



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

Great Glen House, Leachkin Road
Inverness IV3 8NW

Telephone: (01463) 663439 Fax: 725067

e-mail: info@crofting.scotland.gov.uk

www.crofting.scotland.gov.uk

Application to Divide – Grazings Share(s)

REQUIREMENT TO REGISTER YOUR CROFT LAND

The final element of the Crofting Reform (Scotland) Act 2010 relating to the registration of croft land came into effect on 30 November 2013. The Crofting Register will be map based and will provide 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 will also contain information on the tenant, owner-occupier crofter and/or the landlord of the registered croft. The Crofting Register will be 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.

If your croft is unregistered, the Commission will be unable to make a decision on your division application until the croft has been registered with the Keeper of the Registers of Scotland. To avoid delays therefore, we recommend that your division application should be accompanied by the application to register the croft on the Crofting Register. This should be accompanied by a map showing the boundaries of the croft along with the registration fee, which is £90 per croft. A copy of the registration form and accompanying guidance notes can be found at <http://www.ros.gov.uk/croftingregister/guidance.html>. If an application to register is not submitted within 6 months of the date of receipt of this application, the application to divide will be withdrawn from our records and returned to you.

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

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 the tenancy before submitting this application. (Refer to the Missive of Sublet).

If the application is being submitted by anyone other than the crofter or their Solicitor, the form should be accompanied by written confirmation from the crofter that they had authorised the signatory to act as their agent.

CROFT AND CONTACT DETAILS

1 Croft Details

Croft to which grazings share(s) pertain:			
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:			
I agree to communication regarding this application by e-mail		Yes <input type="checkbox"/>	No <input type="checkbox"/>

3 Agent/Guardian Details for Tenant (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 Owner(s) of Common Grazings Details
(Details of other owners can be entered on Appendix 1)

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

5 Agent Details for Owner(s) of Common Grazings (if applicable)
(Agent details for other owners can be entered on Appendix 1)

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

APPLICATION DETAILS

6 Please give your reasons for applying for consent to divide the grazings shares:

7 Please give the name of the common grazings where the share(s) is/are held:

8 What is your share/souming entitlement for the grazing rights you wish to divide?:

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.

- 9 Please let us know the share fraction/souming of each new share/souming resulting from the division of the original share/souming.

IMPORTANT INFORMATION

You should ensure that the divided share(s)/souming, when added together, match the original share(s)/souming. The souming division must be whole numbers: eg 11 sheep may be divided to create souming of 6 sheep and 5 sheep.

Share/Souming	Details of Divided Share(s)/Souming
1 (share/souming retained)	
2	
3	
4	

IMPORTANT INFORMATION

You may apply to us for consent to assign a divided share/souming to another person as a new unit. Alternatively, you may renounce the divided share/souming to the landlord so that they can apply to let it as an enlargement to another croft. However, you cannot apply to assign or renounce the tenancy of the divided share(s)/souming until the outcome of this application is decided.

If you intend to renounce the tenancy of the divided share(s)/souming, your landlord cannot apply to let the new share(s) until you have formally renounced your interest in the tenancy.

- 10 Will any new share created by the division of the original share be assigned to another person? (As detailed in Appendix 2) Yes No

If 'Yes', please advise which new share(s) you intend to assign:

(Please tick ✓ the appropriate boxes)

Assignment: Share 1 Share 2 Share 3 Share 4

11 Is any new share to be renounced by you? Yes No

If 'Yes', please give details below:

(Please tick ✓ the appropriate boxes)

New Share(s) to be renounced: Share 1 Share 2 Share 3 Share 4

12 Have you agreed a revised rent for the new share(s)/sourcing with the landlord? Yes No

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

PUBLIC NOTIFICATION

13 You must advertise your application to divide the tenancy of the grazings share(s) in a newspaper. You are responsible for paying for the advert. Please refer to our guidelines on advertising applications on our website at <http://www.crofting.scotland.gov.uk/documents.asp>. Failure to follow the guidelines may result in you having to re-advertise your application in an accepted newspaper. 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) Date advert will be displayed in newspaper: _____

A standard advert for your use is attached to this application at Appendix 3.

TENANT/AGENT PLEASE SIGN THIS PAGE

IMPORTANT INFORMATION

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

14 DECLARATION

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

I declare that:

- **To the best of my knowledge, the information I have given in this application is correct;**
- **I have given the owner(s) of the common grazings written notification of my division application (see Appendix 4 for example letter);**
- **I will advertise this application for consent to divide the grazings share(s) 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 whether or not to grant the application or require further investigation.
- If we decide not to investigate further we will notify all interested parties that we have consented to the application and the division will be implemented.
- If we require to investigate further we will notify all interested parties giving the reason for the investigation. In these circumstances, it may take a further 12 to 16 weeks before a decision is made.
- Our decision can be appealed to the Scottish Land Court within 42 days from the date we notify interested parties of our decision.

Additional Owner of Common Grazings Details

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

Additional Agent Details for Owner of Common Grazings (if applicable)

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

Additional Owner of Common Grazings Details

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

Additional Agent Details for Owner of Common Grazings (if applicable)

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

Division of Grazings Rights Rent Notification

Name of croft to which the grazings shares pertain: _____

Revised Annual Rent: £ _____
(Share 1 - original share)

Name for Share 2: _____

Annual Rent: £ _____

Name for Share 3: _____

Annual Rent: £ _____

Name for Share 4: _____

Annual Rent: £ _____

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

Signed _____ **Date** _____
Tenant/Agent

I confirm the foregoing details have been agreed with the shareholder

Signed _____ **Date** _____
Owner/Agent

Signed _____ **Date** _____
Owner/Agent

Please Note: *Where there is more than one owner, each owner must sign this form.*

Sample Newspaper Advert

Proposed Division of a Grazings Share(s)

_____ is applying to divide the grazings share(s) in the _____ (Common Grazings) into _____ parts.

If you have an interest, in this application, you may submit comments on the proposal in writing or some other permanent form to the Crofting Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW (e-mail info@crofting.scotland.gov.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.

Notice for Owner(s) of Common Grazings

Proposed Division of a Grazings Share(s)

I am applying to the Crofting Commission for consent to divide the grazing share(s) in the _____ Common Grazings into _____ parts.

The purpose of the application is to assign the new share(s) to _____ (proposed tenant name) of _____ (address).

(Add details of each share to be separately assigned to each assignee, if more than one)

*The purpose of the application is to renounce my tenancy of the new share(s) to you.

If you have any comments on the proposal, you may submit these in writing or some other permanent form to the Crofting Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW (e-mail: info@crofting.scotland.gov.uk) by _____ *(insert date here giving 28 days from date of publication in the newspaper advert).*

Please note that any comments received by the Crofting 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.

Signed _____ Date _____
(Tenant/Agent)

PRINT NAME: _____