

IMPORTANT NOTICE IN RELATION TO EFFECTING COMMISSION DECISIONS

The majority of decisions on regulatory applications made by the Crofting Commission have to be effected within 3 months of the date of the Commission's granting of the application.

There are 2 methods of effecting Commission decisions:

(1) FIRST REGISTRATION OF A CROFT

If the regulatory application was the trigger event for registering the croft, the Commission would have enclosed with the decision letter a notification slip to be signed, dated and mailed back to the Commission advising the date the change took effect within 3 months of the granting of the application.

Failure to return this notice within 3 months of the granting of the application will result in the change to be deemed not to have taken effect.

(2) AN ALREADY REGISTERED CROFT

If the regulatory application was a change event for an already registered croft, the Commission's decision letter would have advised that a Registers of Scotland (RoS) Form B with an accompanying £90 change registration fee would have to be mailed to the Commission within 3 months of the granting of the application. The relevant RoS Form B can be found at the following site:

<https://kb.ros.gov.uk/other-registration-types/crofting/crofting-register-guidance-and-forms>

Failure to forward the Form B and accompanying cheque for £90 made payable to "The Crofting Commission" within 3 months of the granting of the application will mean the consent or approval of the Commission will have expired.

(3) FAILURE TO COMPLY WITH THE 3 MONTH TIME PERIOD

In either of the above cases, the Commission's decision on the application falls. A new application will have to be submitted for the Commission to consider and, where appropriate, it will have to be re-advertised.

It is important to note that the 3 month time periods set out above are not administrative timescales set by the Commission as part of their rules of procedure. These 3 month time periods are set out by statute in the Crofters (Scotland) Act 1993 and the Crofting Reform (Scotland) Act 2010. As a result, the Commission have no power or authority to extend these timescales or to apply a flexibility in terms of accepting notifications submitted after the 3 month period.

It is important therefore to continue to comply with these requirements, despite of the current restrictions imposed by coronavirus 19.

If you are a crofter who has had an application approved by the Commission within the last 3 months, it is important that you or your agent comply with the requirements set out above. It is particularly important to note that the Commission cannot accept any RoS Form B applications submitted by e-mail, or any RoS Form B applications submitted without the accompanying £90 cheque for the Registration fee. Both the Form and the accompanying cheque have to be forwarded to the Commission by post.

If you are unable to comply with these requirements and timescales due to the coronavirus restrictions there are advisors and consultants who may be able to provide you with assistance to do so.

(4) CROFTING COMMISSION AND REGISTERS OF SCOTLAND (RoS)

On receipt, it will then be for the Commission and RoS to complete our respective parts of the process by registering the change in both the Commission's Register of Crofts and the RoS Crofting Register, and by advising all relevant parties when this has been done. In the current circumstances, our processing will generally take longer than usual, but this will not invalidate the Commission's approval of your application, as long as we have received:

- a) the completed and signed Notification Return Slip (First Registered Croft),
or
- b) the completed and signed RoS Form B and accompanying cheque (An Already Registered Croft)

both within the statutory 3 month period from the date of the Commission's decision letter.

If you have any enquiries in respect of this notice please e-mail the Crofting Commission at info@crofting.gov.scot under the heading "RoS Form B enquiry".