



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

Tuesday 23 February 2010

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Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
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RURAL AFFAIRS AND ENVIRONMENT COMMITTEE
4th Meeting 2010, Session 3

CONVENER

*Maureen Watt (North East Scotland) (SNP)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

Karen Gillon (Clydesdale) (Lab)
*Liam McArthur (Orkney) (LD)
Alasdair Morgan (South of Scotland) (SNP)
*Elaine Murray (Dumfries) (Lab)
*Peter Peacock (Highlands and Islands) (Lab)
*Bill Wilson (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Rhona Brankin (Midlothian) (Lab)
Jim Hume (South of Scotland) (LD)
Nanette Milne (North East Scotland) (Con)
Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Paul Cannop
Donald Macdonald
Alistair Maciver
Iain Maciver (Stornoway Trust)
John MacKenzie
Jim Macmillan
Councillor Jim McGillivray (Highland Council)
Jim McPherson
Duncan Munro
Sandy Murray
Michael Otter
Drew Ratter (Crofters Commission)
Nick Reiter (Crofters Commission)
Councillor Robbie Rowantree

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Weigh Inn, Thurso

Scottish Parliament

Rural Affairs and Environment Committee

Tuesday 23 February 2010

[The Convener *opened the meeting at 13:31*]

Crofting Reform (Scotland) Bill: Stage 1

The Convener (Maureen Watt): Good afternoon, ladies and gentlemen. I welcome everybody to the committee's fourth meeting of the year. The committee is delighted to be in Caithness and to meet in Thurso for the first time. I ask everyone to ensure that their mobile phones and BlackBerrys are switched off, as they impact on the broadcasting system. We have received apologies from Alasdair Morgan and Karen Gillon, who are committee members. The meeting clashes with other parliamentary appointments that they have.

The purpose of today's meeting is to take evidence as part of our on-going scrutiny of the Crofting Reform (Scotland) Bill. To fill that role to the best of our ability, it is important that we take evidence in areas that the legislation will affect. That does not just mean holding meetings; it also means going out and about and speaking to crofters in their working environment. We did that yesterday along the east coast of Caithness, and earlier today in Sutherland. I record our grateful thanks to those who met us on those visits, especially our guides for the day—Mr McPherson was our guide yesterday and Mr Fraser was our guide today. They have been very helpful in informing our discussions.

We will begin by taking evidence from a panel of people who work crofts in this area and surrounding areas. We had hoped to have someone from Orkney here, but, unfortunately, they could not make it today, so we have someone from Lewis instead. The intention behind hearing from those individuals side by side is to highlight the distinct challenges that are faced in different crofting communities and to gauge how the proposals in the bill might be received in the area. The next and final panel of witnesses will represent the Crofters Commission, but before then, members of the public will have the chance to have their say on the bill. I hope that everyone who wishes to take advantage of that opportunity has already contacted the clerks to make themselves known so that we have an idea of the take-up and can plan to give everyone who wants to speak a chance to do so. I think that up to 10

people want to speak. If anyone who wants to speak has not already contacted the clerks, please do so.

It might be helpful if I explain briefly to members of the public our role in relation to the bill. The bill is not the committee's work; it is a Scottish Government bill. Before the bill was introduced to Parliament, the Scottish Government published a draft bill, of which many here may have been aware. That draft bill was widely consulted on. The Government considered the responses that were received, and introduced to Parliament the bill that we are considering today. That bill must go through a three-stage process in Parliament; we are now midway through stage 1. During stage 1, the committee that is chosen by Parliament to consider a bill in detail issues a call for views and considers the written evidence that is submitted. It also hears oral evidence in meetings such as today's meeting. At the end of stage 1, we prepare a report to Parliament for its consideration, and the whole Parliament votes on whether the bill should proceed to stage 2. At stage 2, members of the Parliament may lodge amendments to the bill, which are considered and voted on by members of the committee. After stage 2, the bill is reprinted to include the amendments that have been agreed to. The bill then enters stage 3, when the whole Parliament has a final chance to consider amendments to the bill, before voting on whether to pass the bill in its final form. There is still some way to go before the Crofting Reform (Scotland) Bill can become law.

I welcome the panel of crofters. Alistair Maciver is a crofter from Rogart; John MacKenzie is a crofter in Assynt; Nickie May, from Orkney, was not able to be with us today; Jim McPherson is a crofter in Caithness; Councillor Jim McGillivray of Highland Council is from Embo; and Iain Maciver is estate factor of the Stornoway Trust. Thank you all for coming—I know that some of you have had a considerable distance to come to be here.

We move to questions. I invite each member of the panel to describe the crofting in their area; to discuss the challenges that will face communities in the future; to comment on whether the bill addresses any of those challenges; and to say whether they have any alternative suggestions to those that are contained in the bill, which might improve crofting in their area in the future.

Who wants to start? I know that this is fresh in Jim McPherson's mind, as we were talking about this stuff yesterday.

Jim McPherson: I will have to be reminded of some of those headings.

The Convener: Okay.

Jim McPherson: There is an assertion that Caithness is atypical as the crofts tend to be larger

and as there have been employment opportunities here, so absenteeism is in single figures, which is a plus. There are challenges around ill-informed definitions of terms such as “absentee” and “neglect” when the subject is considered by people who do not have much information on or background in crofting.

The Convener: Does the bill as it stands address any of those issues, or does it not define them well enough?

Jim McPherson: One of the problems with the bill lies with the proposed register of crofters. Every crofter will, at some stage, be faced with registering his croft. The problem is that the bill concentrates on the map, and it fudges the costs. The only cost that has been specified so far is £80 for going to the register. The map is a graphical representation of what is important—of what is on the title sheet, which sets out the crofter’s rights on the croft. The title sheet must state precisely where the boundaries are. The scale of mapping is such that the boundaries can be fudged. If the croft bounds a stream, for instance, it is important that the boundary is not taken to be the management fence alongside the stream; if it is at the centre of the stream, then that is the boundary. Similarly, if a croft bounds a highway, it is important to note that the boundary of the croft abuts the verge, not the management fence. In the future, if someone who looks at the register wants to get a picture of whether there is any possibility of a ransom strip, they will see that there is no such possibility if it is quite clear that someone is on the croft once they come across the highway and across the verge.

The Convener: We can get into such details later on in our questioning.

Councillor Jim McGillivray (Highland Council): My area around Dornoch is a successful crofting area. As Jim McPherson says, there is plenty of employment, which means that there is adequate income—people have disposable income to build their crofts. However, it is virtually impossible for a new generation of crofters to come into what is a very staid system.

From my perspective, I am looking at the generation of new crofts. I have already, in conjunction with my mother, used the part of the Crofting Reform etc Act 2007 that allowed the creation of a new croft; that is an innocuous and transparent way in which new crofts can be created. However, new crofts can be created only where there is a willing landowner; I will come back to that in a minute. The Embo Trust has agreed with the Forestry Commission, under the national forest land scheme, the acquisition of a 400-acre plantation specifically with the aim of creating crofts for young local people. There is a demand for such crofts, and our ambition is to

create them. Everything has been agreed and priced, and it is just a matter of finding funding. The Big Lottery Fund does not do that kind of thing any more—I wish that it had told us that a year ago, because it would have saved a year of our lives. We are currently agreeing a cut-down acquisition with Forest Enterprise Scotland for a 54-hectare slice. We have in mind the creation of 12 10-acre units.

My postscript to the Highland Council submission would be the idea of crofts that are tenant only, with no right to buy. Where there is a community landlord, it is imperative that no right to buy is attached to the creation of crofts or we will just be recreating the previous free market system, in which the croft goes to the highest bidder. We want young local people to stay and to have access to land, but we do not really want them to cash in and then disappear. I would very much like there to be formal recognition of tenant-only status, with no right to buy. In conjunction with the Highland Small Communities Housing Trust, we have commissioned an Inverness solicitor, Andrew Murchison, to look at no-right-to-buy status under the current legislation. We are assured that we can pursue no right to buy, tenant-only status as a reasonable way to allow us to create crofts that will remain in the possession of a community trust.

