



Application to Let – Croft (Whole or Part)

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

Where there are joint owners, the croft cannot be let to one of the owners.

It is not possible to create a liferent over a croft.

An incoming tenant must take possession before the let can take effect.

CROFT AND CONTACT DETAILS

1 Croft Details

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

2 Landlord/Owner Details (more details can be entered on Appendix 1)

Name of Organisation/Company/Estate:		
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"/>

3 Agent Details for Landlord/Owner (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"/>

APPLICATION DETAILS

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

IMPORTANT INFORMATION

If you wish to let part of the croft, you must provide a map showing the area to be let. 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/>).

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

6 Is the croft/part croft to be let as a separate unit or as an enlargement to an existing croft?

Unit Enlargement

If it is to be let as an **Enlargement**, please provide the following:

(i) Name of the croft to be enlarged: _____

(ii) Agricultural Code Number: _____ Croft Ref No: _____

(iii) Do you own the croft to be enlarged? Yes No

(iv) If 'No', is the other owner of the other croft in agreement with the croft being enlarged? Yes No

(v) Please give name and postal address for the owner of the other croft:

7 Is there a house on the croft? Yes No

If 'Yes', are the house and garden to be included in the let? Yes No

8 Are there any grazings rights associated with the croft to be included in the let? Yes No

If 'Yes', please give details below:

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

9 Will you let the holding subject to the statutory conditions of tenure as described in Schedule 2 of the Crofters (Scotland) Act 1993 as amended? (See Appendix 3). Yes No

IMPORTANT INFORMATION

If you have answered 'No', you must provide us with a copy of the Conditions of Let you are using. If your changes required the permission of the Scottish Land Court, you must also enclose a copy of the Court decision.

10 Is there any other information you would like to tell us in support of your application? For example, you may wish to tell us why you are applying to let your croft?

EXISTING GRANTS DETAILS

- 11 Has assistance ever been received from the Croft House Grant Scheme (CHGS) or Crofters etc Buildings 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

- 12 You must advertise your application to let 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 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 4.

LANDLORD/OWNER/AGENT PLEASE SIGN THIS DECLARATION

IMPORTANT INFORMATION

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

13 Declaration

This application is submitted under section 23 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;**
- I will arrange to have questions 14 to 25 completed and signed by the proposed tenant or their agent;**
- I will advertise this application for consent to let the tenancy of this croft 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 tenant adheres to the statutory conditions of tenure.**

Signed _____ **Date** _____
Landlord/Owner/Agent

Signed _____ **Date** _____
Landlord/Owner/Agent

PROPOSED TENANT 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.

14 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"/>

15 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"/>

16 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?

17 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?

18 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.

19 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):

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

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

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

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

23 Are you or any family member related to the landlord? Yes No

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

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

If 'Yes', please provide details: _____

PROPOSED TENANT/AGENT PLEASE SIGN THIS DECLARATION

IMPORTANT INFORMATION

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

25 Declaration

I declare that:

- 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 received 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 tenant or their agent and any other interested parties that we have consented to the application and the proposed let can be implemented.
- If we decide to intervene we will notify the applicant or their agent, the proposed tenant 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/Owner 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/Owner (only if applicable)

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




Additional Landlord/Owner 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/Owner (only if applicable)

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

Appendix 2 Example Location Map

-  Croft Boundary
-  Vehicular Access
-  Area to be Let

1. Area to be let: the boundaries of the proposed area to be let 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 let 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 let.

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

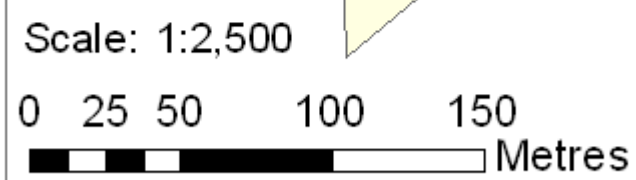
7. Map Scale: should be between 1:2,500 and 1:10,000. This scale usually gives good detail of the proposed area to be let and enough *surrounding local features* like fences, rivers, buildings and roads that will allow us to accurately position your area.

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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IMPORTANT INFORMATION

The croft will be let subject to the statutory conditions of tenure unless you advise us otherwise. If the varied conditions require the consent of the Scottish Land Court, we must have their determination before we can consider your request. If the variation does not require the Land Court's consent, you must enclose a copy of the varied Conditions of Let signed by the proposed tenant. We recommend that anyone wishing to vary the conditions of let take independent legal advice.

The areas that can be varied without reference to the Land Court are:

- a. Provisions relating to the purchase of parts of a croft**
- b. Crofter's right to share in value of land resumed by the landlord**
- c. Crofter's right to share in value of land taken possession of compulsorily**
- d. Assignation of a croft**

Any other agreement depriving the tenant of his/her statutory rights is null and void unless agreed by the Scottish Land Court.

