

# Division

# Roinn

**D**ivision is the term used when a croft is separated to create two or more units.

If an owner-occupier crofter wishes to sell or otherwise transfer ownership of part of their croft, they must first obtain the Commission's consent to divide the croft into the respective parts they wish to transfer and to keep.

## Who can apply?

- The tenant of a croft
- An Executor where the tenancy of a croft has been left to more than one person.
- An owner-occupier crofter.

## 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. 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 and you must notify your landlord in writing, as well as the owner of the common grazing if including grazing shares. Details and an example notice for putting in the newspaper and notifying your landlord are provided along with the application form.
- If you have not already done so, you will be required to register the croft with the Keeper of the Registers of Scotland. Please check the Rules and Procedures on our website for further information. Details can also be found on [www.ros.gov.uk/services/registration/crofting-register](http://www.ros.gov.uk/services/registration/crofting-register)



## Gheibhear tuilleadh foisrachaidh mu roinn air ar làrach-lìn

[www. Coimisean na Croitearachd](http://www.Coimisean na Croitearachd)

**You can find more information on division on our website:**

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

### What happens next?

- We will check the application form and providing it is correct, we'll send you an acknowledgement letter.
- 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.

When we agree to a croft being divided by an Executor, the division will be recorded by us as soon as the names for each new croft and details of any new or revised rents agreed with the landlord. Details of each new tenant will then be entered into our Register of Crofts.

### How long will the application process take?

Providing your croft is registered with the Keeper of the Registers of Scotland, we aim to take a decision on the application within 16 weeks. If your croft is not registered, we cannot take a decision on your application until this has happened.

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

- If the application has required you to register the croft for the first time with Registers of Scotland and we agree to the croft being divided, the division will be recorded by us as soon as the name(s) of new croft(s), details of any new or revised rents are agreed with the landlord.

The 'new croft(s)' can then be:

- ◇ assigned to a new tenant
  - ◇ renounced so it may be let by the landlord to create a new croft tenancy
  - ◇ renounced to the landlord so that they may let it as an enlargement to an existing tenanted croft.
- See our factsheet on Enlargement of a Croft.

- If we have agreed to an owner-occupier crofter dividing their croft, the area can be sold.
- If your croft is already registered, we will explain what you need to do in our decision letter.
- 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.