



**CROFTING COMMISSION
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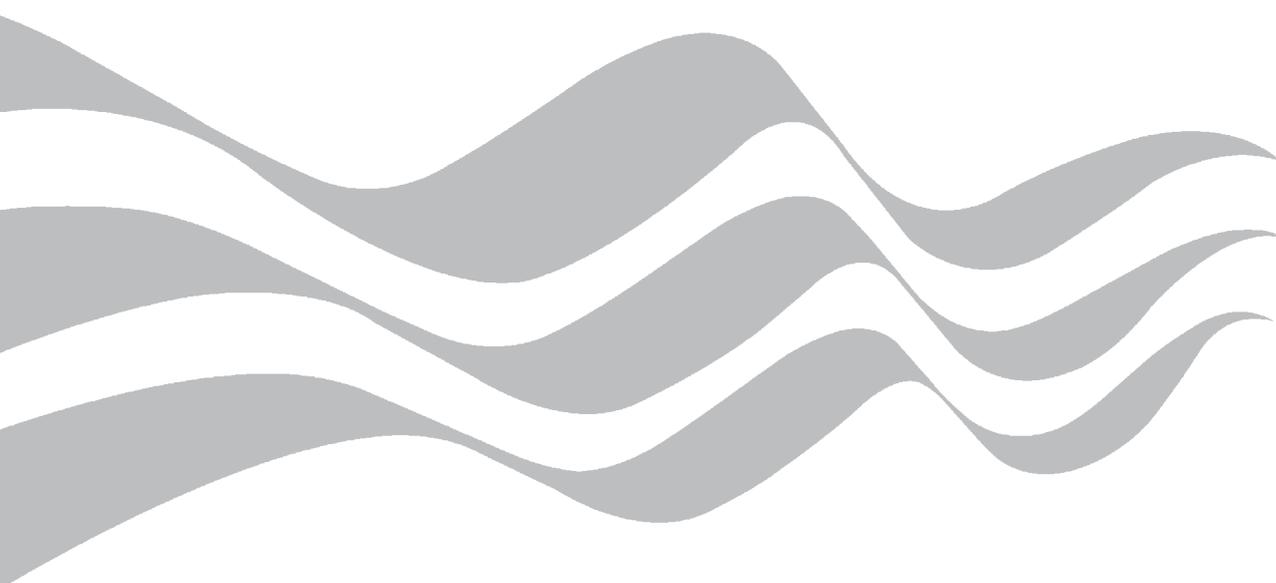
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Enlarge Tenanted Croft Land With Non-Croft Land Guidance Notes



Enlargement is the term used where the owner of land which is neither a croft nor forms part of a croft agrees to grant a tenancy of that land to a crofter. This application is made jointly to the Crofting Commission by the owner and the tenant.

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 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 enlargement application until the croft has been registered with the Keeper of the Registers of Scotland. To avoid delays therefore, we recommend that your enlargement application should be accompanied by your 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. A copy of the registration form and accompanying guidance notes can be found at 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not submitted within 6 months of the date of receipt of this application, the application to enlarge the croft will be withdrawn from our records and returned to you.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 enlargement application be approved.

2. IMPORTANT INFORMATION

To avoid delays, please ensure you answer all relevant questions and provide all documents requested to the Crofting Commission. Failure to do so may mean we have to return your application. To enable the Commission to give full consideration to your application, we would appreciate if you would provide us with as much information as possible to help us to arrive at a fully informed decision.

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.

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.

3. APPLICATION DETAILS

Section 4(4) of the Crofters (Scotland) Act 1993

In considering its decision on this application, the Commission may make a direction if they are satisfied that the enlargement of the croft:

- (i) would be of benefit to the croft or to the crofter;
- (ii) would not result in the area of the enlarged croft substantially exceeding 30 hectares

3.1 Mapping Information

Your enlargement application must be accompanied by a map of the proposed enlargement 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 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.

5. RESIDENCY AND LAND USE

The crofter should complete the questions on the application form relating to residency and land use.

Section 58A(7)(a) of the Crofters (Scotland) Act 1993

In considering its decision on this application, the Commission must have regard to:

- whether any person is or will be ordinarily resident on, or within 32 kilometres (20 miles) of, the croft;
- whether the croft is being or will be cultivated or put to such other purposeful use

5.1 What are Crofter's Duties?

Crofters Duties

Both tenant and owner-occupier crofters have a duty to:

- **Be resident on, or within 32 kilometres (20 miles) of their croft**
- **Not to misuse or neglect the croft**

Misuse – This refers to a croft being used for something which is not considered as cultivation. Crofters require the consent of their landlord or, failing that, the Crofting Commission if they wish to put their croft to another purposeful use.

