

# Croft Succession Planning: Methods of passing on your tenanted croft



Passing on your croft or allowing someone else to use it can be a difficult decision, but knowing the options available to you can help ease the process.

Your status (tenant, owner occupier or landlord) determines how you can pass your croft on. Here are some key points for tenants:

## Croft tenants can:

- Put in a sub-tenant for a term of up to 10 years.
- Assign their tenancy permanently.

## Assignment

- Assignment is when the croft tenancy is transferred from one tenant crofter to another person, i.e. assigned to another person.
- Assignment is a permanent transfer.
- Assignment of the croft, including to a family member, has to be approved by the Crofting Commission.
- There are options to allow you to continue to live in the croft house.

## Sublet

- Sublet is the transfer of your croft to another person for a period of up to 10 years – part of the croft can be sublet.
- Can also include common grazing shares.
- Does not affect the security of your tenure.
- Letting of the croft, including to a family member, has to be approved by the Crofting Commission.
- There are options to allow you to continue to live in the croft house.
- If you wish to assign, exchange or divide the croft during the sublet you have to give 6 months notice.

The transfer of your croft can be within your lifetime or after your death. Professional advice should be sought from a solicitor with experience of crofting when making a will to ensure your wishes are carried out. Any successors to your croft must be able to meet the duties of a crofter.

More information can be found from Farm Advisory Service at <https://www.fas.scot/rural-business/crofts-small-farms/crofting-legislation/>

This factsheet is intended for general guidance only. For advice on your own particular circumstances, we recommend you seek independent advice.