Written submission from Highlands and Islands Enterprise

INTRODUCTION

HIE’s understanding of purpose and what the amendments seek to achieve.

Highlands and Islands Enterprise (HIE), as the Scottish Government’s economic and community development agency for the Highlands and Islands, welcome the legislative framework being developed through the Community Empowerment (Scotland) Bill.

We are supportive of the amendments to Part 3 of the Land Reform (Scotland) Act 2003, therein.

In line with Government Economic Strategy (GES), our purpose is to generate sustainable economic growth in every part of the Highlands and Islands.

Our Operating Plan 2014-17 sets out our four priorities:

- Supporting businesses and social enterprises to shape and realise their growth aspirations
- Strengthen communities and fragile areas
- Developing growth sectors, particularly distinctive regional opportunities
- Creating the conditions for a competitive and low carbon region

Our work to support community ownership is an integral part of our approach to deliver on all of the above organisational priorities, recognising the contribution community asset ownership makes directly to the economy and society of our region, and to Scotland.

We are grateful to the Committee for enabling a further short input through this submission, in relation to the amendments now proposed. We would be pleased to provide further input if this is helpful to the Committee in due course.

Within the previous submissions we have made through the legislation development process, we outlined our experience over many years in regard to the complexity of Part 3 of the LRSA 2003 and hopefully this has highlighted the complex barriers faced by communities in implementing the spirit of the Act.

The amendments now proposed are very welcome, making substantial changes to the legislation and its enabling provisions. We offer the following comment on each amendment.

Sections 71 and 72 Legal structure of community body.

This amendment is supported by HIE.

Section 71 – Removal of provision for auditing accounts.
This amendment is supported by HIE.

Section 71 – Amend definition of “crofting community”.

An increasingly inclusive definition is welcome.

We would note that the Registers of Scotland Crofting Register (RoSCR) may not presently be sufficiently robust as a source from which to determine active and engaged crofting members however.

The recognition of owner occupiers and the subsequent legislative changes to the Crofters (Scotland) Act 1993 is welcomed yet this leads to a possible area of concern. Due to previous processes involving means testing, many active current croft owner occupiers are classified as absent and in turn, the relevant croft data held on the Crofting Commission register can be classified as vacant. We consider that the completeness of any data source leant on as primary data to underpin a legislative matter is of great importance.

We welcome the development and scrutiny of the current legislation proposals and we note that the amendment does include a power for Ministers to expand on the RoSCR.

We also note the ongoing work of the Crofting Commission in regard to the current census data gathering exercise, a practical but important consideration connected to this legislation and we recognise the importance of effective dissemination of the census data in order to achieve the outcomes the legislation seeks to enable.

Section 73 – Croft land mapping.

This amendment is supported by HIE. We consider this a key amendment which will make a material and enabling change.

Section 73 – Public notice of application.

This amendment is supported by HIE.

Section 74(1) and 97B – Identification of owner, tenants and creditors.

This amendment is supported by HIE.

Section 75 – Ballot procedure.

The principle of this amendment is supported by HIE. In our earlier evidence submission we outlined some of the difficulties faced by communities in obtaining often multilayered information relating to land ownership. We would reiterate that a further amendment might be worded around the principle of “best endeavours demonstrated”. These endeavours could be itemised and logged chronologically. HIE is pleased to note the opportunity for communities to work with Ministers and officials to minimise costs and that where these cost might escalate outwith the capacity of a community organisation then recourse is available to seek assistance from Ministers.
Section 89 – Compensation.

The principle of this amendment is supported by HIE, and whilst supportive we would encourage consideration be given the most effective, objective mechanism which can be brought to bear to service this issue.

Section 92 – Outcome of appeal to the Land Court.

This amendment is supported by HIE.