Neglect – This refers to the management of the croft which should meet the standards of Good Agricultural and Environmental Condition (GAEC).

- **Cultivate and maintain the croft**

Cultivate – This refers to the croft being used for cultivation or put to another purposeful use. This includes horticulture, keeping livestock including poultry and bees, growing of crops and the planting of trees.

Maintain – This refers to the maintenance of the croft; to enable the croft to be cultivated it must be maintained in a fit state except where another purposeful use is incompatible with the croft being kept in such a state.

Purposeful use – This means any planned and managed use which does not adversely affect the croft, the public interest, the interests of the landlord or (if different) the owner, or the use of adjacent land.¹

6. POLICY PLAN

The Commission will give favourable consideration to the enlargement of crofts with non-croft land which will assist and sustain croft enterprises. In doing so, the Commission will take account of the sustainability of the crofting community and the interests of the public at large. Any applications that may result in the enlarged croft exceeding 30 hectares will be considered in the context of the individual circumstances and any implications for crofting in that locality. The Commission will also apply its general policies on access and compliance with crofters' duties.

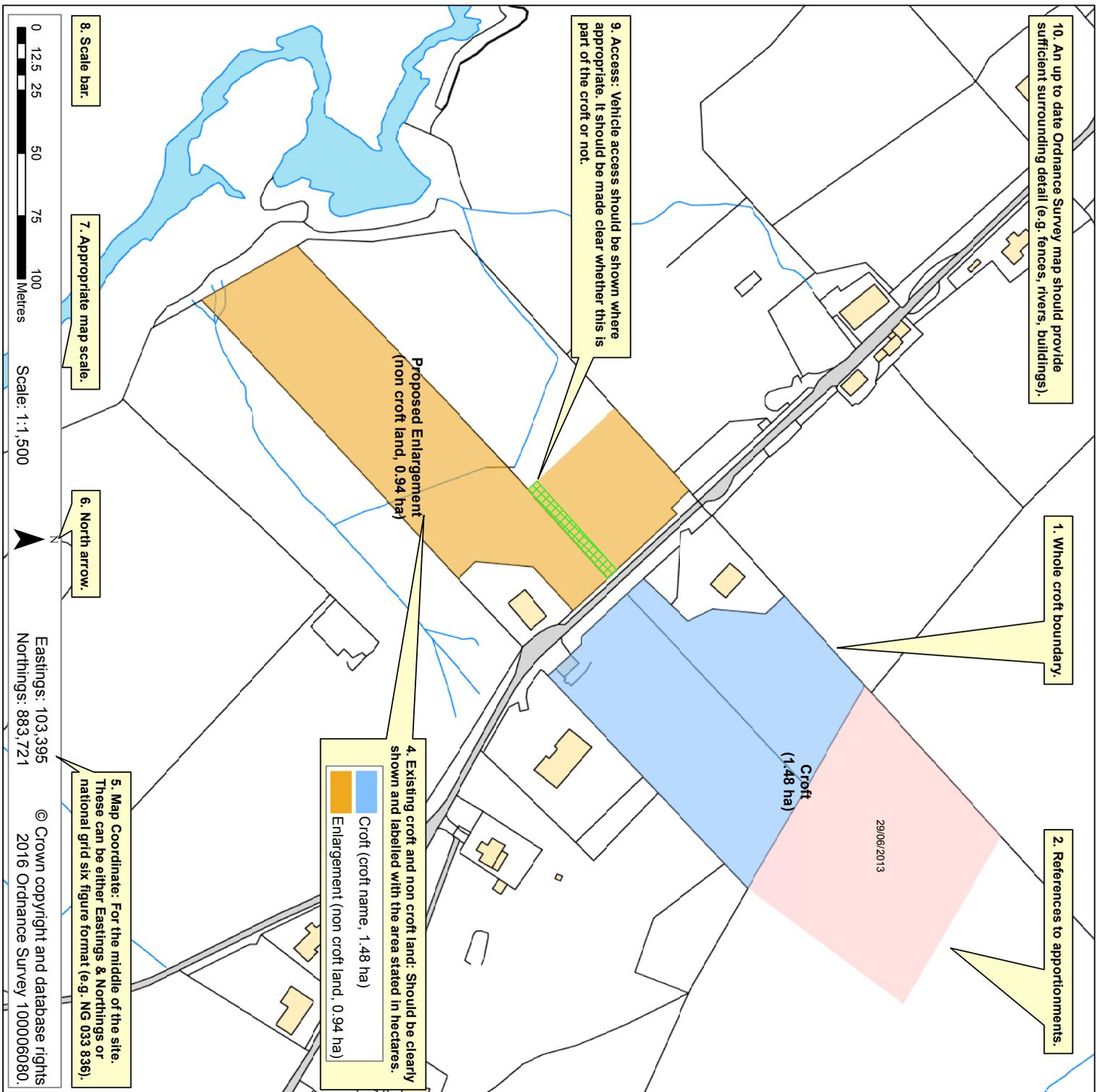
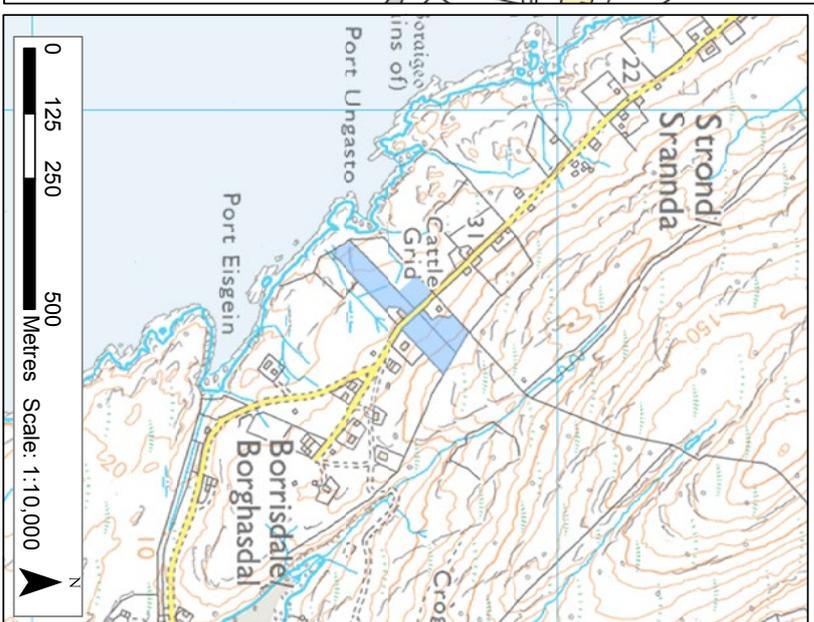
¹ A crofter may only put the croft to a purposeful use if the landlord has consented to the use (unconditionally or subject to conditions acceptable to the crofter); or the Commission have consented to the use if the landlord has withheld their consent.

