

Croft Succession Planning: Methods of passing on your owner occupier croft



National Advice Hub
T: 0300 323 0161
E: advice@fas.scot
W: www.fas.scot

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.

As an owner occupier, what are your options?

Owner- occupiers can:

- Apply for someone to have a short let of their croft.
- Let all or part of the croft creating a croft tenancy.
- Transfer the land ownership via a solicitor.

Short term let

- Short term let is when an owner occupier lets their croft to a tenant for up to 10 years – part lets are also possible.
- Owner occupiers who let on a short term basis will retain the status of owner occupier.
- Short term lets, including to a family member, have to be approved by the Crofting Commission.

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

Letting a croft

- Letting is when an owner occupier of a croft creates a croft tenancy.
- Letting creates a permanent 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.
- An owner occupier letting their croft become landlords of a tenanted croft.

Owners transferring crofts

- Owner occupiers can transfer their croft to new owners.
- This transfer does not need to be approved by the Crofting Commission.
- Transfers 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.