

# SUBLETTING

**S**ubletting is the term used to describe the arrangement where a croft tenant allows another person (known as the subtenant) to work all, or any part, of their croft and/or the shares in a common grazing for a fixed period of time.

- Subletting your croft does not affect a tenant's security of tenure.
- A sublet of longer than 10 years will also need the agreement of your landlord.
- Subletting does not require you to register your croft with the Keeper of Registers of Scotland.

## Who can apply?

- The tenant of a croft
- The tenant of grazing share/s

## 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. You must also provide a map of the croft. If only part of the croft is to be sublet the map should also identify the area you propose to sublet. Application forms can be found on our website [www.crofting.scotland.gov.uk](http://www.crofting.scotland.gov.uk) or by contacting our office.
- You are required to advertise in the local press that you are making the application. You must also tell your landlord in writing and if grazing shares are included the owner of the common grazing, that you have made the application to us. Details and an example notice for putting in the newspaper and notifying your landlord are provided along with the application form.



**You can find more information on subletting your croft on our website at:**

[www.crofting.scotland.gov.uk](http://www.crofting.scotland.gov.uk)

## **What happens next?**

- We will check the application form and the map and providing they are correct, we'll send you an acknowledgement letter normally within 5 working days.
- Anyone who may have an interest in the application has 28 days, from the date you 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.

**A subtenant must pay a rent to the tenant, no matter how small.**

## **How long will the application process take?**

We aim to take a decision on the application within 16 weeks.

## **What happens after we take a decision on the application?**

- If we agree to the sublet the tenant and subtenant must agree and prepare a Missive setting out the terms and conditions of the sublet. To assist with this we will provide an example Missive. We will also send you a notification form to sign and return to us confirming a Missive has been drawn up and signed.
- The sublet will be recorded in our Register of Crofts when the signed notification form has been returned to us.
- Our decision or determination of the application can be appealed to the Scottish Land Court, within 42 days from the date of our decision letter.