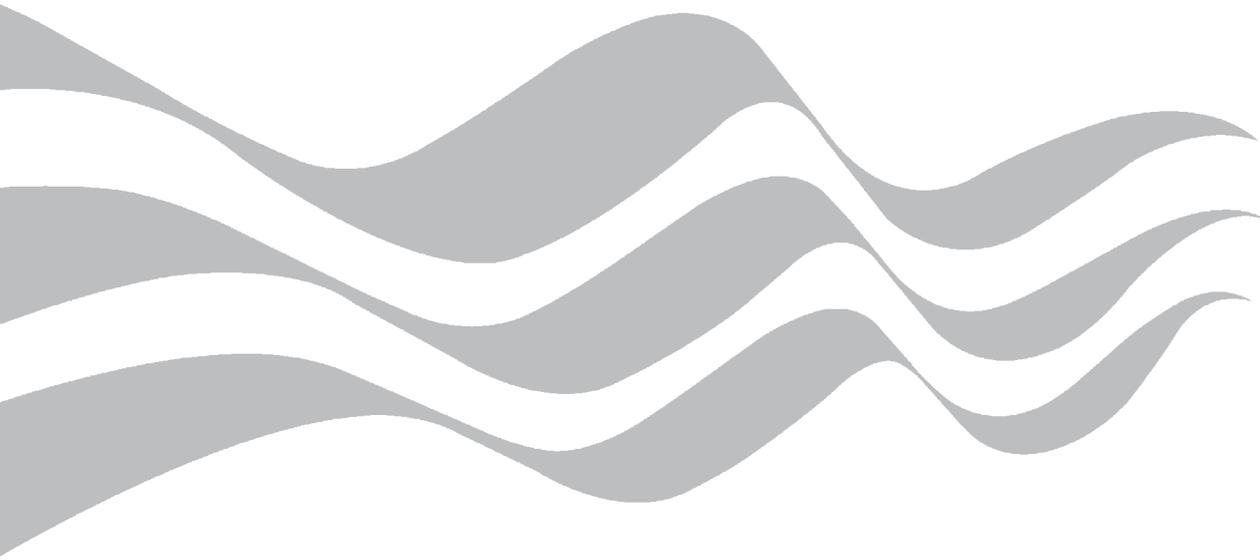
MAP FOR EXAMPLE PURPOSES ONLY

Legend

- Proposed Enlargement
- Croft
- Vehicle access (within croft)
- Apportionment

3. A location plan of the croft boundary should be provided if map coordinates cannot be given.





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