

DECROFTING DI-CHROITEADH

Decrofting is the term used when land is removed from crofting tenure.

The Landlord of a tenanted croft who wishes to remove land from crofting tenure must make an application to the Scottish Land Court. This is called resumption and has the same effect as decrofting.

Who can apply?

- The tenant of a croft
- The landlord of a vacant croft
- An owner-occupier crofter.

Why do I have to apply to the Crofting Commission?

The Crofting Commission is the regulatory body for crofting. Crofts are a valuable resource that should be available both now and in the future, for existing crofters and new entrants to crofting, to use productively. The Crofting Commission has regulatory duties and powers to work with crofters and crofting communities to:

- Ensure crofts are occupied by a tenant or owner-occupier crofter
- Prevent misuse and neglect of the land
- Ensure the crofts are cultivated or put to other purposeful uses.

How do I apply?

- You must complete the appropriate application form and send it to the Commission along with a site and location map. Examples of the standard of maps required are provided along with the application forms. Application forms can be found on our website www.crofting.scotland.gov.uk or by contacting our office.
- If you have not already done so you will be required to register the croft with the Keeper of the Registers of Scotland. Please check the Rules and Procedures on our website for further information. Details can also be found on www.ros.gov.uk/services/registration/crofting-register

There are four types of decrofting application

Section 17/18 Feus were discontinued when the Crofting Reform (Scotland) Act came into effect on 10th June 1976. However, the land continues to be subject to the Crofting Act until a decrofting Direction has been granted. The Commission will grant an application to decroft in cases of S17/18 Feus.

Statutory Croft House Site and Garden Ground (CHSGG) - You have an absolute right to obtain a decrofting Direction for one statutory croft house site and reasonable area of garden ground. The house you are applying to decroft must be fit for human habitation as a residence. If it is not, you will need to submit a part croft decrofting application.

If you are a tenant applying for a statutory croft house site and garden ground decrofting, you must tell your landlord, in writing, that you have made the application to us.



Gheibhear tuilleadh
foisrachaidh mu
di-chroiteadh air ar
làrach-lìn

[www. Coimisean na
Croitearachd](http://www.Coimisean na Croitearachd)

You can find more
information on decrofting
on our website:
[www.crofting.scotland.
gov.uk](http://www.crofting.scotland.gov.uk)

Part croft and Whole croft - If you apply to decroft part, or the whole of your croft and are intending to use the land for anything that requires planning consent, you must send us a copy of your planning consent or at least your planning reference. Without this, we cannot process your application.

- We are required to advertise these applications in the local press.

If you intend to apply for assistance through the Croft House Grant Scheme to build a house, you should contact their office to discuss your proposals before sending us your decrofting application.

T: 01879 220240

E: chgs@scotland.gsi.gov.uk

What happens next?

- We will check the application form and if it is correct, we'll send you an acknowledgement letter.
- We will advertise the proposed decrofting in the local press, unless it relates to a S17/18 Feu or Statutory Croft House Site and Garden Ground.
- Anyone who may have an interest in the application has 28 days, from the date we place the advert in the newspaper, to send comments to the Commission.
- After the 28 day period, if comments have been sent to us on your application, we will let you know. We may also need to obtain further information/investigate even if no comments were received.

How long will the application process take?

Providing your croft is registered with the Keeper of the Registers of Scotland, we aim to take a decision on the application within 16 weeks. If your croft is not registered, we cannot take a decision on your application until this has happened.

What happens after we take a decision on the application?

- If we approve the application, we will send you a decrofting Direction. This is a legal document that confirms the land has been removed from crofting tenure. As you will be sent the original Direction, you should make sure it is kept in a safe place.
- If you are a tenant and your decrofting application is approved, it will be on condition that the area of land is purchased from the landlord within 5 years of the date of the Direction. This time limit **cannot** be extended or modified
- If we approve the application, we will advertise the granting of the Direction in the local press.
- Our decision can be appealed to the Scottish Land Court within 42 days from the date we publish our decision.