

## **Application to Divide – Croft Tenancy**

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

**Land decrofted on condition that Title is obtained to the site within 5 years remains part of the croft until the purchase is complete. Therefore if the purchase condition on any decrofting Direction has not been fulfilled, the land concerned will be included in the division.**

**If a sublet of your tenancy commenced on or after June 2007, you should give your subtenant 6 months' written notice of your intention to divide<sup>8</sup> the tenancy before submitting this application. (Refer to the Missive of Sublet).**

# 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:			
<b>I agree to communication regarding this application by e-mail</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>

**4 Landlord Details (more landlord 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 Please give your reasons for applying for consent to divide your croft:

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7 What is the extent of your croft: \_\_\_\_\_ hectares

### IMPORTANT INFORMATION

We strongly advise that you check the extent of your croft recorded in the Register of Crofts held by the Commission. If our records do not match the information you provide, the application will be returned to you unless the landlord confirms the details at Appendix 2.

You should ensure the divided areas match the total area of the original croft.

You must include a map showing the boundaries of the croft and identify the areas to be divided. You will find an example of the standard of map we require at Appendix 3. 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/>).

8 How many new crofts (the original croft is counted as one croft) will be created as a result of the division?

(Please ✓ tick the appropriate box below)

2                       3                       4

If more than 4 new crofts, please give the number: \_\_\_\_\_

9 Please let us know the extent of each new croft resulting from the division of the original croft.

1 \_\_\_\_\_ ha    2 \_\_\_\_\_ ha    3 \_\_\_\_\_ ha    4 \_\_\_\_\_ ha

If the division will result in more than 4 new crofts, please give extent of each additional croft:

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10 Have you agreed names and revised rents for the croft(s) with your landlord or his/her appointed agent? Yes  No

If 'Yes', please complete details at Appendix 2.

**IMPORTANT INFORMATION**

All maps must be clear and legible. You will find an example of the standard of map we require at Appendix 3. 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/>).

11 Does the original croft have rights in a common grazings? Yes  No

12 Are the grazings rights to be divided? Yes  No  N/A

(i) If 'Yes', please provide details:

Name of Common Grazings	Croft	Share/Souming Allocated to each new Croft
	Croft 1 (original croft)	
	Croft 2	
	Croft 3	
	Croft 4	
Name of Common Grazings	Croft	Share/Souming Allocated to each new Croft
	Croft 1 (original croft)	
	Croft 2	
	Croft 3	
	Croft 4	
Name of Common Grazings	Croft	Share/Souming Allocated to each new Croft
	Croft 1 (original croft)	
	Croft 2	
	Croft 3	
	Croft 4	

### IMPORTANT INFORMATION

We strongly advise you to confirm your share/souming entitlement with your local Grazings Clerk or with the Commission before answering this question. If our records do not match the information you provide, the application may be returned to you.

Any Crofter Forestry rights will be divided in proportion to the division of the share/souming.

- 13 Is the new croft(s) created by the division to be assigned to another person? Yes  No

(i) If 'Yes', please advise which new croft(s) you intend to assign:  
(Please tick ✓ the appropriate boxes)

**Assignment**

Croft 1  Croft 2  Croft 3  Croft 4

- 14 Is the new croft(s) to be renounced by you? Yes  No

If 'Yes', please advise which new croft(s) you intend to renounce:  
(Please tick ✓ the appropriate boxes)

**New Crofts to be renounced**

Croft 1  Croft 2  Croft 3  Croft 4

### IMPORTANT INFORMATION

You cannot renounce or apply to assign the tenancy of the divided area(s) until the outcome of this application is decided.

You may apply to us for consent to assign a divided area(s) to another person as a new unit. Alternatively, you may renounce the divided area(s) to the landlord so that they can apply to let it as an enlargement to another croft.

### EXISTING GRANTS DETAILS

- 15 Do you intend to give up the tenancy of any house or house site assisted under the Croft House Grant Scheme (CHGS) or Crofters Etc Building Grants and Loans Scheme (CBGLS)? Yes  No

If 'Yes', please provide your:

Client Reference Number: \_\_\_\_\_ Debtor ID: \_\_\_\_\_

## **PUBLIC NOTIFICATION**

**16** You must advertise your application to divide your 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

## **TENANT/AGENT PLEASE SIGN THIS DECLARATION**

### **IMPORTANT INFORMATION**

If we approve this application, the division will be recorded by us as soon as you confirm the names for each new croft and details of any new or revised rents agreed with the landlord or his/her appointed agent. A Croft Name and Rent Notification Form is attached at Appendix 2.