The obvious problem with recognition of tenant-only status, which previous versions of the bill tried to address, is housing. Tenant-only status would imply that we have a special case of croft. The current geographical grants system is £11,500 on the east coast, £17,500 in the middle and £22,500 in the west and the islands. Tenant-only status should attract the high level of grant because it is special—it is a more traditional form of croft holding. I would like that issue to be addressed in the bill.

I have some further issues that I would like to mention.

The Convener: I am sure that we will be able to address your other points later.

Councillor McGillivray: Sorry, I have been talking for too long.

John MacKenzie: I express my appreciation for the fact that some of the more pernicious aspects of the original draft bill have been dropped. The two issues that predominantly concern me in the proposals that remain are the register of crofts and the proposed action on absenteeism, both of which are totally flawed. I have noted from the papers that have been circulated that the Government considered that it was inappropriate for it to bear the cost of the creation of the proposed new register. However, it seems perfectly content with the proposition that the crofting constituency should be requested to bear

the cost. That cost is put at something in the order of £1.2 million over the timescale, together with something in excess of £300,000 for additional elements—possibly mapping, but I cannot recall precisely. It is a serious imposition to impose on a constituency that is disadvantaged in any case the cost of a register that seems unnecessary, given the current status of the Crofters Commission's register and the ability to improve it using the integrated administration and control system as a basis.

13:45

The second point is absenteeism. As well as being here in my personal capacity, I am a member of the board of the Assynt Crofters Trust, so I am aware of letters that have been issued to people whom the commission has identified as being absentees for 10 years or perhaps more and copied to the trust as landlord. I do not believe that neglect and decay, which appear to be the principal target of the bill, equate in any way with absenteeism. I can produce examples of absentees who have managed their crofts well. They have fenced their crofts, drained them, kept them free of bracken and rushes and have their own flocks of sheep, but they come as and when it is possible for them to do so. There are other crofters who are supposedly resident but are extremely neglectful of crofts. If I have correctly identified the bill's principal target, it will simply not be addressed by the bill's provisions.

The Convener: We will come back to both of those points in detail.

Alistair Maciver: John MacKenzie and I live on opposite sides of Sutherland—I come from east Sutherland—but I concur almost 100 per cent with what he said. I have already made a written submission on the problems that I see with the bill. Like John, I am concerned about the confusion—I do not know whether to call it that—between absenteeism and neglect. Neglect is a much bigger factor than absenteeism in the dereliction in the crofting counties. Perhaps the committee might consider moving the emphasis in the bill from dealing with absenteeism to dealing with dereliction. Like John, I know plenty examples in which absentee crofters have made arrangements under which their crofts are well worked and well looked after, but I also know other instances of crofters who are resident on their crofts, which—to be frank—are a mess because they are totally neglected.

I will address specific points in the bill. First, I will talk about the proposed register and, in particular, the suggestion that two organisations—the crofting commission and the Registers of Scotland—will gather and record information exactly over two or three generations, which might

be a little optimistic. There we have a method of doubling the cost of setting up the register because, if two organisations do more or less the same thing, that must mean that it will be a great deal more expensive than has been suggested. The other question is, what happens to all the crofters in the meantime, while two or three generations slip by? I have suggested a couple of alternatives. I will say no more about those today and leave them for the committee to consider.

The Convener: We may question you further on the issue in a few minutes.

Iain Maciver (Stornoway Trust): I am here today wearing two hats: as an estate factor, as has been mentioned, and as a crofting tenant. I hope that what I say is focused more on crofting than on my individual circumstances.

Crofting in Lewis is probably quite different from what members have seen over the past few days. Most of the crofts are small, with a large, albeit in many cases environmentally sensitive, outrun. One crofter may live very close to his neighbour. Settlements are small, there is housing pressure and people tend to live in close proximity to one another. In the past, that has given crofting many of its strengths and qualities; hopefully, it will do so in the future.

I see a future for crofting, but I share the concerns that have been alluded to today. On the land of the Stornoway Trust, in particular, neglect is a bigger problem than absenteeism. There are more than 1,300 crofters, but we have received only 39 letters from the Crofters Commission about long-term absentees. Some of those crofters are no longer absentees, and some of their crofts are well worked. I have had to deal with the pain of people who have been pursued as absentees when I know that they have more affinity with, have shown more interest in and have put more into their holdings than people who are living in close proximity to them, who have done nothing. It is unfortunate that that is the case today, because the issue affects not just landowners and land but crofters' ability to work alongside such situations, which impact on how others can manage their land. Sometimes that has acted as a disincentive to investment in crofting.

We have concerns about the proposed register. A much simplified register would suffice. If the new commission is to look after crofting, I am sure that it will have the skills and ability to manage and maintain a register, too.

The Whitbread loophole is a huge concern to me, as the representative of a community landowner. It should also be of concern to crofters, who have an interest in seeing croft land developed for agricultural use and enabling the likes of a community or benevolent landlord to give

land over at reduced cost, to encourage people to stay, live and work on the land where they were born and brought up.

I have concerns about the lack of housing, especially for young people. A lack of housing and employment is a huge problem in the crofting community. Creating a crofting environment that gave people more support to build homes on croft land, albeit tied to a commitment to work the land, would be more productive than taking the standard security route that, thankfully, has been removed from the bill.

The Convener: We move on to the issues that you have identified. We will start with absenteeism.

Bill Wilson (West of Scotland) (SNP): After I have asked about absenteeism, one of my colleagues will ask about neglect. I will try to tease out particular issues relating to absenteeism. Some of your opening statements might be interpreted as suggesting that it does not matter if someone is not present on a croft, as long as the croft is being worked and maintained. I offer you a hypothetical scenario, to see how far that goes. If there were 47 absentees in a community of 50 crofts, but all the crofts were being worked by the three remaining crofters, would that be a problem for you, or would it be fine? My question is addressed to all members of the panel.

John MacKenzie: I find the scenario somewhat synthetic. It is most unlikely, although clearly it is possible. I am concerned that absence seems to be equated with neglect. The question conveyed that impression. The picture that you paint is one of a significant number of croft tenants or owner-occupiers—

Bill Wilson: You may have misunderstood me. I am not suggesting that. I said that all 50 crofts are being worked by the three remaining crofters and that none of the crofts is neglected. I was not equating absence with neglect.

John MacKenzie: That is the point. The fact that crofters are absentees equates neither to neglect nor to resident crofters working the crofts. In some cases, that would be the best arrangement, but it should be reached locally, perhaps with the involvement of the grazings committee. In the hypothetical scenario that you suggested, it is highly unlikely that three resident crofters would be managing or working 47 crofts that are held by absentees out of 50 crofts. I am trying to convey that crofts that are in the hands of absentees are not necessarily subject to neglect nor to being worked by other resident crofters, although that may be a solution.

Bill Wilson: The example was hypothetical: it could have been 25 worked and 25 not worked. The number is not particularly important to me, I

am simply trying to establish whether absenteeism is an issue for you. If a large number of crofts in a community are not being lived in—by which I mean that the people are far away; they are not part of the community—but the crofts are not being neglected, is that a problem for the community?

Iain Maciver: The problem with a hypothetical question is that you get a hypothetical answer.

Bill Wilson: Yes, indeed.

Iain Maciver: In the area that I know, the question is hypothetical. I cannot see a situation in which that would happen. Crofters may be missing from their crofts but they are replaced by people who are resident in the community. That is how these communities are made up.

Where there is neglect that is caused by absenteeism or a tenant who has no intention of returning, it is wrong for someone to sterilise a piece of ground in perpetuity. That said, if someone has an affinity with the land on which they were born and brought up and would dearly love to return if circumstances allowed, it is only right that they should be allowed to continue their interest in that piece of ground. In return for that, the onus should be on them to ensure that people who are resident in the area work the land for the benefit of not only the crofting community, but the crofting environment.

