

## **Written submission from the Law Society of Scotland**

The Law Society of Scotland aims to lead and support a successful and respected Scottish legal profession. Not only do we act in the interests of our solicitor members but we also have a clear responsibility to work in the public interest. That is why we actively engage and seek to assist in the legislative and public policy decision making processes.

The Society's Rural Affairs sub-committee ("the committee") has considered the terms of the bill and the context in which it has been introduced. The Society received a number of enquiries from members expressing concern about the Crofting Commission's apparent lack of competence to make decrofting directions on the application of owner-occupier crofters, and how this might affect the advice they give their clients.

As a result, the Society welcomed the Scottish Government's announcement that it would take urgent legislative action to deal with the difficulties owner-occupier crofters are facing when decrofting their land.

We appreciate that the Crofting (Amendment) (Scotland) bill has been introduced with the express purpose of dealing with this one issue and that as a result, the timetable for the bill is considerably shorter than normal. We therefore appreciate that the intention is not to give the bill the same level of scrutiny that bills usually receive.

While we can understand this, we would suggest that as the aim of the bill is to bring clarity to the position of owner-occupier crofters, it should be framed in clear, simple terms. We would urge the committee to consider what the most efficient, effective way of achieving the desired outcome is, as an additional layer of complexity on top of what is already a dense and complex body of law is not desirable.

With this in mind, the committee is of the view that while early clarification on this particular issue is to be welcomed, the government should review the whole body of crofting law with a view to consolidation and, where necessary, amendment at the earliest opportunity. We would be happy to assist in identifying any particular areas of concern.