



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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**Division Application
By Executor – Croft House Site
(Testate Succession Only)
Guidance Notes**



This form must only be used by an Executor of a deceased crofter who requires to divide a croft following a bequest of the tenancy to two or more people.

This allows for a croft to be divided into two or more parts which then become separate individual crofts. If the croft house site area significantly exceeds 0.15ha, a general division application should be used.

Land which is subject to a decrofting direction remains part of the croft unless, and until, all conditions (if any) of that direction have been fulfilled. If any condition has not been fulfilled, the land will be included in the division.

All legatees must accept their bequest before an Executor submits the application to divide the croft.


1. 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 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.

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 must 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 [www.ros.gov.uk](http://www.ros.gov.uk/services/registration/crofting-register)  [services/registration/crofting-register](http://www.ros.gov.uk/services/registration/crofting-register). 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.

If your croft is already registered with the Keeper of the Registers of Scotland, an application for Registration of a Subsequent Event will be required should your division application be approved.

2. IMPORTANT INFORMATION

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

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.

All questions must be answered as fully as possible, otherwise the form may be returned.

3. APPLICATION DETAILS

3.1 MAPPING INFORMATION

Your division application must be accompanied by a map of the proposed division in relation to the whole croft boundary. Please refer to the example plan at the end of the guidance notes for further details of requirements.

All maps must be clear, legible, and in colour. We recommend a map size of A3, with additional pages if necessary. Annotation can be added to some or all of the boundaries to ensure that they are mapped correctly, such as: 'boundary follows post and wire fence'. If the croft is already registered in the Registers of Scotland Crofting Register then this boundary must be used. Maps that do not meet our required standard will result in your application being returned with notes highlighting issues that need addressed.

4. Access

Your location and/or site map must show all existing access routes to the croft **as well as** any proposed access provision. Please provide as much information as possible of the current or proposed access provision at question 10 including details such as width, gates, condition and any consents obtained or that may be required together with supporting evidence.



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