Councillor McGillivray: I will take that a little bit further. Where there is a long-term nostalgic attachment to the land—that is a very real feeling, which I recognise fully—if tenant-only status was recognised, the absentee crofter could maintain their connection with the land that they cherish by purchasing their croft, becoming a landlord and putting in a tenant with no right to buy.

Bill Wilson: Under that scenario, would the tenant have security of tenure?

Councillor McGillivray: No right to buy.

Bill Wilson: No right to buy, but security—

Councillor McGillivray: The absentee is still the landlord. The connection remains.

Bill Wilson: If I understand you correctly, you are concerned with absenteeism only where the croft is not being properly maintained. Is that correct? I am speaking generally.

Iain Maciver: Generally, yes.

Councillor McGillivray: Yes.

Bill Wilson: How would you define absenteeism? When would a set of circumstances be the trigger for you to say, “There is a problem here with absenteeism”?

14:00

John MacKenzie: The focus is on the wrong issue at the moment. Absenteeism per se is not the problem; neglect or dereliction is the problem. Every croft tenant or owner-occupier should be required to reach a minimum standard. If that minimum standard is being reached, whether the tenant is an absentee or otherwise, there does not seem to be a material issue. Examples can be cited ad nauseam of crofts that are neglected while in the hands of resident crofters, and of crofts that are well worked that are in the hands of absentees. I am happy to give a couple of examples, but I do not think that it would advance the debate in any way.

Bill Wilson: As I indicated, we will come on to the subject of neglect, but I am asking about absenteeism as a first stage.

John MacKenzie: As far as I am concerned, absenteeism is not the predominant issue.

John Scott (Ayr) (Con): One of the definitions of absenteeism at the moment is living more than 16km away. Would you venture an opinion as to whether that distance should be increased? Could you put a figure on it? Should the specifying of a distance be abolished altogether?

John MacKenzie: In my view it should be abolished altogether.

John Scott: I wondered whether that would be your view.

John MacKenzie: It is a false criterion that cuts across many of the issues that Iain Maciver referred to regarding nostalgic attachment and so on. For instance, an absentee might seek to benefit from the market value of a site on the inby of the croft. There should be a presumption against such a course of action.

I am an example of a person to whom a croft has passed down through the generations, and of my own volition I decided to take my wife and family there in preference to waiting until I was old and dodderly, as I am now. People who have been away and who have amassed skills in whatever area can contribute much more than people who come into the community, gain—by hook or by crook—croft tenancies then contribute absolutely nothing. Almost inevitably, they are required to produce a statement of intent. They produce a most impressive statement, then the croft is completely forgotten about.

John Scott: Do others on the panel share that view about increasing the distance or abolishing it altogether? Does John MacKenzie speak for everyone on that point?

Councillor McGillivray: Yes.

Jim McPherson: Yes. The distance of 16km is no longer relevant in the modern world.

Peter Peacock (Highlands and Islands) (Lab): I want to press John MacKenzie and perhaps Iain Maciver on that point—others should feel free to comment. On the contention that 16km is irrelevant now, I gather that that distance was set in the early 1900s, so it was probably more to do with walking distances. If we consider the commentary on crofting over the past number of decades and if we ask what crofting has contributed to the Highlands and Islands that is particular and distinctive, a great many people will say that it has allowed people to live in very remote communities, to populate them and to keep them alive. It has given people who are hefted to the land some sense of continued belonging to the land as they contribute to food production.

If we take that view, absenteeism is important. I am challenging you on this point. Taking action against absentees is presumably the one way in which you can continue to ensure that there are opportunities for people to have housing and to live locally, which helps to sustain remote communities. We cannot just ignore absenteeism, notwithstanding the assertion that it is not connected to neglect, which I accept. Is it not reasonable to have provision somewhere in the law to deal with absenteeism? You are kind of implying that it is not really important at all, at all, at all.

John MacKenzie: My view is that it is not all that important at all, at all, at all. In the modern age, a 16km radius is inept in the extreme.

Peter Peacock: Leaving aside the distance of 16km, I have some sympathy with your view, but at one level all it does is create a trigger—whether it is 16km, 32km, 56km or 105km—for somebody to ask, in the interests of sustaining the population, whether it is a problem that the person is absent.

John MacKenzie: I would replace that trigger with another trigger: that of the effective use and management of the land, within certain parameters. In other words, I do not believe that any radius or distance should be the trigger, in any sense, in the modern age. Neglect and misuse are far more important issues.

Bill Wilson: If you accept the idea that there could be large numbers of empty houses and absentee crofters, you must also fundamentally disagree with Peter Peacock's view that crofting is about ensuring that people actually live in the community.

John MacKenzie: Let me cite my own township in answer to that. There happen to be a number of absentees there. Two of them are currently the target of the commission's new-found interest in

identifying absentees. One of them is managing his croft well, although he is absent—he has a small flock of sheep and has built a house, which is evidence of his intent. A number of other houses are occupied by incomers—largely English—who make a contribution in the sense that there are lights on in houses that would otherwise be empty. Some of the papers before us express concern about second homes. I venture that I could be viewed as one of the culprits in that context, as I have built a self-catering chalet that is empty during the winter. However, most of the houses that have been taken out of crofting tenure and sold on are occupied throughout the year by people who are resident in our township and are, therefore, making a contribution.

Bill Wilson: However, those people would not be considered absentees. If they are not crofting, they are not crofting. If they are present all year, they are present all year.

John MacKenzie: All I am saying to you is that the pursuit of so-called absentee crofters in order to make houses or opportunities available to incomers is not necessarily founded on the notion that a croft has to go along with it.

Alistair Maciver: I concur with John MacKenzie. The question is more about crofting than crofters. Confusion around those two things has existed for a long time. Which is more important: the support of people whom we might call crofters or the support of crofting as a system? It seems to me that pursuing absenteeism to the n^{th} degree rather than pursuing neglect is the wrong approach. The point has already been well made that your hypothetical situation is most unlikely to happen.

Bill Wilson: From other areas, we have had evidence of extremely high levels of absenteeism.

Alistair Maciver: Absolutely, but that is not as important as neglect. Neglect is the single biggest enemy of crofting—note that I say crofting, not crofters.

John MacKenzie made the good point that many houses in crofting areas are occupied by non-crofters, many of whom make a welcome contribution to the local community, take part in activities, raise a family and are in employment. I know a crofter who lives not far from me and travels 55 miles to Inverness every day to work. That supports John MacKenzie's suggestion that the 16km limit is irrelevant in today's conditions.

Iain Maciver: The situation is slightly different where I come from because, no matter how good you are at walking, the Minch will cause you a bit of difficulty. The situation in which people live outwith their croft is often not as serious as is made out when people talk about absenteeism. A tenant can quite easily fulfil their obligations, not

just in looking after the croft but in supporting what happens in the township. If they do that, they are not interfering with life in the township, but when they are totally divorced from that, unless they can ensure that someone else performs that function, they can be classed as an absentee.

A specified distance would only be good for acting as a trigger to draw attention to a situation. For example, if a situation was perceived to be causing problems in a township—perhaps those who were actively trying to work it were greatly outnumbered by absentees or people who were not working the croft—it could be addressed at the discretion of the proposed commission.

Obviously, there are different situations wherever we go, but I am sure that the wit of man can come up with a solution that is of benefit to crofting, allows those who have strong ties to a place the chance to return there one day, and prevents others from just exploiting a piece of ground that they have been left. If the first thing that an absentee has to do is sell, it is not guaranteed that an incoming tenant will be of any great benefit to the community.

John MacKenzie: I want to follow up what Iain Maciver has just said with a couple of examples.

In a township in Assynt, a contemporary of mine—one of the worthy lads who became fairly well addicted—sold his house to generate income and then sold the tenancy of the croft to two women. They came in with wonderful proposals. They moved an old rickety caravan on to the croft and built a polytunnel—the first gale and it was ripped to shreds. They were going to feed the whole of Assynt and look after the said crofter's sheep, even though he did not have any. One of the women ultimately died, and the other is now resident in Lochinver—as she had been in a caravan, social services clearly had to do something about it. She therefore lives well within the 16km radius.

