



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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Leachkin Road
Inverness IV3 8NW

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Rathad an Leacainn
Inbhir Nis IV3 8NW

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Subletting Application Croft Tenancy

Tagradh Fo-leigeil gabhaltas croite

Please read **Subletting Application** guidance notes
before completing this application.

OFFICE USE ONLY CASE No:

CROFT AND CURRENT CROFTER DETAILS

ALL FIELDS MUST BE COMPLETED

1 Croft Details

Croft:

Parish:

Crofting Commission Register Number

Registers of Scotland

Register Number (where registered):

Main Location

Code: (MLC)

2 Crofter Details

Surname:

Title:

Forename(s):

Date of Birth:

Main Residential Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this application by e-mail

Yes

No

3 Agent Details for Crofter (only if applicable)

Name:

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

I agree to communication regarding this application by e-mail

Yes

No

3A For the applicant to complete (if applicable).

Where the agent is not a Solicitor or Professional Agent, I authorise them to act on my behalf for this application.

Signed

Date

Applicant

4 Landlord Details (additional landlord/owner of common grazings details can be entered on Appendix 1)

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

5 Agent Details for Landlord (only if applicable) - additional agent details can be entered on Appendix 1

Name:

Postal Address:

	Postcode:
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Telephone:

Alternative Telephone:

E-mail Address:

APPLICATION DETAILS

Please read Section 2 - **Application Details** of the guidance before responding to the following

6 Are you applying to sublet only part of the croft? Yes No

If **'Yes'**, please tell us:-

(i) the extent of the whole croft: _____ hectares

(ii) the extent of the area to be sublet: _____ hectares

A map must be provided showing the boundaries of the croft and the area to be sublet (if different). Please read Section 7 - **Mapping Information** of the guidance.

SUBLETTING INFORMATION

Please read section 2.1 **Subletting Information** of the guidance before responding to the following

7(i) How long are you applying to sublet for? _____ years

7(ii) Please provide reasons for the sublet and the duration applied for.

8(i) Is there a croft house and garden on the croft? Yes No

(ii) Is the croft house and garden to be included in the sublet? Yes No

9 Are any grazing shares to be included in the sublet? Yes No

If **'Yes'**, please give details:-

Name of Common Grazing	Croft Share/Souming	Share/Souming to be sublet

RESIDENCY AND LAND USE

Please read Section 3 - **Residency and Land Use** of the guidance before responding to the following

- 10** Do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes No
- Will the proposed subtenant be ordinarily resident on or within 32 kilometres (20 miles) of the croft, should the Commission approve the application? Yes No

The Commission require to know how the croft is currently being used.

- 11(i)** Is the croft currently being used for cropping activities? Yes No

If **'Yes'**, please give details below:

- 11(ii)** Is the croft currently being used for stock management purposes? Yes No

If **'Yes'**, please give details below:

11(iii) Are there any buildings on the croft?

Yes No

If **'Yes'**, please provide details below (include information about the size, condition, approximate age and current use) e.g. general purpose shed, dwellinghouse:

11(iv) Please provide details of any fixed equipment on the croft e.g. fences and ditches (include information about the condition and approximate age):

WIDER INTERESTS

Please read Section 4 - **Wider Interests** of the guidance before responding to the following

ESTATE

13(i) What effect, if any, do you consider this subletting of the tenancy will have on the interests of the estate?

CROFTING COMMUNITY

13(ii) What effect, if any, do you consider this subletting will have on the interests of the crofting community?

SUSTAINABLE DEVELOPMENT

Please read Section 4.1 - **Sustainable Development** of the guidance before responding to the following

13(iii) What effect, if any, do you consider this subletting of the tenancy will have on the sustainable development of the local crofting community?

PUBLIC AT LARGE

Please read Section 4.2 - **Public Interest** of the guidance before responding to the following

13(iv) What effect, if any, do you consider this subletting will have on the interests of the public at large?

14 Please provide any additional information in support of your application that you consider may be helpful to the Commission in reaching its decision (for example, you may wish to tell us more about why you are applying to sublet your croft):

PUBLIC NOTIFICATION

Please read Section 1.2 - **Public Notification** of the guidance before responding to the following

15 Please give details of the public notification arrangements you have made below.

(i) Name of newspaper displaying the advert: _____

(ii) The date advert will be displayed in newspaper: _____

A standard advert for your use is included in the guidance notes.

