

Croft Succession Planning: Methods for passing on your vacant croft



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

For a landlord of a vacant croft, these are the options:

Landlords of a vacant croft can:

- Let out the croft to establish a tenancy.
- Transfer the land ownership via a solicitor.

Letting a croft

- Letting is when a landlord of a vacant croft creates a permanent croft tenancy.
- Unless specifically excluded the new tenant would have the right to buy the croft and all the usual rights of a crofting tenant.
- There are options to allow you to continue to live in the croft house.
- Letting of the croft, including to a family member, has to be approved by the Crofting Commission.
- Letting part of the croft might be possible.
- Owner occupiers letting their croft become landlords of a tenanted croft.

Owners transferring crofts

- Landlords of a vacant croft can transfer their croft to new owners.
- This transfer does not need to be approved by the Crofting Commission.
- Transfer would need to be completed by a solicitor.

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