

CROSS-PARTY GROUP on CROFTING

Meeting 13 of Parliamentary Session 5

Scottish Parliament, room Q.1.03

Wednesday 28 March 2018 at 17.30

MINUTES

Present:

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| Kate Forbes MSP ⁱ (Convener) | Bill Barron CC |
| Patrick Krause SCF (Secretary) | Graeme Dey MSP |
| Cab Sec Fergus Ewing | James Scott CC |
| Tavish Scott MSP | Lorna Scott NTS |
| Emma Harper MSP | Michael Nugent SG |
| Angus MacDonald MSP | Raymond Monahan SG |
| Katy Dickson SLE | Edward Mountain MSP |
| Rhona Elrick RoS | Ross McLaren SCRG |
| Colin Miller RoS | Irianna Vlachopoulou JHI |
| Jim McPherson crofter | David ? SG |
| Andrew McCornick NFUS | Julie Brown SG |
| Lucy Sumsion NFUS | Brian Inkster CLG ^{TC} |
| Russell Smith SCF | Fiona Mandeville SCF ^{TC} |
| Ian Davidson SG | Janette Sutherland SACT ^{TC} |
| Michael O'Neil SG | |
| Rod Mackenzie CC | ^{TC} Tele-Con |
| Ruaridh White office of Kate Forbes MSP | |
| Kate Fry office of Rhoda Grant MSP | |

1. Welcome and Apologies

The convener welcomed everyone. Apologies were received from:

Brendan O'Hanrahan SCF; John Scott MSP; Siobhan MacDonald SAC; Rosemary Champion SHS; Eleanor Garty WTS; Jamie McIntyre WCP; Donald Crichton CnES; Donald E Meek crofter; Stephen Sandham SG; Liam MacArthur MSP; Jamie Halcro Johnston MSP; Padruig Morrison SCFYC; Murdo MacKay CnES; Billy Neilson CC; Fiona MacKenzie UHI; Donald Cameron MSP; John Finnie MSP; Gail Ross MSP; Maree Todd MSP; Donald MacKinnon SCFYC; Wendy Kenyon SPICe; Murray McCheyne SLE; Kevin Patrick LANTRA; Sheena Howden LANTRA; Barney MacAskill NFUS; Sandy Murray NFUS; Robin Haig SCFYC; Gordon Jackson SG; Donna Smith CC.

2. Crofting Law Reform

Cabinet Secretary for Rural Economy and Connectivity, Fergus Ewing, reported on intentions for taking crofting law reform forward. His paper has been circulated.

In summary:

Dilemma over deciding the best legislative approach to take, as the analysis highlighted almost equal proportions of support for new crofting legislation, versus making changes to existing legislation and restating or consolidating the law.

Proposing a two-phase approach to legislative reform, with a first phase in the shorter term, leading to a bill in this parliamentary session. This phase will focus on delivering changes which carry widespread support, including across the Scottish Parliament, and result in practical everyday improvements to the lives of crofters and/or streamline procedures that crofters are required to follow.

Keen to fully involve and engage MSPs with crofting interests to ensure that their ideas and proposals can be considered and taken forward in legislation.

The second phase is longer term work fundamentally reviewing crofting legislation to provide a solution to some of the more complex and challenging issues facing crofting. This work will begin now but will be for a future Parliament to deliver.

Legislation reform will be supported by non-legislative policy, a New Entrants Scheme for Crofting and a National Development Plan for Crofting.

Discussion:

Question: Will the legislation be written in a 'Purposeful Interpretation' manner? In other words will statute be supported by clear guidance?

Answer: The intention is to simplify crofting law. This can be done partly by placing things, such as the requirement for newspaper advertisements, in secondary legislation. The bill should also include what the 'experts' have suggested, many of which are in 'The Sump'. However the process will be open to anyone to suggest amendments through democratic process. Input from stakeholders is essential and welcome.

Comment: It is reassuring that as much reform as possible happens in this Parliamentary session, then consolidation, before a "radical rethink".

Answer: If this legislation is passed by the Scottish parliament it paves the way to a consolidation bill. This could be in the next session but would be straightforward and enabled by the approach being taken.

Question: Will there be a new look at standard securities?

Answer: The consultation asked about standard securities and this came last in the list of priorities. However, loans are needed and a lender needs security, which needs vacant possession in default. It affects some individuals but was not rated highly. We will be guided by stakeholders. We intend to meet with the Crofting Law Stakeholder Group to discuss what should be in the bill.

Comment: When asked at a recent SCF training session, very few were aware of the consultation but some wanted a loan for their business.

Answer: There are concerns about crofts being taken out of the crofting community through defaulting on a loan. As regards help in building croft houses, the Croft House Grant Scheme has so far helped in the region of 800 people to build.

