General Comment

The view from Shetland on the question of Crofting Law Reform has not changed since the paper that was prepared for the then Minister for Crofting in 2015 (paper attached for reference). If anything, the actions of the Crofting Commission since that time have served to strengthen the depth of feeling in Shetland that Crofting Law and the regulatory framework that surrounds Crofting Law needs to be overhauled to secure the future of crofting. The last thing that people who work in agriculture in the most marginal farming parts of the country need is an additional burden of bureaucracy and cost. In Scotland we appear to have lost sight of the purpose behind Crofting legislation, which was to provide the people in the crofting counties with security of tenure and to foster economic and social stability in these remoter places. Far from heralding in a modern approach to the needs of rural development relating to Crofting, the 2010 Act has increased the complexity and the inconsistency of Crofting Law, and has heightened the frustration of the more progressive crofters. The only section of the Community that is better off as a result is the legal profession, which has benefitted from the additional legal fees.

These sentiments stated, we fully understand that a root and branch reform of Crofting Law is unlikely in current circumstances. While the question of what public interests are being served by Crofting Law and the purpose of the Crofting Commission need to be addressed at some point soon, there is a single change that could be implemented without requiring a major overhaul of the Crofting legislative system. This change is detailed below.

Owner Occupiers

Much of the inflexibility of the current system of regulation and the frustrations held by progressive producers could be resolved by enabling Owner Occupiers to opt out of Crofting Regulation should they wish to. This would place Owner Occupiers in the Crofting Counties on the same footing as Owner Occupiers in the rest of the Country and would resolve the main issues associated with Part and Whole Croft Decrofting and Business Development on crofts. In addition this change would help fulfil the Scottish Government’s current drive to improve economic growth.
Concluding Remark

While this particular reform exercise is likely to be concentrating on improvements that can be made to Crofting Legislation without fundamental change, the view from Shetland is that the Rural Economy and Connectivity Committee still has to discuss the need for significant future changes. In particular we would like to draw the Committee’s attention to the Public Interest conclusion in section 9 of the earlier paper that was submitted to the Minister with responsibility for crofting. We would urge a discussion on the definition of Public Interest that is being served by the all the Crofting Laws, as they are framed currently and to have some regard for the continuing cost of implementing these Laws. Our conclusion is that there must be simpler and more cost effective ways of delivering whatever the definition of Public Interest actually is.

Shetland Agricultural Sectors and Shetland Islands Council
16 November 2016