# Occupancy of land

**This is an old version of the page**

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## Introduction

If you wish to make an application for Forestry Grant Scheme funding then you must own and occupy the land, have a secure tenancy, or have a contractual licence. For the Harvesting and Processing and Forestry Co-operation options you must have a Business Reference Number but this does not need to be linked to land.

If you have a contractual licence, you are only eligible to apply for capital items, but please see further information about contractual licences in the section below.

You must be able to demonstrate that you have the legal right to carry out the work to be funded on the land included in your Forestry Grant Scheme application for the length of the contract and any associated monitoring period.

If you are a landlord or an owner / occupier, you can make an Forestry Grant Scheme application for land that is managed in hand or let out on a seasonal basis only. If any land included in the application is let out on a seasonal basis, it will be your responsibility to ensure that all scheme requirements are met.

## Tenancies

If you are a non-croft tenant or official sub-tenant of a croft, it is your responsibility to discuss the proposed application with your landlord or main tenant to make sure it does not break the conditions of your tenancy.

You must be able to demonstrate a legal right to carry out the capital items and / or the annual management to be funded on the land included in your application for the full length of your contract's agreement period of undertakings under this scheme.

### Contracts – period of undertakings

In order to show that you have the legal permissions to carry out work on the land, you must submit a signed Landlord Declaration Form in which your landlord or main tenant confirms that the lease extends beyond the required duration.

Landlord Declaration Form (MS Word, Size: 356.2 kB)
doc_external_url: https://www.ruralpayments.org/media/resources/Landlords-Declaration-Form---FINAL.docx

## Contractual licences (third-party applications)

If you are not a landowner or tenant, you can apply to do capital works on land covered by a contractual licence.

However, applications will be restricted to capital items that are specifically aimed at works such as improving public access or for stand-alone capital works that are being undertaken across a number of holdings to address, for example, dealing with invasive non-native species.

You must have written agreement from all the landowners concerned. To demonstrate this, you must submit a copy of the licence with your application.

It must be in effect before you apply to the scheme and include the following:

- a map of the area covered by the licence
- the duration of the licence
- the details of responsibilities and liabilities
- details of the landowners or main tenants covered by the licence
- details of the activities covered by the licence

For capital items, contractual licences must cover the contract monitoring period, which will vary depending upon which Forestry Grant Scheme options are included within your contract.

## Short-term tenancies / contractual licences

Where your tenancy or licence does not cover the required duration of your contract's period of undertaking, you must submit the Landlord Declaration Form with your application, in which your landlord confirms that they will take responsibility for carrying out the proposed management and / or capital items for the remainder of the contract and any associated monitoring period (see 'Change of occupiers or transfer of land' section below).

## Crofting

If you are a main tenant of a croft with a tenancy that covers the required duration, you do not have to submit any supporting documentation. However, the 'Change of occupiers or transfer of land' requirements referred to below will still apply.

If you are an official sub-tenant of a croft, a copy of the letter issued by the Crofters Commission confirming the approval of the sub-let and its duration will also be acceptable as supporting documentation.

If you are a grazing clerk, submitting an application on behalf of a grazing committee, your application must include the following supporting information:

- the written consent of a majority of the crofters with shares in the common grazing. All crofters benefitting from assistance must be compliant with the statutory duties placed on them by the Crofters (Scotland) Act 1993
- evidence that notice of the intention to submit an application and the proposed division of the grant amongst the eligible crofters has been issued by the grazings committee or constable to all shareholders sharing in the common grazings
- confirmation from the grazings committee or constable that the Crofters Commission has approved the proposal

Please note that we cannot consider your application until you have submitted the relevant documents.

## Change of occupiers or transfer of land

If there is a change of occupancy or a sale / transfer of the land within the contract agreement period, the onus will be on you, the contract holder, to make sure that the new occupier or owner of the land takes on your obligations under this scheme and that a Successor's Request Form is completed.

Where your tenancy or licence does not cover the required duration, the landlord or new tenant must enter into a successor's agreement within three months of the tenancy or licence ending by submitting a completed Successor's Request Form.

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If these requirements cannot be met, you will normally need to repay all or part of the payments you have already received, plus interest.

You must let your local Forestry Commission Scotland conservancy area office know about any changes affecting the legal occupancy of the land under an Forestry Grant Scheme contract.

## Recent changes

| Section | Change | Previous text | New text |
|---|---|---|---|
| Introduction | Additional sentence added. | If you wish to make an application for Forestry Grant Scheme funding then you must own and occupy the land, have a secure tenancy, or have a contractual licence. | If you wish to make an application for Forestry Grant Scheme funding then you must own and occupy the land, have a secure tenancy, or have a contractual licence. For the Harvesting and Processing and Forestry Co-operation options you must have a Business Reference Number but this does not need to be linked to land. |

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