On the other hand, in an adjoining township there are two men who are close to being contemporaries—they are younger than me. One is a doctor and the other is a minister of the gospel. Both have been targeted by the commission in the recent round of absentee letters. Both wish to maintain their link with the place of their birth, and both presumably wish to return at some point—they have not reached retiral age yet.

The radius absentee trigger that has been referred to will adversely affect those two men but have no impact whatsoever on the neglected croft in the adjacent township. It seems to me thoroughly unjust and inequitable that such a situation should prevail.

The Convener: What do you think of the proposal that people would have to apply to the commission for consent to be absent from their crofts?

John MacKenzie: That is possible, but I repeat what I have already said: the trigger ought not to be absenteeism or absence per se; it ought to be neglect. How such a trigger would be operated remains to be considered, but I believe that the commission, with its staff and their expertise, would be well able to address that, perhaps on the basis of grazings committee or all of the grazings committees being asked to participate in the process of identifying such crofts.

The Convener: We will come back to that point.

Jim McPherson: Crofting should not be seen as a substitute for a competent housing policy. There is a flavour of an idea that putting someone into a croft house as the croft tenant solves the housing problem, but it does not solve the problem of neglect—in a way, it creates a resident absentee. We have heard that the real problem is not absenteeism but neglect. If we want someone to be in a house, we should provide a house; if there is demand for a croft, we should let the croft tenancy be taken up by a potential crofter.

14:15

Liam McArthur (Orkney) (LD): I listened to the responses to Bill Wilson's questions. Yesterday, during the visits, we discussed the impact of the changes during the 1970s relating to consolidation, which was incentivised. In agriculture generally, bigger units are being created to respond to the mechanisms for agricultural reform and the way in which subsidies are going. I take the point that the hypothetical situation that Bill Wilson described is not likely now, but is there a risk that removing absenteeism as a trigger would lead to greater consolidation, to the point that that hypothetical situation might come to pass? If so, would that be a problem? John MacKenzie said that if the land is being worked and people are moving into the community for other reasons and contributing in other ways, absenteeism is not an issue. Is that a likely trend?

Jim McPherson: You would not be removing the trigger—the trigger would be neglect. Defining neglect is an issue. As generations progress through a croft, an older person may ease off and there may be a bit of what might be perceived as neglect, because the place is not worked as well as it was worked before. When a younger generation comes in, the croft is worked and the neglect disappears. I define neglect as a situation that a bit of effort would put right. The real problem is dereliction, where not only effort but a capital injection is needed. The trigger would be the point

at which neglect became dereliction. It would take a cleverer man than me to sort that out.

Liam McArthur: John MacKenzie spoke about a requirement to maintain crofts. That may be more feasible if a croft is handed to someone who is already working other crofts and can build them into a larger unit. Is that trend likely in the crofting communities? If so, would it be a problem?

Jim McPherson: It is already a trend. We must not try to turn the clock back.

The Convener: That leads on to John Scott's question.

John Scott: Supposedly, we have not been discussing neglect, but we will now do so. Much of what needs to be said about the issue has already been said; if we go over that again, we will be here until 8 o'clock, given all the other issues that we need to discuss. I was going to ask whether there are neglected crofts in your communities, but given the evidence that we have seen and what you have said, there obviously are. Is that a fair comment? Members of the panel are nodding. What causes neglect? Would the issue be resolved best by regulation or by incentive? Are you content with the way in which neglect is defined in the bill? If so, what should be done about it? How should neglect be reported and addressed? You touched on the suggestion that grazings committees should keep a register of neglected crofts. I invite you to discuss that a little more.

Alistair Maciver: You mentioned in passing the question whether neglect should be addressed by regulation or by providing support. I said in my written submission and repeat here that support is not an issue for the committee; I understand that it is not part of the committee's remit. However, crofting support is one of the key means of reviving crofting. Over the years, especially the past 20 years, such support has decreased rapidly and to a tremendous extent: any study of support schemes over the period would prove that conclusively. Support is one of the keys to improving the situation of crofting.

Crofting and farming are completely different. The possibility of having a croft that is viable in terms of today's standards or cost of living is very remote, given the type of land and the situation of crofts in general. The key to moving crofting back to a reasonably self-supporting state is to look at a separate support system for it. Crofting and farming are completely different, as I am sure the member realises, being a farmer. Farming is a business—a commercial enterprise—whereas crofting is not. That is the big difference between them. Obviously, a one-size-fits-all support system does not work. If the support system is geared towards crofting, it is to the detriment of farming.

Likewise, if—as it is at the moment—the system is geared towards farming, it is detrimental to crofting. A separate support system is the key to the way forward for crofting.

John Scott: Thank you. Do other panel members have a view on neglect and the questions I put?

Iain Maciver: Neglect occurs when a crofter mismanages his stock and grazing and allows the croft to fall into a state of disrepair that affects his neighbours' ability to croft—I refer to a lack of drainage, fencing and weed control, any of which is a sign of neglect and which impacts adversely on others who are trying to croft, farm or make good use of neighbouring land. In such cases, the neighbours tend to give up because there is no mechanism to address the issues. A lot of good land has come out of active crofting use for that reason.

You asked how the problem can be addressed. I apologise for returning to the previous topic of absenteeism, but addressing absenteeism and neglect is a good way of giving young residents who have no access to land but who are potential crofters a cheap way to get on to the crofting ladder. A young person who was resident in the community and interested in crofting could quite easily find their feet on a holding if they were given five, 10 or 15 years in which to do so. That would bring the best of both worlds: the tenant would retain the tenancy and return to land that had been well used, and the young person might obtain a tenancy. By taking the heat out of the market and ensuring that there was an obligation to work the land, crofts might come on to the market a lot cheaper than they are at the moment, and the boys and girls in the community would be able to bid for and get a croft. I hope that, in the commission's eyes, they would be seen as suitable future tenants.

John Scott: Okay.

Councillor McGillivray: Both absenteeism and neglect were dealt with in the Highland Council submission, but with no great solution. I subscribe to what has just been said, but we have no marvellous solution. Neglect must tie in with cross-compliance and maintaining the land in good agricultural and environmental condition as defined by the Scottish Government rural payments and inspections directorate.

John Scott: We all know neglect when we see it, and we are in the business of seeking solutions to address it. If the panel has positive suggestions, we would like to hear them. I suggested the idea of grazings committees recording neglect. Being a farmer, I know neglect when I see it, just as a crofter does. Is there a way of seeing neglect and then recording it? If so, how should we take

action? Should that be done by grazings committees submitting reports to the commission, which will be obliged in law to address the issue? Is that the way forward? I am not an expert in the field; you are. I am looking for views, and solutions.

Jim McPherson: Do you not think that the first approach should be to investigate the cause of the neglect? The economics of a croft are like those described by Mr Micawber: if the income is £1 and the outgoings are 20/6, the thing to do is stop. A crofter is a wealth creator, really. In crofting as a whole, sheep and cattle turn a mass of high-volume, low feed-value forage into low-volume, high feed-value protein. That is the wealth creation. If a crofter is rewarded for that, they will go on crofting; if it starts to cost money, a sensible man will stop. You must find out how to square that circle.

Bill Wilson: I think that John Scott's question is, who would trigger the investigation? Somebody would have to say that they thought a croft was neglected. Would that be a grazings committee?

Iain Maciver: I was just going to answer that. It would be dangerous to go down the grazings committee route because, if those who neglect crofts outnumber active crofters, the grazings committee could be made up of defaulters. The affected person should trigger action. If a crofter was prevented from doing what he or she wanted to do because of inactivity and neglect around them, they should have recourse to the commission and their own grazings committee. However, the grazings committee has a remit to look after only what is held in common. An individual crofter could make it known that he or she could not croft because of their neighbours' inactivity.

Bill Wilson: The problem is that we have had evidence from quite a number of individual crofters who have identified areas of neglect but do not want to speak out because they fear that it would create ill feeling in their community and because, in future, they may have difficulty getting sublets, as tenants would say, "Oh, you were the person who reported X."