CROFTER/AGENT PLEASE SIGN THIS DECLARATION

16 I confirm that I have carried out the following in connection with this application:

- I have given the croft landlord(s)/owner of common grazings written notification of this subletting application and enclose evidence (see guidance section Landlord Notification and Appendix 2A).
- I have advertised this application for consent to sublet the tenancy in a newspaper circulating in the local area.
- The proposed subtenant has completed question 20 of the application, advising where he/she will be ordinarily resident.
- Questions 18 to 29 have been completed and signed by the proposed subtenant or their agent.
- I have enclosed a map of the croft and the area which is to be sublet if part of the croft..
- I understand that should this application be approved, it will be my responsibility for ensuring that the subtenant adheres to the statutory conditions of tenure.

**Delete as appropriate*

17 DECLARATION

This application is submitted under section 27 of the Crofters (Scotland) Act 1993 for consent to sublet the tenancy.

I declare that

- To the best of my knowledge, the information I have given in this application is correct;

Signed

Date

Crofter/Agent

PROPOSED SUBTENANT'S DETAILS

Please read Section 5 - **Proposed Subtenant Details** of the guidance before responding to the following

ALL FIELDS MUST BE COMPLETED

18 Proposed Subtenant Details

Surname:	Title:
Forename(s):	
Date of Birth:	
Main Residential Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this application by e-mail Yes <input type="checkbox"/> No <input type="checkbox"/>	

19 Agent/Guardian Details for Proposed Subtenant (only if applicable)

Name:	
Postal Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this application by e-mail Yes <input type="checkbox"/> No <input type="checkbox"/>	

For the applicant to complete (if applicable).

Where the agent is not a Solicitor or Professional Agent, I authorise them to act on my behalf for this application.

Signed	Date
Applicant	

RESIDENCY AND LAND USE

Please read Section 3 - **Residency and Land Use** of the guidance before responding to the following

20 Do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes No

If **'Yes'**, go to question 21

If **'No'**:

(i) Please give details of your timescale for taking up residence on or within 32 kilometres of the croft:

(ii) Please give details of how the croft will be worked in your absence:

21 How do you intend to cultivate the croft during the proposed sublet? Please provide details.

Crops (please specify)	Hectares
------------------------	----------

Livestock (e.g. sheep, cows, pigs, poultry)	Proposed number and timescale
---	-------------------------------

Other proposed cultivation (e.g. horticulture, apiary)
--

22 How do you intend to maintain the croft during the proposed sublet? e.g. Ensuring all fences are stockproof and land is properly drained. Please provide details.

WHAT ARE CROFTER'S DUTIES?

Please read section 3.1 - **What are crofter's duties** in the guidance before responding to the following

- 23** Do you intend to put the croft land to a purposeful use other than cultivation?
e.g. Tourist Development, Livery or Renewable Energy Project

Yes No

If **'Yes'**:

- (i) Please provide details (it may be helpful to include a copy of your Business Plan if this is available):

- (ii) Has the landlord consented to the croft being put to this purposeful use? Yes No

- 24** If the proposed sublet includes a common grazing share, please provide details of how you intend to use the share:

PROPOSED NEW CROFTER/AGENT PLEASE SIGN THIS DECLARATION

29 DECLARATION

I declare that:

- To the best of my knowledge, the information I have given in this application is correct.
- I am aware of the duties which a crofter is required to comply with relating to residency and land use as stated in Section 3 - 'What are Crofter's Duties' in the guidance.

Signed

Date

Proposed Subtenant/Agent

What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- At the end of the 28 day consultation period we must decide whether or not to grant the application or to investigate further. If we decide to investigate further we will notify all interested parties. We aim to take a decision within 12-16 weeks.
- Please note if the application is approved, the Commission no longer issue Missives of Sublet. A Missive of Sublet should be drawn up and completed by both parties (an example is provided in Appendix 3).
- Our decision can be appealed to the Scottish Land Court within 42 days from the date we notify interested parties of our decision.

PRIVACY NOTICE

The Crofting Commission acts as the 'Controller' of the personal data you provide us with when you complete a Regulatory Application. Under the Crofters (Scotland) Act 1993 we are obliged to collect this information in order to facilitate the application and decision making processes. Please note that the Commission will be unable to process your application if you do not provide the information requested.

Any data provided by you is part of an open process and will be made available to other parties involved. These could include:

- The tenant / owner-occupier crofter / landlord of a vacant croft
- The proposed tenant/sub-tenant
- The landlord of the croft
- The owner of the common grazings
- The area assessor
- The grazings committee
- The owner of any adjacent non-croft land
- The occupier of any adjacent non-croft land
- Any member of the local crofting community
- Any other person with a significant interest
- Third Party Organisations – *RPID (Rural Payments & Inspections Directorate) and the Registers of Scotland.*

Your data will be used to update the Register of Crofts and it may also be released under a Freedom of Information enquiry, subject to any disclosure exemptions under Data Protection Laws.

