23 March 2018

Dear Ed,

In my letter of 10 January I undertook to write to the Rural Economy and Connectivity Committee again once I had an opportunity to consider the analysis of consultation responses regarding a review of Crofting legislation.

As you are aware, I will be attending the Cross Party Group for Crofting where I intend to set out my thinking for the way ahead with reform of crofting legislation. I feel it is very important to start the process by first speaking with stakeholders - those with a direct interest in crofting. It is clear to me that while there is a desire for change, not all of our crofting communities or stakeholders are necessarily ready for the fundamental change that others would prefer. Nevertheless, I remain keen to maintain the momentum that has been gathering to move forward to more refined legislation and I only see this happening if we are all prepared to work together. I also would like to meet, at the appropriate point, with the Rural Economy and Connectivity Committee as part of this process.

To that end I am proposing to commence work to produce proposals for a Bill, focussed on those issues which could make an immediate impact for the whole of the crofting community. Subject to Cabinet agreement and the necessary parliamentary resources being available this will be scheduled for completion this parliamentary period. These changes should be ones that attract broad support; this is an important consideration, since I am conscious of the risks of attempting to react to issues which would garner support of one group whilst having a negative effect on others. We must focus on the simplification of legislation itself and how it affects crofters and crofting communities, not complicating it further.

Alongside this work, I am proposing that we take forward a second phase of work starting to prepare new Crofting legislation for consideration in a future parliamentary session. This will build on work by the Crofting Commission which will set out why crofting is important and what crofting is trying to achieve. This second phase should work towards clarity for those issues which are complex in nature and sometimes provoke contradictory views.

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I am also of the view that this second phase should consider how Crofting Law should be set out in legislation. We must do our best to move away from the level of detail set out in Primary legislation and the continual rounds of Parliamentary time given over to make any changes; a view with which, I am sure, both you and the Committee members would concur.

The message from a number of respondents to the Consultation indicated that crofters would rather time was taken over the development of legislation that will be fit for purpose. I have said this on a number occasions before and agree wholeheartedly with this sentiment.

The outcome of the consultation has left me under no illusion that this will be easy and it is incumbent on us all to work together to drive this forward. Of course legislative change is not the only answer to the issues that face this sector and I will be saying more about this at the Cross Party Group. There are a number of policy and administrative issues that can be addressed through pursuing non-legislative means.

Given the nature of my proposals I felt it appropriate to set out my thinking with stakeholders in the first instance to foster the collaboration at a grass roots level that will be needed to aide Parliament in the long term delivery of a positive change for crofting.

FERGUS EWING

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