



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

Great Glen House  
Leachkin Road  
Inverness IV3 8NW

Taigh a' Ghlinne Mhòir  
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# **NOTIFICATION OF SUSPECTED BREACH OF DUTY**

## **Fios mu ghèilleadh dleastanais**

OFFICE USE ONLY CASE No:

## IMPORTANT INFORMATION

Under section 26A of the Crofters (Scotland) Act 1993 the Crofting Commission will investigate a suspected non-compliance of duty by tenant and owner-occupier crofters when reported by:

- A Grazings Committee/Constable
- An Assessor (as appointed by the Crofting Commission)
- A member of the crofting community within the township in which the croft which is the subject of the suspected breach is situated.

### **Please Note:**

- The form will be returned if it contains information which is thought to be 'Frivolous or Vexatious'.
- The form may not be processed if it is incomplete.
- A member of the crofting community is a person who occupies a croft in the same township as the croft to which the notification relates, or holds shares in a common grazings associated with that township.
- A copy of the notification form may be sent to the crofter who is the subject of the report.
- This is part of an open process. Please see privacy notice at the back of this form for further information.

**PART 1 – YOUR DETAILS**

Surname:	Title:
Forename(s):	
Postal Address:	
Postcode:	
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this notification by e-mail	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Please tick the box that describes you:**

**(a)** I am the Grazings Clerk/Chair of a Grazings Committee

Name of Grazing Committee: \_\_\_\_\_  
(Please provide confirmation that the Committee have been consulted; such as a formal minute of the meeting at which the matter was discussed/agreed)

**(b)** I am the Grazings Constable

Name of common grazing: \_\_\_\_\_

**(c)** I am an Assessor

**(d)** I am a member of the crofting community

Please provide details of your croft/share  
\_\_\_\_\_  
\_\_\_\_\_

**PART 2 – DETAILS OF THE CROFT TO WHICH YOUR NOTIFICATION REFERS:**

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Croft Name:

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Parish:

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Register No (if known):

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Name of Crofter:

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Please specify which duty/duties you suspect is/are not being complied with by ticking the appropriate box(es) and providing details. Crofting duties are defined in the Crofting Act and reports of suspected non-compliance must relate to a specific duty in this context. Information on crofters duties is available on our website.

Please provide as much information as possible. Whilst we encourage the submission of photographs, particularly relating to a breach of the duty not to misuse or neglect the croft, please be aware that under Data Protection legislation we cannot accept photographs where a person(s) can be identified from it. This means details of an individual that can be identified from the data directly, or indirectly identified in combination with other information. This includes images of individuals, children, groups etc, car registration numbers, house numbers/names and location data.

**Residency** – Both crofters and owner-occupier crofters are required to be ordinarily resident on, or within 32 kilometers (20 miles) of, their croft (as the crow flies).

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- Cultivate** – Crofters and owner-occupier crofters must cultivate their croft or put it to some other purposeful use. ‘Cultivate’ includes “the use of a croft for horticulture or for any purpose of husbandry, including keeping or breeding of livestock, poultry or bees, the growing of fruit, vegetables and the like and the planting of trees and use of the land as woodlands”. ‘Purposeful use’ means any planned and managed use which does not adversely affect the croft; the public interest; the interests of the landlord, or the use of adjacent land.

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- Maintain** – To enable the croft to be cultivated it must be kept in a fit state, except where another purposeful use is incompatible with the croft being kept in such a state.

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**Misuse** – is where a crofter (or owner-occupier crofter) wilfully and knowingly uses the croft for a purpose other than for cultivation or another purposeful use, or where the croft is put to no such use.

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**Neglect** – is where a crofter (or owner-occupier crofter) does not manage the croft so as to meet the standards of good agricultural and environmental condition (GAEC).

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## **PART 4 – DECLARATION**

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This form is submitted under section 26A of the Crofters (Scotland) Act 1993.

I declare that to the best of my knowledge, the information I have given in this form is correct.

Signed

Date

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# PRIVACY NOTICE

The Crofting Commission acts as the 'Controller' of the personal data you provide us with when you complete a Residency and Land Use Team form. Under the Crofters (Scotland) Act 1993 we are obliged to collect this information in order to facilitate the processing of your Residency and Land Use form. Please note that the Commission will be unable to process your form 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
- The proposed tenant/subtenant
- The landlord of the croft
- The owner of the common grazings
- The 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 may 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](mailto: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](http://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](http://www.crofting.scotland.gov.uk/complaints). For details of how to complain to the Information Commissioner, please visit [www.ico.org.uk](http://www.ico.org.uk).





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