

# **Application for Consent to be Absent from Croft**



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

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## **IMPORTANT INFORMATION**

The Crofting Commission aims to regulate crofting to promote occupancy of crofts, active land use and shared management by crofters as a means of sustaining and enhancing rural communities (See Appendix 1).

This application form can be completed by tenants and owner-occupier crofters who are seeking the Commission's consent to be absent from their croft. (A crofter is considered absent if they are ordinarily resident more than 32 km (20 miles) from their croft).

Tenants of crofts and/or grazings shares must send a copy of this form to their landlord prior to submitting the form to the Commission. Failure to do so will result in any consent to be absent being withdrawn.

It is important that you provide as much relevant information as necessary. If there is insufficient space for answering specific questions, you should continue on an additional sheet of paper indicating which question you are responding to.

Please note that any information you provide is part of an open process and may be made available to other parties involved in the process. Your information would also be released under a Freedom of Information enquiry subject to any disclosure exemptions under the Data Protection Act 1998.

If the application is being submitted by anyone other than the crofter or their Solicitor, the form should be accompanied by written confirmation from the crofter that they have authorised the signatory to act as their agent.

**PLEASE READ THROUGH THE WHOLE FORM AND APPENDIX BEFORE ENTERING ANY INFORMATION. FORMS WHICH ARE INCOMPLETE OR CONTAIN INFORMATION WHICH DOES NOT MATCH THAT CURRENTLY HELD ON THE REGISTER OF CROFTS MAY BE RETURNED AS AN INVALID APPLICATION.**

# CROFT AND CONTACT DETAILS

## Croft Details

Croft Name:	
Parish:	
Croft Reference Number: C/	Agricultural Code Number:

## CROFTER DETAILS

Tenant  Owner  Owners

1 If joint owners, please supply the names of all parties on a separate sheet.

Surname:		Title:
Forename(s):		
Date of Birth:		
Current Residential Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
I agree to communication regarding this application by e-mail		Yes <input type="checkbox"/> No <input type="checkbox"/>

## Agent Details for Crofter (only if applicable)

Name:		
Postal Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
I agree to communication regarding this application by e-mail		Yes <input type="checkbox"/> No <input type="checkbox"/>

**CROFT OCCUPATION**

2 Please give the dates for the commencement and end of your intended period of absence.

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

3 Please provide details of the reasons you are seeking consent to be absent from your croft (see Appendix 1). Supporting documents, ie medical certificate, doctor's letters or confirmation of employment contract must be provided where applicable.

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4 Do you have a habitable house on or within 32 km of the croft? Yes  No

(a) If 'Yes', has the house site been decrofted? Yes  No

(b) If 'No', did a house previously exist and, if so, what happened to it?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) If you intend to have a house built on the croft, has the necessary planning permission been obtained or are you in the process of applying for planning permission?

Planning obtained  Applied for  No

(d) Please provide details (including dates, copies of approval)

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(e) What is the intended use for the new house?

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5 If you have a house on the croft, please provide details of any use in the box below.

**Details of individuals residing in croft house (only if applicable)**

Name:		
Postal Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
Relationship to Crofter:		
How is this house used?: <i>*(Please select as appropriate from the selection below)</i>		
*long term let	<input type="checkbox"/>	*family use <input type="checkbox"/>
*holiday let	<input type="checkbox"/>	*other ( <i>please provide details on a separate sheet</i> )

**ACTIVE LAND USE**

***CROFT USE***

6 If you use the croft yourself, please provide details?

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(a) Do you currently have a share in a common grazings? Yes  No

If Yes, please provide details of use including the name of the grazings.

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(b) Do you claim support under any Government Schemes in respect of your croft land? Yes  No

(If Yes, please provide details)

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**CROFT BEING USED BY SOMEONE OTHER THAN APPLICANT**

(c) If the croft is being used by someone else in your absence, please provide details of any arrangements that are in place and the name and address of the individual concerned in the box below.

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**Details of individual using the croft (only if applicable)**

Name:		
Postal Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
Relationship To Crofter:		

(d) Does this individual claim support under any Government Schemes in respect of your croft land, ie LFASS, SFP? (If Yes, please provide details).

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7 How do you propose that the croft (and grazings share) will be managed in your absence?

