONTACT DETAILS

### 1 Croft Details

Croft Name:			
Parish:			
Register Number:		Agricultural Code Number:	

### 2 Tenant Details

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

### 3 Agent/Guardian Details for 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"/>

### 4 Landlord 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 Landlord (only if applicable)

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

## APPLICATION DETAILS

6 Are you applying to sublet only 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 sublet: \_\_\_\_\_ hectares

### IMPORTANT INFORMATION

If you wish to sublet part of the croft, you must provide a map showing the area to be sublet. All maps must be clear and legible. You will find an example of the standard of map we require at Appendix 2. Maps that do not meet our required standard will result in your application being returned. Maps that meet this standard can be acquired from local authorities, architects, surveyors and distributors of Ordnance Survey maps (which can be found here: <http://www.ordnancesurvey.co.uk/oswebsite/support/mapping-and-data-centres/>).

7 How long are you applying to sublet for? \_\_\_\_\_ years

8 What annual rent is to be charged for the sublet? £ \_\_\_\_\_

### IMPORTANT INFORMATION

**A rent, however small, must be charged.**

9 Is the croft house and garden to be included in the sublet? Yes  No

10 Are any grazings shares to be included in the sublet? Yes  No

If 'Yes', please give details:

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

11 All subtenants must adhere to the standard terms and conditions shown at Appendix 3. Please indicate if you wish to reserve any additional rights over the subjects to be sublet:

(i) Peat rights Yes  No

(ii) Rights of access to the croft house Yes  No

(iii) Any other rights, please specify below:

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12 Please give reason(s) why you are applying for consent to sublet:

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13 Do you currently live within 16 kilometres (10 miles) of the croft? Yes  No

(i) If 'No', please give details of your timescale for taking up permanent residence on or within 16 kilometres from the croft:

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(ii) How long is it since you last lived permanently on or near the croft?

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(iii) What are your intentions and timescale for returning to live permanently on the croft or otherwise resolving your absentee situation by the end of the period of sublet?

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

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## EXISTING GRANTS DETAILS

15 Has the current tenant received 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

**16** You must advertise your application to sublet 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 this application is sent 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 4.

## TENANT/AGENT PLEASE SIGN THIS DECLARATION

### IMPORTANT INFORMATION

**If we approve this application, the sublet will take effect after you and the subtenant sign the completed Missive of Sublet and you return the Missive to this office for recording.**

### 17 Declaration

**This application is submitted under section 27 of the Crofters (Scotland) Act 1993 for consent to sublet the 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 subletting application (see Appendix 5 for example letter)**
- **I will arrange to have questions 18 to 26 completed and signed by the proposed subtenant or their agent;**
- **I will advertise this application for consent to sublet the tenancy in a newspaper circulating in the local area;**
- **I understand that should this application be approved, it will be my responsibility for ensuring that the subtenant adheres to the statutory conditions of tenure.**

**Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

**Tenant/Agent**

# PROPOSED SUBTENANT DETAILS

**IMPORTANT INFORMATION**

**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**

## 18 Proposed Subtenant Details

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

## 19 Agent Details for Proposed Subtenant (only if applicable)

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

**20** Do you currently live within 16 kilometres (10 miles) of the croft? Yes  No

(i) If **'No'**, please give details of your timescale for taking up permanent residence on or within 16 kilometres of the croft:

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

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**21** 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?

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**22** How do you propose to use the croft land during the sublet?

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**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.**

**23** If you are intending for this croft to be involved in any Agri/Environment Scheme(s) during the sublet please give the name and details of the Scheme(s) below:

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**24** 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):

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**25** Please provide details of any community activities you already take part in or intend to take part in eg livestock gatherings or community projects.

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## PROPOSED SUBTENANT/AGENT PLEASE SIGN THIS DECLARATION

### IMPORTANT INFORMATION

If we approve this application, the sublet will take effect after you and the tenant sign the completed Missive of Sublet and you return the Missive to us.

#### 26 Declaration

I declare that:

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

Signed \_\_\_\_\_ Date \_\_\_\_\_  
*Proposed Subtenant/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 proposed subtenant or their agent and any other interested parties that we have consented to the application and the sublet can be proceeded with accordingly.
- If we decide to intervene we will notify the applicant or their agent, the proposed subtenant 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):		
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 Landlord Details**

Name of Organisation/Company/Estate:		
Surname:		Title:
Forename(s):		
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:		

# Appendix 2 Example Location Map

-  Croft Boundary
-  Vehicular Access
-  Area to be Sublet

**1. Area to be sublet:** the boundaries of the proposed area to be sublet must be clearly marked (preferably hatched in red) and clearly visible compared to the background map

**2. Whole croft boundaries:** should be clearly shown, with a blue outline. We need to be able to see the proposed area to be sublet in relation to the whole croft and to any surrounding land.