Your information will be stored in the format received and electronically in the Commission's Crofting Information System (CIS). We will not keep your personal data for any longer than is necessary to complete the relevant processing.

If at any point you believe the data we process on you is not accurate, you can request to see it and have it corrected or deleted. If you wish to raise a complaint about how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. Our Data Protection Officer can be contacted by emailing info@crofting.gov.scot addressing it – *For the Attention of the Data Protection Officer*. Further details on the Crofting Commission's Data Protection Policy can be found at www.crofting.scotland.gov.uk/data-protection-act.

For information on submitting a complaint to the Crofting Commission, please visit our website at www.crofting.scotland.gov.uk/complaints. For details of how to complain to the Information Commissioner, please visit www.ico.org.uk.

APPENDIX 1

Additional Landlord/Owner of Common Grazings Details

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

Additional Agent Details for Landlord (only if applicable)

Name:

Postal Address:

Postcode:

Telephone:

E-mail Address:

Additional Landlord/Owner of Common Grazings Details

Name of Organisation/Company/Estate:

Surname:

Title:

Forename(s):

Postal Address:

Postcode:

Telephone:

Alternative Telephone:

E-mail Address:

Additional Agent Details for Landlord (only if applicable)

Name:

Postal Address:

Postcode:

Telephone:

E-mail Address:

APPENDIX 2

Notice for Landlord/Owner of Common Grazings

Proposed Sublet of a Croft/Part of a Croft

I _____ (PLEASE PRINT YOUR NAME)

am applying to the Crofting Commission for consent to sublet my croft/* part of my croft at _____
(proposed subtenants name)

to _____
of _____ (address) for _____ years

If you have any comments, you may submit these in writing to the Crofting Commission,
Great Glen House, Leachkin Road, Inverness IV3 8NW or email info@crofting.gov.scot
by _____

(insert date here giving 28 days from date of publication of 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.

*I attach a map showing the area of the croft to be sublet.

Signed

Date

(Tenant/Agent)

APPENDIX 2A

TO THE CROFTING COMMISSION - CONFIRMATION OF RECEIPT OF NOTIFICATION BY LANDLORD/ OWNER OF COMMON GRAZING

Croft:

Main Location Code (MLC):

Crofting Commission Register Number:

I confirm that I have seen the application form for the subletting of the tenancy of the croft
at

and that I will submit any comments within 28 days from the date of the newspaper advert.

Signed

Date

Landlord

APPENDIX 3

Standard Conditions of Sublet

- 1 The rent shall be £_____ per annum, the first year's payment being due at _____ *(one year from start of sublet) for the year preceding and so forth yearly thereafter for the fixed period of sublet.
 - 2 The fixed period of sublet shall be for _____ years from *(date of decision).
- (Condition 3 will be included only where grazing rights are included in the sublet)**
- 3 You shall be subject to the Grazings Regulations applicable to the _____ Common Grazing in respect of the share therein included in the sublet.
 - 4 This sublet is granted subject to the rights of the proprietor(s) of the croft, whether under the Crofters (Scotland) Act 1993 or otherwise.
 - 5 The subtenant shall make such use for agriculture of the land sublet as, having regard to its nature and location, a tenant reasonably skilled in husbandry might be expected to make of it.
 - 6 You shall maintain any permanent improvements on the subjects sublet in as good a state of repair as they are in at this date. You shall be entitled to carry out on the subjects sublet such improvements as may be agreed between us in writing.
 - 7 I shall give you not less than 6 months' written notice of any intention to assign, exchange or divide the croft and after giving said notice, the sublet shall come to an end on such assignation, exchange or division.
 - 8 At termination of the sublet, I shall be obliged to compensate you for any unexhausted value of lime and fertilisers applied during the sublet. The basis of compensation for unexhausted lime and fertilisers will be in accordance with the report in the year of termination of the sublet of the Scottish Standing Committee on Residual Values of Fertilisers calculated net of grant paid to you for land improvement work carried out during the period of the sublet.

I shall further compensate you at waygo for those permanent improvements carried out by you with my consent. The basis of valuation at waygo shall be the value of these improvements to the holding at that time, less the value of any grant-aid paid in respect of these improvements.

Optional Conditions

- 9 The croft house site and garden ground are excluded from the subjects hereby sublet to you.
- 10 I reserve to myself and my successors all rights of access to the said croft/croft house.
- 11 I reserve to myself and my successors all peat rights held by me as tenant of the said croft.



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