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**SHARED MANAGEMENT**

8 What contribution do you make towards the shared management and support of crofting in your crofting community? (Supporting evidence may be submitted)

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**9 LANDLORD CONFIRMATION**

*(If more than one, please supply additional landlord details on a separate sheet)*

Name of Organisation/Company/Estate:		
Surname:		Title:
Forename(s):		
Postal Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
Is this the Landlord	<input type="checkbox"/>	or Agent <input type="checkbox"/>

**ADDITIONAL INFORMATION**

10 Please provide any further information that you consider to be relevant to your situation.

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**This application is submitted under section 21B of the  
Crofters (Scotland) Act 1993 (as amended)**

**I declare that:**

**To the best of my knowledge, the information I have given in this application is correct;**

***(Applicable to tenants ONLY)***

**I have given the croft landlord(s) a copy of this application for consent to be absent.  
(Landlord details must be printed above).**

**Signed** \_\_\_\_\_  
**Tenant/Owner/Agent**

**Date** \_\_\_\_\_

**Signed** \_\_\_\_\_  
**Tenant/Owner/Agent**

**Date** \_\_\_\_\_

**What Happens Next?**

- When we receive this application, we will send you or your agent an acknowledgement letter within 5 working days.
- We will review the application and make a decision within 28 days.
- We will then notify you of our decision. If you are a tenant, we will notify the landlord(s) of our decision at the same time. The Commission may give consent, with conditions if required, or refuse the application.
- Our decision can be appealed to the Scottish Land Court within 42 days from the date we notify interested parties of our decision.
- If consent is refused, the Commission will consider the absentee position under Breach of Duties Regulations.

## LEGISLATION

Crofters (Scotland) Act 1993 (ss 21B-21D) as amended by the Crofting Reform (Scotland) Act 2010.

*A crofter or an owner-occupier crofter may apply to the Commission for consent to be ordinarily resident other than on, or within 32 kilometres of, the croft or, as the case may be, the owner-occupied croft.*

*The Commission may grant consent, subject to appropriate conditions, if they consider there is good reason for the person not to be ordinarily resident on or within 32 kilometres of the croft.*

## COMMISSION POLICY

In the exercise of its functions, the Commission is bound to have regard to “the desirability of supporting population retention.” Addressing croft absenteeism and assisting the potential for new entries into crofting is a readily identifiable means of delivering this objective. However, the right to apply for consent to be absent is recognition that there can be ‘good reason’ for a crofter or owner-occupier crofter to be absent from the croft for a period of time.

When considering applications for consent to be absent, the Commission will have regard to Promoting Occupancy, Active Land Use, Shared Management by Crofter, and Sustainability of Crofting and Population Retention. Any period of absence will be granted for a specified period of time.

### Promoting Occupancy

- Whether there are medical or other personal or specific family obligations related to the crofter’s absence from the croft
- Whether an educational or training course is being undertaken that requires residency away from the croft for a period of time
- Whether the croft is the crofter’s main residency whilst they may periodically work away from the area
- Whether the crofter has recently acquired the croft
- Where a crofter has no accommodation available in the locality and is in the process of procuring or providing this
- Where the location of the croft is particularly remote or difficult to access

**Active Land Use and Shared Management are elements that the Commission is entitled to consider. However, by themselves such elements may not constitute a valid reason for a person to be ordinarily resident more than 32 kilometres from the croft.**

### Active Land Use

- Whether the croft is being worked by the crofter but they live more than 32 kilometres from the croft
- Whether someone else currently works the croft and the nature of the arrangements that are in place
- Whether there are acceptable proposals for the management of the croft during the proposed period of absence



## **Shared Management by Crofters**

- Where the croft shares in a common grazings, whether the absence of a resident crofter has an effect
- Whether the crofter contributes materially to communal working within the crofting community

## **Sustainability of Crofting and Population Retention**

The Commission is mindful of its responsibility to support population retention and can best do this by ensuring that crofts are occupied. It is however mindful of individual circumstances and that the sustainability of crofting may be assisted by absentees returning with knowledge and skills.

## **Other Relevant Considerations**

- Where the crofter's absence has already been investigated and a specific period of time granted for some other transaction to take place, to take up residency, or to have the situation reviewed, this time period will be considered if granting any consent
- Where the Commission has begun to investigate a breach of duty under section 26 of the Crofting Act or given notification of how any breach should be rectified
- Where the Commission has initiated an absentee process under section 22 of the Crofters (Scotland) Act 1993 as amended
- The length of time that a crofter may already have been absent from the croft
- The length of time that a crofter may request permission to be absent from the croft
- An applicant will be expected to provide relevant verification for reason to be absent wherever appropriate