Iain Maciver: If neglect is as obvious as has been stated, I hope that, given the bill's proposed remit for the commission, the commissioners and the agents who work for the commission will be well aware of it or able to spot it. Through one system or the other, we could begin to address neglect.

I appreciate that it is difficult when people live so close together. For some, there is more to life than crofting and they would rather live peaceably with their neighbours than report them, but when a situation becomes increasingly difficult and they

are prepared to take that step it will be open to them.

Councillor McGillivray: In my area, the townships are dynamic and well worked, but there is no active grazings committee—the inspection agency carries out its work. It comes and inspects crofters' premises for cross-compliance.

Elaine Murray (Dumfries) (Lab): I will briefly say something about neglect before addressing grazings committees and assessors.

This morning, we encountered a situation in which a young man who is keen to be involved in crofting is informally subletting two others' crofts with the agreement of the tenants but he has no security and no formal arrangement. That land is being worked, but the tenants are not maintaining the fences, which means that the young man's stock could get out, which obviously is dangerous, although he is reluctant to complain about the fences because he has no security on the land and might be thrown off. In a sense, that is neglect, because the boundaries are not being looked after. How do we solve the problem for that young man?

Iain Maciver: It is a matter of sorting out the current problems with subletting. As I understand it, a sublet can terminate at very short notice on the death of a tenant or a change in the tenancy. If that young person had the security of the sublet for, say, 10 years, he could apply for crofting grants and address that situation.

Elaine Murray: Yes, but his point is that he does not want to do that because the people who have the informal relationship with him would be reluctant to formalise it. It is convenient for them to have the land worked but to have no responsibility.

Iain Maciver: To follow through on what we said earlier, if it was a choice for the tenant between allowing that young person to apply for a grant to improve his croft or being subject to action for neglect, I know which route I would want take.

Elaine Murray: That would help his position.

Iain Maciver: Yes.

14:30

Elaine Murray: A couple of weeks ago, we took evidence on assessors and the role of grazings committees. I know that the Stornoway Trust was a bit disappointed that we did not address what has been seen as the local assessor system's lack of effectiveness. Are there assessors in your communities? How are they selected or chosen? Will you comment on the activities of grazings committees? Evidence that we have received suggests that they could have a role in identifying neglected crofts, for example. Will you describe

local situations with regard to assessors and grazings committees? Councillor McGillivray has already said that there is no grazings committee in his area.

Councillor McGillivray: No. However, I think that an assessor is in a particularly difficult position in any crofting community, and I would certainly never aspire to having that post.

Elaine Murray: That was said by a councillor.

John MacKenzie: I second Councillor McGillivray's comment. All but one township in the whole of our estate has a grazings committee that is active or otherwise. We have a local area assessor, and there is a process for their nomination, but nobody ever goes near him. The commission uses him. If there is an issue, the commission seeks the area assessor's opinion and advice.

I would like to return to points that were made earlier. It may have been assumed that I suggested that grazings committees should trigger any process to evaluate neglect, but far from it. I was opposed to the suggested area committees as far as the commission was concerned, and I would likewise be uneasy about any suggestion that grazings committees should initiate any process to examine or report neglect. However, at the same time, I believe that grazings committees have a role and that whatever statutory body must address such matters—in my view, it must be the commission—the first point of contact should be the grazings committee to take a view.

I am intrigued and somewhat impressed by my colleague Jim McPherson's suggestion. There has been a problem over the years, to which he referred. Under the provisions of the current legislation, tenants, whether absentee or otherwise, fear that if they sublet, their sub-tenant might simply gazump them. Whether the legislation has been accurately assessed is another matter, but I am confident that many people have studiously avoided putting a sub-tenant—if that is the appropriate term—into their croft because of their fear that they might lose it. In other words, I am attracted to the idea of an absentee who has aspirations to return to the place of his birth being enabled to sublet, perhaps for a period of 10 years, without risking losing the croft by so doing.

Alistair Maciver: That is a particularly important issue. As things stand, it is perfectly permissible for an absent tenant to put in a sub-tenant for a specified period. That should certainly be considered as a way forward.

Bill Wilson: We could end up with large numbers of crofters crofting with 10-year sub-leases and basically having no long-term security of tenure. I understood that part of the original idea

was to give crofters security of tenure. If there were large numbers of 10-year sub-leases, would there be a risk of reversing the security of tenure of the people who do the crofting?

Alistair Maciver: Yes. The point is that there would have to be an assurance that the tenant, as opposed to the sub-tenant, had a genuine desire to return to the croft. The tenant should have to make a commitment before using a sub-tenancy.

Bill Wilson: But if they had to make such a commitment, that would imply that absenteeism was a problem to some degree, because that would introduce a commitment for the tenant to return to the croft.

Alistair Maciver: No, I am saying that that could be a trigger to ensure that the croft was worked in the meantime. For example, if I were an absentee crofter who worked in Glasgow, and I was unlikely to retire and return to the croft for 20 years, how should that be dealt with? Should regulations prevent me giving a commitment that, God willing and good health be given, I would return to the croft when I retired in 20 years? Would it not be sensible to say that I was giving a commitment to the commission, and that I had a local neighbour to take on the croft in the meantime to establish a base in the locality in the hope that he or she would get their own croft eventually, as a means of retaining that talent and interest in crofting in the locality?

Bill Wilson: To turn that around, if the neighbour could not get her own croft 20 years down the line, she could lose her croft when the owner came back, so in reality she would have no security of tenure. She might croft there for 20 years, but she would lose the croft when the other person, who had not been there for 20 years, returned.

Alistair Maciver: But in the meantime she might well obtain the tenancy of a croft that became available for assignment.

Bill Wilson: But if she did not, what would you do? Would you take her off the croft and give it back to the original person?

Alistair Maciver: Yes, because the sublet was taken on the basis that the tenancy might be terminated at the end of 20 years.

John Scott: I have a final question for Mr MacKenzie on how we can work towards a solution and get rid of neglect. If neglect is not to be noted by grazings committees and individuals do not want to raise it with the crofting commission or local assessors, and notwithstanding Councillor McGillivray's suggestion that the department of agriculture would note whether someone was not GAEC compliant, how is the crofting commission to become aware of neglect? Not everyone claims

support through IACS payments—5,000 people have not claimed out of 12,000 or 13,000 crofters. How then will the commission become aware of neglect, taking into account all the sensibilities that we have discussed? The commission has to become aware of neglect in the first place before it can do something about it.

John MacKenzie: I am not an IACS claimant, so I am one of the 5,000 people to whom you referred.

John Scott: I am not trying to trap you or pin you down; I am just trying to find a solution.

John MacKenzie: You will not trap me on that question.

John Scott: I am well aware of that. [*Laughter.*]

John MacKenzie: Me—and others.

I speak from experience—not my own, but my son-in-law's. The department's lands officers are very knowledgeable about the crofting communities, the individuals who live in them, and crofts and crofting. The folklore of crofting permeates the department. It does not seem to me that a lot of wit is involved in creating a system that uses the department's lands officers to identify crofts that are in the category that we are discussing.

John Scott: Despite having never been in this area before, I can cast my eye over several crofts and, based on my experience as a farmer, tell you immediately which ones are neglected, just as an agricultural lands officer would do. Are you suggesting that, as lands officers travel around the crofting counties, the responsibility should lie with them to notify the commission of areas that they see as being neglected?

John MacKenzie: Yes. I am suggesting that mechanism. I would hope that the lands officer would first want to talk to the individual crofter, ascertain the reasons for the neglect and discuss what would be, in his estimation, land in a neglected condition. He would want to know why the neglect was happening, what the crofter's aspirations were and what the crofter was going to do about the neglect. The lands officer could also tell the crofter which options were open to him.

The Convener: You might be aware of the Camuscross report—a grass-roots report from a crofting township on the state of its area. Jim McPherson has been an assessor. Do you think that such reports could serve a useful purpose in other areas? What would the role of the assessor be?