**9. Up-to-date Ordnance Survey map:** we use Ordnance Survey maps, so it helps us considerably if you use the same background map so we can accurately position your area to be sublet.

**8. Access:** clearly show any vehicle access to the rest of the croft (preferably in green)

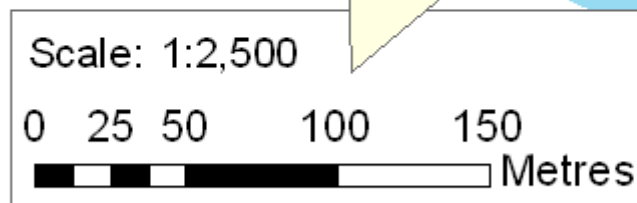
**7. Map Scale:** should be between 1:2,500 and 1:10,000. This scale usually gives good detail of the proposed area to be sublet and enough *surrounding local features* like fences, rivers, buildings and roads that will allow us to accurately position your area.

**3. Map Size:** the minimum size of any single location map is A4 and the maximum size of any single location map is A3. This is due to scanning and photocopying limitations.

**6. Scale bar and text:** a scale bar and text will help us identify any photocopying issues and allow us to check boundary measurements.

**5. North arrow:** so we can orientate your map when trying to locate the croft.

**4. Map Coordinate:** of the middle of the croft in national grid 6 figure format (eg: NG 033 836). This makes it very easy for us to locate your croft.



**GRID REF: NG 033 836**



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## Standard Conditions of Sublet

1 The rent shall be £\_\_\_\_\_ per annum, the first year's payment being due at \_\_\_\_\_ \*(one year from start of sublet) for the year preceding and so forth yearly thereafter for the fixed period of sublet.

2 The fixed period of sublet shall be for \_\_\_\_\_ years from \*(date of decision).

**(Condition 3 will be included only where grazing rights are included in the Sublet)**

3 You shall be subject to the Grazings Regulations applicable to the \_\_\_\_\_ Common Grazing in respect of the share therein included in the sublet.

4 This sublet is granted subject to the rights of the proprietor(s) of the croft, whether under the Crofters (Scotland) Act 1993 or otherwise.

5 The subtenant shall make such use for agriculture of the land sublet as, having regard to its nature and location, a tenant reasonably skilled in husbandry might be expected to make of it.

6 You shall maintain any permanent improvements on the subjects sublet in as good a state of repair as they are in at this date. You shall be entitled to carry out on the subjects sublet such improvements as may be agreed between us in writing.

7 I shall give you not less than 6 months' written notice of any intention to assign, exchange or divide the croft and after giving said notice, the sublet shall come to an end on such assignment, exchange or division.

8 At termination of the sublet, I shall be obliged to compensate you for any unexhausted value of lime and fertilisers applied during the sublet. The basis of compensation for unexhausted lime and fertilisers will be in accordance with the report in the year of termination of the sublet of the Scottish Standing Committee on Residual Values of Fertilisers calculated net of grant paid to you for land improvement work carried out during the period of the sublet.

I shall further compensate you at waygo for those permanent improvements carried out by you with my consent. The basis of valuation at waygo shall be the value of these improvements to the holding at that time, less the value of any grant-aid paid in respect of these improvements.

**Optional Conditions – as specified by you in the application form**

9 The croft house site and garden ground are excluded from the subjects hereby sublet to you.

10 I reserve to myself and my successors all rights of access to the said croft/croft house.

11 I reserve to myself and my successors all peat rights held by me as tenant of the said croft.



## 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 Sublet of a Croft/\*Part of a Croft

\_\_\_\_\_ is applying to the Crofters Commission for consent to sublet the whole croft/\*part of the croft at \_\_\_\_\_ to \_\_\_\_\_ of \_\_\_\_\_ for \_\_\_\_\_ years.

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](mailto: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 Sublet of a Croft/Part of a Croft

I am applying to the Crofters Commission for consent to sublet my croft/\* part of my croft at

\_\_\_\_\_

to \_\_\_\_\_

of \_\_\_\_\_ for \_\_\_\_\_ years.

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](mailto: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.

\*I attach a map showing the area of the croft to be sublet.  
*Delete if sublet is for whole croft*

Signed \_\_\_\_\_ Date \_\_\_\_\_  
 (Tenant/Agent)

PLEASE PRINT NAME: \_\_\_\_\_