## **17 Declaration**

**This application is submitted under section 9 of the Crofters (Scotland) Act 1993 for consent to divide the croft.**

**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 division application (see Appendix 5 for example letter);**
- **I will advertise this application for consent to divide the tenancy in a newspaper circulating in the local area.**

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

**Tenant/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 and any other interested parties that we have consented to the application and the division can be implemented.
- If we decide to intervene we will notify the applicant 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 (only if applicable):		
Surname:		Title:
Forename(s):		
Postal Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		

**Additional Agent Details for Landlord (only if applicable)**

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

**Additional Landlord Details**

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

**Additional Agent Details for Landlord (only if applicable)**

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

## Division of a Croft Notification Form – Agreement with Landlord

Croft Name: \_\_\_\_\_

Is the name of the original croft to be changed? Yes  No

If 'Yes', give revised name here: \_\_\_\_\_

Revised Annual Rent: £ \_\_\_\_\_ Revised Extent (ha): \_\_\_\_\_  
(original croft)

Name for new Croft 2: \_\_\_\_\_

Annual Rent: £ \_\_\_\_\_ Extent (ha): \_\_\_\_\_

Name for new Croft 3: \_\_\_\_\_

Annual Rent: £ \_\_\_\_\_ Extent (ha): \_\_\_\_\_

Name for new Croft 4: \_\_\_\_\_

Annual Rent: £ \_\_\_\_\_ Extent (ha): \_\_\_\_\_

I confirm the foregoing details have been agreed with the croft landlord(s).

*Signed* \_\_\_\_\_ *Date* \_\_\_\_\_  
*Tenant/Agent*




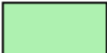

I confirm the foregoing details have been agreed with the croft tenant.

*Signed* \_\_\_\_\_ *Date* \_\_\_\_\_  
*Landlord/Agent*

*Signed* \_\_\_\_\_ *Date* \_\_\_\_\_  
*Landlord/Agent*

**Please Note:** *Where the croft has more than one landlord, each landlord must sign this form.*

# Appendix 3 Example Location Map

-  Croft 1
-  Croft 2
-  Croft 3
-  Vehicular Access
-  Croft Boundaries

**1. Area to be divided:** the boundaries of the proposed area to be divided must be clearly marked in colour and clearly visible compared to the background map

**2. Whole croft boundaries:** should be clearly shown, with a blue hatch. We need to be able to see the proposed area to be divided 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 divided.

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

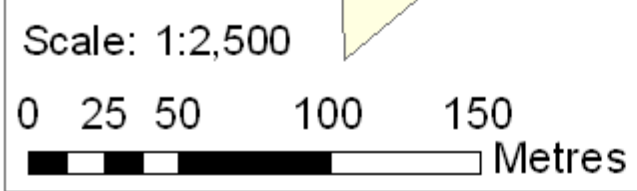
**7. Map Scale:** should be between 1:2,500 and 1:10,000. This scale usually gives good detail of the proposed area to be divided and enough *surrounding local features* like fences, rivers, buildings and roads that will allow us to accurately position your area.

**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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## 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 Division of a Croft Tenancy

\_\_\_\_\_ is applying to divide the croft at \_\_\_\_\_ (croft name and parish) into \_\_\_\_\_ parts\*/new crofts.

\*The purpose of the application is to assign a new croft extending to \_\_\_\_\_ ha, to \_\_\_\_\_ (proposed tenant name) of \_\_\_\_\_ (address)

***(Add details of each new croft to be separately assigned to each assignee, if more than one).***

\*The purpose of the application is to renounce my tenancy of the new croft(s), extending to \_\_\_\_\_ ha.

\*The application includes the division of the croft grazings rights in the \_\_\_\_\_ Common Grazings. (insert details of each common grazings here, if more than one).

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 Division of a Croft Tenancy**

I am applying to the Crofters Commission for consent to divide my tenanted croft at \_\_\_\_\_ (croft name and parish) into \_\_\_\_\_ parts\*/new crofts.

\*The purpose of the application is to assign a new croft extending to \_\_\_\_\_ ha, as indicated on the attached map to \_\_\_\_\_ (proposed tenant name) of \_\_\_\_\_ (address).

***(Add details of each new croft to be separately assigned to each assignee, if more than one).***

\*The purpose of the application is to renounce my tenancy of the new croft(s), extending to \_\_\_\_\_ ha to you.

\*The application includes the division of the croft grazings rights in the \_\_\_\_\_ Common Grazings.

***(Insert details of each common grazings here, if more than one).***

I attach a scale map detailing the croft boundaries as known to me, along with my proposals for the division of land.

If you have any comments to 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 in the 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 \_\_\_\_\_  
 (Tenant/Agent)

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