Jim McPherson: The role of the assessor is an interesting one. Councillor McGillivray has just said that he would not be one. At the last round of elections for assessors, there were no candidates

in Caithness. That might have an effect on the answer to your question. Although the Camuscross report is good, it is good only for Camuscross. There is no fit one, fit all solution. Caithness is so different from Camuscross—they are like chalk and cheese. We have one or two grazings committees in Caithness but they are not very active, and some assessors agreed to stay on, but apart from that there is no possibility of doing a Camuscross in Caithness.

Elaine Murray: Jim McPherson pointed out there were no candidate assessors, and the other Jim—Councillor McGillivray—said that he would not touch the role with a barge pole. The Stornoway Trust has expressed concerns about the assessor system. Is there something fundamentally wrong with the system that ought to be addressed?

Iain Maciver: Yes. That is why it is a concern. You hear the assessor network being praised—usually by assessors—but many crofters do not know who their assessor is. There is no mechanism to ensure that an assessor is fit for purpose. If the development of crofting was very much part of an assessor's remit—rather than their being assigned to adjudicate over whether a person is suitable for this or unsuitable for that—assessors would have a far healthier status in a community; they would not be perceived as the person who told on the neighbour. There is always the perception that someone did not get something because the assessor put in a bad report about them. Whether or not that is true, that is the perception, and it is an unhealthy one that is discouraging people from taking on the post. That is probably why there are difficulties getting assessors.

To jump back to the sub-tenancy issue, the situation that was alluded to earlier—with an awful lot of people coming to the end of their term but having no crofts to go to—would be very unhealthy, because there would be a bank of skills and talents in a community that would need to be addressed. However, the chances are that—in the same way as we have now—there will be people who have crofts but who are not interested in crofting. It will be interesting to see, at the end of the 10 years, how many people want another tenancy. Some might take on a croft but find, in the same way as people find now, that crofting is not as easy or lucrative as it appears. Both kinds of crofter would take up sub-tenancies, and some would fall by the wayside.

The Convener: I am conscious that time is moving on rapidly. I invite Peter Peacock to lead the questioning on the register of crofts, which is an important issue. If we have time, we will come back to the issue that we have been discussing.

14:45

Peter Peacock: Before we move on, I want to pick up one other point about the specific provisions in the bill to equalise the duties on owner-occupiers and the duties on tenants. When we took evidence from Government officials three or four weeks ago, they indicated that ministers would consider equalising access to the grants system. I should make it clear that they have not yet decided to do that, but the logic behind such a decision would be that, if people have equal burdens, they should also have equal access to the opportunities that are provided by the grants system. Do you have any views on owner-occupiers being regulated in exactly the same way as tenants are?

Jim McPherson: It is not that long since someone who wanted to purchase a croft had to receive a letter of comfort from the commission, which was issued only after they had assured an officer of the department that they were competent and knowledgeable enough to work the croft as a crofter, so there is nothing new in treating owner-occupiers and crofters similarly.

John MacKenzie: I support that view entirely.

Peter Peacock: There seems to be general assent on that point.

If there were complete equality in access to grants and the burdens that were placed on people, why would someone remain a tenant?

John MacKenzie: It is difficult to see why anyone would want to. I have two crofts. One—the original family croft—is tenanted; the other, which I acquired many years ago, is owner-occupied. I changed the status of the second one because I decided, for better or for worse, to indulge in a salmon farming venture and wanted to establish sea access and a shore base at the foot of the croft. Frankly, there was an element of sentimentality in my decision to retain the tenancy status of the original family croft, but I also recognised that a tenant crofter is in a more satisfactory situation in terms of support than an owner-occupier is. However, if that situation changed and the conditions were exactly the same, I cannot see that there would be any merit in individuals remaining as tenants; it would simply be an intrinsic thing in the mind of the individual concerned.

Councillor McGillivray: I take a different view. I am a tenant and would prefer to remain a tenant. I would like a certain empathy for the status of tenant, particularly with regard to the issue of tenant-only crofts for new entrants into the crofting system.

Peter Peacock: I will explain a little further what I am thinking about. I accept that there will be

some people in your position, Councillor McGillivray, but if more people become owner-occupiers because absolute equality makes it less likely that someone would remain a tenant, does not that represent a further step towards a free market in crofts and an encouragement of the very speculation that, to a large extent, the bill is designed to prevent?

Iain Maciver: As a community landowner, I have strong views on owner occupancy because with the croft comes outrun and the need, in many townships, for people to work together as a crofting community with regard to communal activities such as stock management or tree planting and other environmental measures. In a township that is full of individual owner-occupiers, the cohesiveness that exists when everyone is a tenant under the same system and has an incentive to come together for the common good begins to be eroded.

John Scott: I come from a farming background and take issue with that suggestion. Where I live, there are owner-occupiers and tenants, and they all work together. I do not accept that people are less likely to work together where there are fewer tenants and more owner-occupiers. I would be happy to hear your justification for your assertion.

Iain Maciver: Individual farmers control what they rent or own. When a croft goes into owner occupancy, it is difficult to follow who the owner is. Land in a township could be in somebody's ownership, and a croft may have a share in the grazings. If the grazings clerk has to phone or write all over the world to find the landlord and the tenant and ask them to consent to a development, that is a huge burden and a huge disincentive. That is where I am coming from.

John Scott: Okay.

The Convener: Is that not the factor's problem? Also, whether the landlord is benign sometimes comes into the equation, as does the type of landlord involved.

Iain Maciver: The factor has many problems, but that is not one of them. It would be the grazings clerk's problem, because the development of the grazings would come through the grazings committee and the clerk. It is the clerk who would be responsible and who, in trying to initiate development in the township, would be burdened with having to contact all the necessary parties. It would not be the factor.

John Scott: Would you go so far as to argue against the bill and its intention that tenants and owner-occupiers be treated equally?

Iain Maciver: No. Where there have historically been owner-occupiers, it is only right that they are treated in the same way. However, owner

occupancy came from the Crofting Reform (Scotland) Act 1976, which failed to address the real problem of landlords not allowing crofters to do what they wanted to do. The idea was that they could opt out by taking ownership. It is not a question of dealing with the landowners. Owner occupancy was the only way out. The situation was further compounded by the right to buy, which again led people to opt out of crofting and go down their own route rather than working with the community for its benefit.

John MacKenzie: The point that has been missed is that owner occupancy applies simply to the inby land. Shares in common grazings remain in a tenancy. Quite simply, owner occupancy has no impact whatsoever on the outrun shares in common grazings.

The Convener: Jim McGillivray and Alistair Maciver want to come in, but we really must move on. They might be able to make their points under another heading.

Peter Peacock: Jim McGillivray is a councillor, so he is good at getting his point in. *[Laughter.]*

Moving on to the register of crofts, John MacKenzie, Alistair Maciver and Jim McPherson, who was with us yesterday, have expressed concern about the bill's proposals on the creation of a new, map-based register and the trigger points for that. It is fair to say that we have received a lot of evidence, both as we have travelled around and in committee meetings, about the potential difficulties with that. You might want to say a bit more about the difficulties, but I think that we understand where people are coming from on the matter.

One alternative that has been postulated is a map-based register but one that is designed by the community, with people working together to define the boundaries of the various crofts, the common grazings and so on. It could perhaps use the Inland Revenue maps, the IACS maps and the estate maps as a starting point. I suppose the argument is that, if the community could agree to that, it would be less problematic than the proposed system, which might trigger disputes over individual boundaries that might ultimately have to be resolved in the Land Court, with costs to individuals. Do you have a view on the alternative mechanism that is being talked about—a community mapping process rather than the individual registration process that is proposed?

Jim McPherson: There is a lot to be said for a community mapping system. If we stick to the process that is envisaged in the bill, the first time a neighbour will get to know that his croft boundary has been fixed will be when the commission notifies him that his croft boundary is now in

register and that, if he does not like it, he has six months in which to object.

If we had a community mapping system, people would know that the boundaries were being considered. They might or might not agree on the issue, but they could at least sit down to discuss it before the boundaries were placed in the register.