Comment: Yes, this was an unfounded fear; a financial institution would not want a croft, it would sell it to a crofter to realise its loan.

Answer: We can have a more detailed discussion on this topic.

Question: How will this work proceed from now?

Answer: We will be holding the SGCLSG on 25 April, focusing on the bill. We will look at the first suggestions of what we can do. Advice will be given to the Cabinet Secretary on phase 1. Phase 2 work will be taken forward later.

Comment: We are concerned that phase 1 happens in this session.

Answer: The intention is that it will.

Question: What does this actually mean?

Answer: The purpose of phase 1 is to remove complications and rewrite bits of legislation that don't work properly, in this session.

Question: Is this actually three phases? Amendment, consolidation, then more radical change?

Answer: Consolidation may not be a necessary intermediary, but this approach paves the way if consolidation is wanted.

Question: Will there be an opportunity to differentiate between active and inactive crofters?

Answer: This can be discussed in the stakeholder group but would need consensus.

Comment: No one will want to be on a grazings committee, and unincorporated association, as the liabilities are not understood. Look at the fracas caused during the last CC.

Answer: This is an issue that certainly needs looking at, maybe in phase 1.

Question: What will this process do to help activity and sustainability, young folk are finding it difficult to survive.

Answer: Firstly, it will be seeking to streamline and simplify legislation and process. Secondly, it can create a means to secure loans. Thirdly, the National Development Plan for Crofting will specifically help in activity and sustainability. And fourthly, more funds will go into crofting grants e.g. CHGS.

The crofting system is seen by some as impeding development; this is not so. This will be a political bill, but not party political. It needs cross-party support. There will be a bill in this government. Further information will be disseminated in the media.

The Cabinet Secretary left the meeting.

3. Minutes of previous meeting

The minutes of the previous meeting held on 07 March were agreed.

4. Matters Arising

- RPID has spoken to Sandy Murray regarding his question on IACS.
- An Agriculture Champion should be asked to the next meeting. **Agreed.**

7. AOB

- Sporting rates: if a crofter is issued a zero bill they still need to get their name of the Valuation Roll. It would be sensible to also get an appeal in; any correspondence should say "I wish to appeal".
- NFUS have launched a paper "steps for change". Feedback from the group would be welcome. NFUS could present this, with a crofting focus, at the next meeting. Agreed.
- When he has progressed in his research, Gwyn Jones could be asked to a future meeting. Agreed
- The first loan payments for LFASS will be in the bank on Tuesday.

8. DONM.

25 April

i **Acronyms:** AECS Agri-Environment Climate Scheme; AF Assynt Foundation; CAB Citizens Advice Bureau; CBS Community Broadband Scotland; CC Crofting Commission; CAGS Crofting Agricultural Grant Scheme; CCx Crofting Connections; CFS Care Farming Scotland; CHGS Croft House Grant Scheme; CLG Crofting Law Group; CLS Community Land Scotland; CnES Comhairle nan Eilean Siar; CRSF Crofting Register Stakeholder Forum; CWA Community Woodlands Association; DEFRA UK Gov Dept. for Environment, Food and Rural Affairs; EC European Commission; ECCLRC Scottish Parliament Environment, Climate Change and Land Reform Committee; EFNCP European Forum for Nature Conservation & Pastoralism; FCS Forestry Commission Scotland; FFRWG Freight Fares Review Working Group; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; JHI James Hutton Institute; LANTRA Land-based & Environmental Industries Training; MSP Member of the Scottish Parliament; NDPC National

Development Plan for Crofting; NGMRG National Goose Management Review Group; NISR Newcastle Institute for Social Renewal; NFUS National Farmers Union Scotland; NS Nourish Scotland; NTS National Trust for Scotland; RECC Scottish Parliament Rural Economy and Connectivity Committee; RoS Registers of Scotland; RSABI Royal Scottish Agricultural Benevolent Institution; RSPBS Royal Society for the Protection of Birds Scotland; SAA Scottish Assessors Association; SAC consulting arm of SRUC; SAS Soil Association Scotland; SCF Scottish Crofting Federation; SCFYC SCF Young Crofters; SCRG Scottish Churches Rural Group; SCVO Scottish Council for Voluntary Organisations; SFT Sustainable Food Trust; SG Scottish Government; SGCLSG Scottish Government Crofting Legislation Stakeholders Group; SGCSF Scottish Government Crofting Stakeholder Forum; SGRPID (RPID) Scottish Government Rural Payments and Inspections Directorate; SLE Scottish Land & Estates; SNH Scottish Natural Heritage; SPICe Scottish Parliament Information Centre; SRA Scottish Rural Action; SRN Scottish Rural Network; SRP Scottish Rural Parliament; SRUC Scottish Rural (University) College; SHS Small-Holder Scotland; THC The Highland Council; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland.