



**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 Sublet – Grazings Share(s)

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 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 (only 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 of Common Grazing Details (more details can be entered on Appendix 1)

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

5 Agent Details for Owner (only if applicable)

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

APPLICATION DETAILS

6 Please provide details of the grazing share(s) you wish to sublet:

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

7 How long are you applying to sublet for? _____

8 What annual rent is to be charged for the sublet? £ _____

IMPORTANT INFORMATION

A rent, however small, must be charged.

9 All subtenants must adhere to standard terms and conditions shown at Appendix 2. Please indicate if you wish to reserve any additional rights over the subjects to be sublet:

(i) Peat rights Yes No

(ii) Any other rights, please specify below:

10 Please give your reason(s) for applying for consent to sublet:

11 Do you currently live within 32 kilometres (20 miles) of the common grazing? Yes No

(i) If 'No', please give details of your timescale for taking up residence within 32 kilometres of the common grazings:

(ii) How long is it since you last used your grazings share(s)?

(iii) What are your intentions and timescale for returning to live permanently in the township, or otherwise resolving your absentee situation by the end of the period of sublet?

12 Is there any other information you would like to tell us in support of this application?

PUBLIC NOTIFICATION

13 You must advertise your application to sublet 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 this application is sent to us before the advert appears in a newspaper.

(i) Name of newspaper displaying the advert: _____

(ii) The 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 DECLARATION

IMPORTANT INFORMATION

If we approve this application, the sublet will take effect after you and the subtenant sign the completed Missive of Sublet and you return the Missive to this office for recording.

14 Declaration

This application is submitted under section 27 of the Crofters (Scotland) Act 1993 for consent to sublet a 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 this subletting application (see Appendix 4 for example letter);
- I will arrange to have questions 15 to 23 completed and signed by the proposed subtenant or their agent;
- I will advertise this application for consent to sublet the grazings share(s) in a newspaper circulating in the local area;
- 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.

Signed _____
Tenant/Agent

Date _____

PROPOSED SUBTENANT DETAILS

IMPORTANT INFORMATION

We would encourage you to contact the local Grazings Clerk/Constable to make them aware of your proposals as experience has shown this can help establish good community relationships.

15 Proposed Subtenant 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"/>

16 Agent Details for Proposed Subtenant (only 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"/>

17 Do you currently live within 32 kilometres (20 miles) of the common grazings? Yes No

(i) If **'No'**, please give details of your timescale for taking up permanent residence on or within 32 kilometres from the common grazings:

(ii) If you are not resident on or within 32 kilometres of the common grazings, please give details of how the share will be worked in your absence:

18 Are you currently the owner or tenant/subtenant of any other croft land? Yes No

(i) If **'Yes'**, please give details below:

Agricultural Code No	Croft Name	Any common grazings rights? (Yes/No)	Area In Hectares	Status eg owner, tenant/subtenant

(ii) How do you use this other croft land?

19 How do you propose to use the share(s) in the grazings during the sublet?

20 If you intend the share(s) to be involved in any Agri/Environment Scheme(s) during the sublet, please give the name and details of the scheme(s) below:

21 What experience and/or skills do you have to implement your proposals for using the grazing share(s), including non-agricultural experience and skills? (You should include any relevant qualifications):

22 Please provide details of any community activities you already take part in or intend to take part in eg livestock gatherings or community projects:

PROPOSED SUBTENANT/AGENT PLEASE SIGN THIS DECLARATION

IMPORTANT INFORMATION

If we approve this application, the sublet will take effect after you and the tenant sign the completed Missive of Sublet and you return the Missive to us.

23 Declaration

I declare that:

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

Signed _____ Date _____
Proposed Subtenant/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 to investigate further.
- If we decide 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:	
Surname:	Title:
Forename(s):	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	

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

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

Additional Owner of Common Grazings Details

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

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

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

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).
- 3 The subtenant 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 common grazing, whether under the Crofters (Scotland) Act 1993 or otherwise.
- 5 The subtenant shall make such use of the share sublet as a tenant reasonably skilled in husbandry might be expected to make of it.
- 6 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.

Optional Conditions – as specified by you in the application form

- 7 I reserve to myself and my successors all rights of access to the said common grazing.
- 8 I reserve to myself and my successors all peat rights held by me as tenant of the said grazings share(s).

Sample Newspaper Advert

Proposed Sublet of a Grazings Share(s)

_____ is applying to the Crofting Commission for consent to sublet the grazings share(s) in the _____ common grazings pertaining to the croft/*holding at _____ to _____ of _____ for _____ years.

If you have any 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 Landlord

Proposed Sublet of a Grazings Share(s)

I am applying to the Crofting Commission for consent to sublet the grazings share(s) in the _____ common grazings pertaining to the croft/*holding at _____ to _____ of _____ for _____ years.

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 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.

Signed _____ Date _____
(Tenant/Agent)

PLEASE PRINT NAME: _____