Alistair Maciver: I have suggested two alternative methods to the one that is proposed. One is the community mapping system, which has the attraction of utilising crofters' community spirit. The other comes from a slightly different angle and involves using the commission to contact every registered crofter with a list of questions. If the crofter answered no to the questions, they would be asked at the end whether they were aware that it might be necessary to resort to the Scottish Land Court and an expensive, time-consuming legal process to establish the boundaries of their croft. Either system could be made to work reasonably well and reasonably quickly. Both would have the advantage of ensuring that communities or neighbouring crofters had to agree existing boundaries, using IACS maps in many cases.

I know that there are some difficulties, but many of those have been solved down the years, especially where streams are the original boundaries between crofts. With a little thought, the problem can be easily solved. I speak from personal experience. When I took over the croft that I currently tenant, there were no fences around it. There was an old, ramshackle dyke for part of the way and some barbed wire for the rest of it, along the side of the burn. I wanted to put a secure fence between my neighbours and me. I met one neighbour, we discussed the issue and we agreed that it would be sensible to put the fence on my side for half of the distance that the burn ran through the croft and on my neighbour's side for the other half, with a simple crossing of the burn. I also approached my other neighbour. Our crofts were separated by old dykes that went in a zigzag. We agreed a line for the fence that would give me a part of the neighbour's croft in one place and give her a part of my croft in another, to establish a decent straight line and a fence that could be maintained for all time to come, without having to follow the old dykes.

A great deal has been made of the issue of burns being the original croft boundaries, which has been seen as a stumbling block. I see no reason why the system that I have described should not operate in such situations. The problem can be solved, if it has not already been solved by many crofters. I have set out a practical approach to the matter. If neighbours talk to one another and agree sensible solutions, they will have no difficulty agreeing the established boundaries

between crofts. For any number of years, that approach has been used for IACS maps.

Another issue is the 20-year rule. If a boundary has been in existence for that period and has been agreed by three neighbouring crofters, it should be accepted.

Bill Wilson: Several witnesses have raised the issue of ransom strips. For the record, a ransom strip is a thin strip of land that might be used to deny a crofter access to all or part of his croft. Is that a reasonable definition? Might the problem of ransom strips arise? If so, could it be solved simply by legislating to prohibit people from unreasonably denying someone access to their croft, or is something else needed?

Alistair Maciver: I do not think that anything else is needed. It would be perfectly reasonable to ensure that each crofter had a right of access to their croft.

15:00

Councillor McGillivray: There is a positive side to a ransom strip, from the point of view of a benevolent community landlord, such as the Embo Trust aspires to be.

A ransom strip can be used as a control—over and above tenant-only status—over the tenants who are put into crofts when they are developed. There are always two sides to things and there is a positive side to ransom strips that should not be lost.

Bill Wilson: How would you legislate to ensure that positive side? With the best will in the world, you can imagine that the tenant might not feel that you are as benevolent as you feel you are—of course, I do not mean to imply anything by that. How would you legislate? You could grant a right of access, but how else would you do it?

Councillor McGillivray: Our prospective tenants are firmly of the opinion that we are benevolent.

Bill Wilson: I am not suggesting otherwise, but let us assume that you have a future tenant who, for some strange reason, does not hold that view.

Councillor McGillivray: If they had such a strange reason, it would be against the interests of the community trust.

Bill Wilson: So you would keep ransom strips and have no legislation.

Councillor McGillivray: That is your decision.

Bill Wilson: But you are a witness and I am asking for your view on the matter.

Councillor McGillivray: Where someone was trying to develop a new township, ransom strips

could be a particularly useful control over the behaviour of prospective tenants—or rather the behaviour of tenants once they are in tenure.

Iain Maciver: The Stornoway Trust tries to encourage land use and land settlement by selling land at below-market-value rates. In doing so, we are obliged to grant reasonable access to each and every interest that comes for title—although a crofting development would not come for title. Access is granted for the purpose for which the land is given. If people come along at a future date and want to develop land for something that goes way beyond what the land was sold for, it is only reasonable that the trust can recover some of the value for the benefit of the community by granting additional access. Surrendering complete access to all dispositions would certainly impact on a body such as the trust or other benevolent landowners.

Bill Wilson: But how would you write the legislation? Some landowners might not be benevolent. If they could deny access, is there not a risk that they could misuse that power?

Iain Maciver: If a community landowner abuses their powers, the community has the power to get rid of them. A title has to show access. If someone wants access where none exists, they have to apply to the landlord.

The Convener: We have a maximum of about seven minutes left. Does Jim McPherson have a quick point to make?

Jim McPherson: Even in areas where ransom strips do not exist, there are Land Court cases in which estates are actively trying to show that they do exist and to enforce their rights over them.

The Convener: Liam McArthur will ask quickly about the development of croft land.

Liam McArthur: The question that Peter Peacock did not ask was whether there should be a register. I take it from the responses to subsequent questions that there seems to be some merit in having a register if it is compiled in the right way. Is that a fair assumption? I see lots of nodding from the witnesses.

Councillor McGillivray: The Highland Council submission states that the integrated administration and control system should be the basis of that register.

Liam McArthur: It would be helpful for the committee to hear how much development is occurring on croft land and whether there are specific examples of where development is causing problems or tensions in crofting communities.

Councillor McGillivray: The Highland Council submission illustrates a closer correlation between the commission and the council's planning service.

Alistair Maciver: The point has been reinforced in the past. There have been cases in which crofts have been bought and planning permission has been sought from, and granted by, the local authority for the purpose of providing a house on a piece of land. The Crofters Commission has attempted to oppose decrofting applications for the pieces of land in question, the cases have gone to the Land Court, the commission's objections have been overruled and decrofting directions have been granted. I gather that there are suggestions for addressing that in the bill. That is an important point.

The Convener: I have two questions for all the witnesses. Are you for or against elections to the proposed crofting commission, and do you think that the Whitbread judgment should be overturned?

Alistair Maciver: Yes to both. The election system should be extended to crofting assessors. That might deal with some of the points that have been made today with regard to assessors.

The Convener: There is also the issue of candidates coming forward, which Jim McGillivray spoke about.

Jim McPherson: It is possible to overcome Whitbread. Instead of going from a period of five years to one of 10 years as far as clawback is concerned, the clawback could be made zero years, and that would take care of the whole thing.

Councillor McGillivray: As far as Highland Council is concerned, any election process becomes a burden on the ratepayer.

John MacKenzie: I am supportive of elections to the commission, but I have divided views on the Whitbread issue, simply because we used that decision to great effect—as Mr Flyn recognises—many years ago. Once we became landlords, it became a bit of a problem, and we wrestled with it.

Iain Maciver: I would say yes regarding Whitbread, but the jury is out regarding an elected commission. There are concerns over the proposed remit of the crofting commission. It is regrettable that the development function of the commission has been taken away. When I talk about development, I am referring not to building sheds, fences and dykes, but to building up a community. That remit is important, and it should be a very important function of the crofting commission to develop crofting. That function has been taken away, leaving us with commissioners who will not even have immunity, and they might have to work under difficult circumstances with budgets that they do not set but to which they must adhere. Some cases might have to be decided not on the basis of what is right or wrong but on the basis of when we can afford to fight and what we can afford to challenge. If the money runs

out half way through a term, does that mean that everything in the crofting world stops until the next financial year? There are a whole host of issues around the remit of the commission.

On elections, this should perhaps not happen with a community landlord, but a benevolent dictatorship sometimes gives us more than a flawed democracy does. If we cannot encourage the best people in the community to come forward, that could impact on the quality of the commission, and could debar some very capable people in the community. We are not clear about who may stand as commissioners, and about who may vote. Arguably, the community should elect the members of the commission, but in the case of the Stornoway Trust, for example, an active crofter has a one in 10 chance of being elected. The system has not been thought out enough to enable us to decide. In principle, the answer is yes, but in reality, the proposal is full of unresolved questions.

Alistair Maciver: I will make one more salient point. It is suggested in the bill that at least four different organisations will be responsible for crofting. Surely one organisation should be responsible for crofting. That was the case in the past—should that not continue? Why spread responsibility across four different organisations that, on many occasions, probably will not speak to one another?

