



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

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Decrofting Application Section 17/18 Feu Guidance Notes

Stiùireadh Di-chroiteadh gabhail S17/18



Decrofting is the term used when land is removed from crofting tenure.

1. REQUIREMENT TO REGISTER YOUR CROFT LAND

Submitting a decrofting application triggers the requirement to register your croft land in the Crofting Register held by the Keeper of the Registers of Scotland.

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 also contains information on the crofter, 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 is 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 your croft is unregistered, the Commission will be unable to make a decision on your decrofting application until the croft has been registered with the Keeper of the Registers of Scotland. To avoid delays therefore, we recommend that your decrofting application should be accompanied by your application to register the croft on the Crofting Register (ROS Form A). This must 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. If an application to register is not submitted within 6 months of the date of receipt of this application, the application to decroft will be withdrawn from our records and returned to you.

2. SECTION 17/18 FEU

It is the Commission's understanding that there is no statutory provision contained in the Crofters (Scotland) Act 1993 which would enable an Executor to submit a decrofting application. This is consistent with our understanding that the role of an executor is to administer and distribute the estate belonging to the deceased at the date of death i.e. prior to any decrofting. It will of course be open to a successor to apply for a decrofting direction, should they choose to do so, once the succession to the ownership has been resolved.

We will make a decrofting direction where the application is made in respect of a croft, the conveyance in Feu of which was granted under section 17 or 18 of the Crofters (Scotland) Act 1955.

Section 17 Feus were granted to absentee crofters, who obtained Title to the croft house site following action by the Commission to terminate their croft tenancy.

Section 18 Feus were granted to aged crofters who gave up their croft tenancy on condition they obtained Title to the croft house site.

Section 17 and 18 Feus were discontinued when the Crofting Reform (Scotland) Act came into effect on 10th June 1976. However, the land to which they relate continues to be subject to the Crofting Acts until a decrofting direction has been granted by us.

Further guidance can be found in our decrofting factsheet and policy guidance which is available on our website or by contacting us at the phone number below.

3. IMPORTANT INFORMATION

Before you submit an application please check your details on the Commission's Register of Crofts
<http://www.crofting.scotland.gov.uk/register-of-crofts-roc>

If the application is being submitted by anyone other than the applicant, their Solicitor or professional agent, the form must be accompanied by written confirmation from the applicant that they authorise the signatory to act as their agent.

All questions must be answered as fully as possible, otherwise the form may be returned. To enable the Commission to give full consideration to your application, we would appreciate if you would provide us with as much detail as possible to help us to arrive at a fully informed decision.

4. APPLICATION DETAILS

You can only apply for a decrofting direction for a site conveyed by a section 17 or 18 Feu if you are the owner.

If the site is jointly owned, details of all the owners must be provided and all owners must sign the declaration at end of the application form.

We require to see a copy of your Title Deeds or the Land Certificate for the area applied for.

5. MAPPING INFORMATION

Your decrofting application must be accompanied by the original title deed map.



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