



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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



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.

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**. Please also send to the Commission the duly completed Appendix 1 in the application form. 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**.



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