



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

Great Glen House
Leachkin Road
Inverness IV3 8NW

Taigh a' Ghlinne Mhòir
Rathad an Leacainn
Inbhir Nis IV3 8NW

T: (01463) 663439 • F: (01463) 725067

E: info@crofting.gov.scot

W: www.crofting.scotland.gov.uk

Notification of Change of Ownership of Croft Land Guidance Notes

Notaichean Stiùiridh air Fios mu Atharrachadh Seilbhe



1. REQUIREMENT TO REGISTER YOUR CROFT LAND

Submitting a change of ownership notification may in certain circumstances trigger the requirement to register your croft land in the Crofting Register held by the Keeper of the Registers of Scotland. The Crofting Register is map based and provides a definitive record of the extent of, and interest in, land within crofting tenure in Scotland. In addition to showing the boundaries of land, the register also contains information on the tenant, owner-occupier crofter and/or the landlord of the registered croft. The Crofting Register is maintained by the Keeper of the Registers of Scotland, although the application for registration should be made in the first instance to the Crofting Commission who will check the information contained in or accompanying the registration application against the information contained in the Commission's Register of Crofts.

However, not all changes of ownership of croft land require to be registered. The table below sets out whether the change requires to be registered or not.

Type of change	Where croft is registered	Where croft is not registered
Purchase by tenant	Yes	No
Change of owner-occupier crofter	Yes	Yes
Change of landlord	Yes	No

If the transfer of ownership took effect after 30 November 2013, and the change of ownership requires to be registered, the Commission will be unable to update the Register of Crofts to show the change until the croft, or the change, is registered with the Keeper of the Registers of Scotland. Ideally, your croft registration form should come in at the same time as this notification form. This should be accompanied by a map showing the boundaries of the croft along with the registration fee.

In Succession cases, should there be a Survivorship Clause within the title deeds, the change of ownership will not trigger the registration requirements.

A copy of the registration form and accompanying guidance notes can be found at www.ros.gov.uk/services/registration/crofting-register.

2. IMPORTANT INFORMATION

Under Section 41 of the Crofters (Scotland) Act 1993, the Commission is required to compile and maintain a Register of Crofts. The Register of Crofts includes the details of the tenant, landlord and owner occupier crofter of each croft. It is important therefore that the Commission is notified whenever a change of ownership occurs to ensure the Register of Crofts is accurate and up-to-date.

Before you submit your notification please check your details on the Commission's Register of Crofts <http://www.crofting.scotland.gov.uk/register-of-crofts-roc>

If separate areas of the same croft were acquired by different persons, the new owner(s) of each part should complete a separate Notification Form. It is not possible for owner-occupier crofters to sell any part of their croft without first applying to and receiving approval from the Commission to divide the croft.

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.

Prior to 1st October 2011 'owner-occupiers' were, in effect, landlords of vacant crofts. From 1st October 2011, The Crofters (Scotland) Act 1993 an owner-occupier is defined as a crofter if they are the owner of a croft; and they were either the tenant of the croft when the croft land was acquired or a crofter's nominee or an individual who purchased the croft from the constituting landlord* (or a successor in title to any of those persons). In addition, the croft must not have been let to any person as a crofter since it was acquired or constituted as a croft.

Any transfer of ownership of part of an owner-occupied croft which was not a new croft created through a division approved by the Commission, and any deed purporting to transfer ownership of that part, will be null and void. This does not apply where missives were concluded in respect of such a transfer prior to 1st October 2011.

**A constituting landlord is the owner of the land at the time it was constituted as a croft under the new croft creation provision, or such an owner's successor in title.*

3. COMPLETION OF THE FORM

If you are the tenant purchasing all or part of your croft from your landlord please provide previous landlord details at Q3.

4. GRAZING SHARE(S)

The Commission's understanding, following a determination by the Scottish Land Court, is that the grazing share(s) must be specifically mentioned in the title deeds to confirm that they have been included in any purchase. It can not be assumed that the grazing right has been purchased as part of general rights and pertinents provision, they have to be specifically referenced.

Where croft land has been purchased and the grazing share(s) has not, the grazing right is deemed to be held in tenancy and is deemed to be a croft in its own right.

PRIVACY NOTICE

The Crofting Commission acts as the 'Controller' of the personal data you provide us with when you complete a Regulatory Application. Under the Crofters (Scotland) Act 1993 we are obliged to collect this information in order to facilitate the processing of your application. Please note that the Commission will be unable to process your application if you do not provide the information requested.

Any data provided by you is part of an open process and may be made available to other parties involved (unless told otherwise). These could include:

- The tenant / owner-occupier crofter / landlord of a vacant croft
- The proposed tenant/sub-tenant
- The landlord of the croft
- The owner of the common grazings
- The area assessor
- The grazings committee
- The owner of any adjacent non-croft land
- The occupier of any adjacent non-croft land
- Any member of the local crofting community
- Any other person with a significant interest
- Third Party Organisations – *RPID (Rural Payments & Inspections Directorate) and the Registers of Scotland.*

Your data will be used to update the Register of Crofts and it may also be released under a Freedom of Information enquiry, subject to any disclosure exemptions under Data Protection Laws.

Your information will be stored in the format received and electronically in the Commission's Crofting Information System (CIS). We will not keep your personal data for any longer than is necessary to complete the relevant processing and in line with our Retention Policy.

If at any point you believe the data we process on you is not accurate, you can request to see it and have it corrected or deleted. If you wish to raise a complaint about how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. Our Data Protection Officer can be contacted by e-mailing DataProtection@crofting.gov.scot addressing it – *For the Attention of the Data Protection Officer*. Further details on the Crofting Commission's Data Protection Policy can be found at www.crofting.scotland.gov.uk/data-protection-act.

For information on submitting a complaint to the Crofting Commission, please visit our website at www.crofting.scotland.gov.uk/complaints. For details of how to complain to the Information Commissioner, please visit www.ico.org.uk.



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