



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

Great Glen House
Leachkin Road
Inverness IV3 8NW

Taigh a' Ghlinne Mhòir
Rathad an Leacainn
Inbhir Nis IV3 8NW

T: (01463) 663439 • F: (01463) 725067

E: info@crofting.gov.scot

W: www.crofting.scotland.gov.uk

Testate Succession Bequest of Croft Tenancy Notification to Landlord(s) Guidance Notes

Notaichean Stiùiridh air dìleab gabhaltas croite le còir-sheilbh tiomnaichte

This notification form is produced by the Crofting Commission to assist legatees and Executors. You are encouraged to take independent legal advice, as the consequences of carrying out this process incorrectly may be serious. Please also refer to the fact sheet issued by the Commission on testate succession, available on our website or by request.

This notification form should be used where a crofter has died leaving a Will and in terms of that Will has bequeathed his or her croft tenancy/grazing share tenancy to one person or parts of the croft/share, to more than one person (the legatee or legatees).

If the bequest is to more than one person, the Executor must apply to the Commission for consent to divide the croft/grazing share into separate units. In such a case, each legatee must also send this Notice to their landlord. No part of the croft can remain untenanted.

Section 10(2) of the Crofters (Scotland) Act 1993 requires that the legatee or the Executor of the deceased crofter duly authorised by the legatee must give notice of the bequest or bequests to the landlord of the croft/grazing share, and must send a copy of that Notice to the Crofting Commission, **all within 12 months from the date of the crofter's death**. If these steps are not completed within the required timescale, the bequest will be null and void and will fall to be treated as intestate estate. You should note that different rules apply in cases of intestate succession i.e. where the deceased crofter did not bequeath the tenancy in a Will or where such a bequest becomes null and void.

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 will also contain 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 the croft is unregistered, the bequest will take effect once the croft is registered with the Keeper of the Registers of Scotland. If the croft is already registered, the bequest will take effect once the bequest has been registered with the Keeper of the Registers of Scotland. In both cases the legatee will become the tenant from the date of the deceased crofter's death. Ideally, if not registered, your registration form should accompany this notification form. However, if this is not possible, this notification form must still be submitted within 12 months of the date of death of the crofter or the bequest will be invalid. This registration form needs to 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.

| Status of Croft | Relevant Date | Registers of Scotland Form |
|-----------------------------------|-------------------------------------|--|
| Where croft is unregistered | Date of registration of the croft | Form A application for first registration of a croft |
| Where croft is already registered | Date of registration of the bequest | Form B application for registration of subsequent event affecting a registered croft |

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 processing of your application. 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 may be made available to other parties involved (unless told otherwise). 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 and in line with our Retention Policy.

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 e-mailing DataProtection@crofting.gov.scot. 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.



Great Glen House Taigh a' Ghlinne Mhòir
Leachkin Road Rathad an Leacainn
Inverness IV3 8NW Inbhir Nis IV3 8NW

T: (01463) 663439 • **F:** (01463) 725067

E: info@crofting.gov.scot

W: www.crofting.scotland.gov.uk