Statutory Conditions of Tenure

Crofting Reform Etc Act 2007 Schedule 2

The Statutory Conditions

- 1 The crofter shall pay his rent at the terms at which it is due and payable.
- 2 The crofter shall not, except in accordance with the provisions of this Act, execute any deed purporting to assign his tenancy.
- 3 The crofter shall, by himself or his family, with or without hired labour, cultivate his croft, without prejudice to the right hereby conferred on him to make such use thereof for subsidiary or auxiliary occupations as, in case of dispute, the Land Court may find to be reasonable and not inconsistent with the cultivation of the croft.
- 4 The crofter shall provide such fixed equipment on his croft as may be necessary to enable him to cultivate the croft.
- 5 The crofter shall not, to the prejudice of the interest of the landlord, persistently injure the croft by the dilapidation of buildings or, after notice in writing has been given by the landlord to the crofter not to commit, or to desist from, the particular injury specified in the notice, by the deterioration of the soil.
- 6 The crofter shall not sublet his croft, or any part thereof, otherwise than with the consent in writing of the Commission and in accordance with such conditions (which shall not include conditions relating to rent) as the Commission in giving their consent may impose:

Provided that nothing in this paragraph shall be construed as debarring a crofter from subletting any dwellinghouse or other building forming part of his croft to holiday visitors.

- 6A The crofter shall be responsible for ensuring, where the croft is sublet, that the subtenant adheres to the statutory conditions.
- 7 The crofter shall not, except in accordance with the provisions of this Act, divide his croft.
- 8 The crofter shall not, without the consent in writing of the landlord, erect or suffer to be erected on the croft any dwellinghouse otherwise than in substitution for a dwellinghouse which at the commencement of this Act was already on the croft:

Provided that, if at the commencement of this Act there was no dwellinghouse on the croft, the crofter may erect one dwellinghouse thereon.

- 9 The crofter shall not violate any written condition signed by him for the protection of the interest of the landlord or of neighbouring crofters which is legally applicable to the croft and which the Land Court shall find to be reasonable.
- 10 The crofter shall not do any act whereby he becomes apparently insolvent within the meaning of the Bankruptcy (Scotland) Act 1985.

Statutory Conditions of Tenure (Cont'd)

11 The crofter shall permit the landlord, or any person authorised by the landlord in that behalf, to enter upon the croft for the purpose of exercising (subject always to the payment of such compensation as in case of dispute the Land Court may find to be reasonable in respect of any damage done or occasioned thereby) any of the following rights, and shall not obstruct the landlord or any person authorised as aforesaid in the exercise of any of such rights, that is to say —

- (a) mining or taking minerals, or digging or searching for minerals;
- (b) quarrying or taking stone, marble, gravel, sand, clay, slate or other workable mineral;
- (c) using for any estate purpose any springs of water rising on the croft and not required for the use thereof;
- (d) cutting or taking timber or peats, excepting timber and other trees planted by the crofter or any of his predecessors in the tenancy, or which may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the croft;
- (e) opening or making roads, fences, drains and water courses;
- (f) passing and re-passing to and from the shore of the sea or any loch with or without vehicles for the purpose of exercising any right of property or other right belonging to the landlord;
- (g) viewing or examining at reasonable times the state of the croft and all buildings or improvements thereon;
- (h) hunting, shooting, fishing or taking game or fish, wild birds or vermin;

but nothing in this paragraph shall be held to preclude the crofter from recovering any compensation for damage by game which is recoverable under section 52 of the Agricultural Holdings (Scotland) Act 1991, or by virtue of section 53(3) of the Agricultural Holdings (Scotland) Act 2003 (asp 11) by a tenant.

11A Nothing in paragraph 11 above shall be held to allow, or require the crofter to allow, the landlord, or any person authorised by the landlord, to exercise unreasonably a right enjoyed by virtue of that paragraph.

12 The crofter shall not on his croft, without the consent in writing of the landlord, open any house for the sale of intoxicating liquors.

13 In this Schedule —

'cultivate' includes the use of a croft for horticulture or for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, the growing of fruit, vegetables and the like and the planting of trees and use of the land as woodlands; 'game' means deer, hares, rabbits, pheasants, partridges, grouse, blackgame, capercaillie, ptarmigan, woodcock, snipe, wild duck, widgeon and teal; 'purposeful use' is any planned and managed use, being a use which subject to the exception in paragraph 3A above, does not adversely affect the croft, the public interest, the interests of the landlord or the use of adjacent land.

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 Let of a Croft/Part of a Croft

_____ (your name) is/are
applying to the Crofters Commission for consent to let 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 enquiry. Frivolous, vexatious or unreasonable comments cannot be accepted.