The Convener: Okay—we will take that point on board when we question the minister.

I thank you all again for coming and for giving us your evidence. If any issues occur to you on your drive home or over the next few days, please share them with the committee by writing to the clerk so that they might influence our further evidence sessions.

15:10

Meeting suspended.

15:26

On resuming—

The Convener: We move to the public participation part of the meeting. All speakers are asked to keep their speeches to no longer than four minutes, in order to allow all those who wish to contribute to have their opportunity to do so and so that we do not cut into the time that is available for evidence from the Crofters Commission.

To make it as easy as possible for our official reporters to report your words accurately, it would help if you could come to the table to speak. However, if that causes you difficulties, please feel free to speak from where you are—we can hand you a microphone.

I am pleased to call Michael Otter as the first speaker.

Michael Otter: Good afternoon. My wife and I are active crofters at Oldshoremore, Kinlochbervie. My wife acquired the croft tenancy 15 years ago. She did not inherit the croft as a result of the blood, sweat and tears of her forebears—we are first-generation crofters by choice. By our own personal efforts, we have restored a totally derelict croft and built up a good flock of north country Cheviot sheep.

There is so much that is fundamentally wrong and misconceived about this bill that it would take a lot more than four minutes to deal with even a fraction of it. My basic point is that the bill must be scrapped and instead Parliament should demand that the Government draw up a crofters freedom bill, the key features of which would be: one, granting crofters full rights of ownership of their land, including the right to dispose of it at their discretion, like any other owner; two, winding up the Crofters Commission, which is a non-accountable body that is, in effect, a law unto itself. The commission will not be needed in the future because the bill's third key feature would be scrapping the strangling mass of accumulated crofting law and regulation.

15:30

The myth that crofting is a “unique way of life” is simply an excuse for keeping crofters under these unique controls, with the shackling of initiative that they cause. A “way of life” is a personal thing, not a collectivised one that is restricted to crofters, as it was a century ago—however much some people might like to pretend otherwise. Of course that does not exclude helping each other freely. We share our interests and the skills that we have with crofters and non-crofters alike. However, crofting is simply the use, in a range of different ways, of individually occupied land by a minority of the people living in the so-called crofting counties. It is mostly only a part-time occupation anyway, which supplements other work.

A crofters freedom bill would mean that crofters would instead be simply subject to the general law, including planning law and inheritance law, without having to suffer this unique, oppressive and stifling set of legislation, case law and regulation on top. Common rights in hill grazing are quite a different matter, but they should operate as a partnership and not be run by a clique. A crofters freedom bill would encourage and reward the investment of initiative, enterprise, hard work and resources, and would enable crofters to realise the value of their asset, with that investment in it, whenever and to whomever they choose.

It must be obvious to all but the wilfully blind that croft agriculture and its role in our society and economy is crying out for such an approach and is dying for the lack of it. A crofter who did not wish to or was not able to continue working his croft would be able to dispose of it freely. Absenteeism and neglect would decline as a result, without the need for enforcement and all the selectivity, argument and bitterness that it entails. Some people would no doubt label this “the Irish solution”—a bit of shorthand for the kind of thing that the Irish did as long ago as 1910, and to which the Shucksmith team referred dismissively in one line in its report without even bothering to consider it further. I call it “the freedom solution”. It would be a bold and radical step, but since when were Scots lacking in boldness?

The committee would be failing in its duty if it did not give the idea full and proper consideration and, at the very least, put it to Parliament as an alternative to the bill. I would be happy to discuss the proposal further at any time.

The Convener: Thank you. The next speaker was to have been David Forbes, but unfortunately the weather has prevented him from getting here. He has asked me to read out the following statement on his behalf, for the *Official Report*:

“My name is David Forbes and I am a crofter. I am here”—

or rather, he was to have been here—

“as Chairman of the Crofters’ Rights Emergency Action Group, CREAG to represent its members and other crofters who have contacted us.

CREAG was formed in direct response to the Shucksmith Report, on which the Bill is based. We have consistently opposed Shucksmith and the consequent Bill. We ask the Committee to recommend to Parliament that the Bill be abandoned. The Bill will do nothing to further crofting and, indeed, it will be detrimental to crofting.

We have written to every MSP already to this effect and we thank those MSPs who wrote back to us. Also, many crofters from across the Highlands and Islands have written to us expressing alarm and concern about the present government’s proposals. We have put several of these on our website www.binshucksmith.co.uk, for anyone to see if they wish.

The present Bill will simply increase costs and bureaucracy to crofters. The future of crofting is an economic issue and not a legislative issue. The future of crofting lies in reports such as the Pack Report and one of the five or six bullet points of both the Shucksmith Report and the present Minister’s draft Bill, namely, the youth. Shucksmith dedicated one paragraph out of the 136 pages to this bullet point, and the youth seem to be missing altogether from the present proposals.

CREAG and other crofters over this whole process have repeatedly spent many hours submitting evidence at every stage of the procedure. This evidence was largely ignored by Shucksmith and at the draft bill stage. Crofters are simply being worn down by the weight of bureaucracy and this is why the Committee now has a relatively small number of submissions. Nevertheless, we have

resubmitted the concerns of crofters pertaining to the present Bill.

Thank you for allowing me to speak at this meeting and we implore you to abandon the Bill forthwith and proceed in other ways to secure the future for the crofters of today and, hopefully, the future.”

I invite Paul Cannop to speak.

Paul Cannop: I would like to read out a statement to the committee.

I want to make the point that crofting in Caithness generally does not involve townships or commercial working to any great extent. Crofts there are large by comparison with crofts in other crofting counties, and the crofts need the legislation to help them to develop. Many Caithness crofts are very productive agricultural units, unlike many crofts elsewhere.

Action needs to be taken on absentees. The Crofters Commission is only now targeting some absentees in Sutherland, but few, if any, absentees in Caithness have been targeted.

The registration of crofts is hugely important—again, due to failure by the commission. As many crofts in Caithness are already owned, registration should be a relatively simple procedure. However, the proposed costs are way below what anyone would carry out the work for. In addition, there will be plenty of disputes, as has been pointed out during previous stages of the inquiry. Other proposed changes will be very high for the returns, so the commission will be subject to a lot of criticism if it is slow once charging starts.

Owner-occupiers and tenants should be treated the same for the purposes of the crofting counties agricultural grants scheme.

Throughout the inquiry, one of the big debates has been on speculation for crofting land. There could be an impact on land prices if yet more rules are imposed on croft land that is for sale.

The Convener: Thank you very much. I call Sandy Murray.

Sandy Murray: Thank you for this opportunity to speak to the committee. I am a full-time crofter in Strath Halladale, where I work crofts that have been handed down through five generations.

I welcome the changes that have been made to the bill between the draft version and the version as introduced. In particular, I welcome the proposal for the election of members of the Crofters Commission, and I want to ensure that any such election would be an election by crofters, not by the whole community.

On registration of crofts, I welcome the proposal for a map-based register, but I feel that there could be considerably more boundary disputes than are anticipated. It would not be suitable to use the

current mapping structures: IACS maps show only land use, land-tax maps are wrong in many instances and estate maps are not up to date. I also think that a structure such as an arbitration committee should be put in place so that, if boundaries cannot be sorted out within the locality, the dispute can go to that committee.

On speculation, a flaw that has not yet been notified or addressed is that land could be bought and then given to a nominated holder of the title so that the landlord would then lose out on the development value of the piece of land that was decrofted. That loophole needs to be sorted out.

The Convener: Next we will hear from Duncan Munro, who wants to make a point on estate management.

Duncan Munro: I am a crofter from Dunbeath.

The estate beside me sometimes takes back crofted land and does not relet it. When I have gone to the Crofters Commission—this has gone on for a number of years—nothing has been done about it. Will the bill help by ensuring that estates cannot take back crofting land that would be fit for crofters?

The Convener: The point is well made and we will certainly consider it in relation to the bill. You are concerned about an estate taking land back into the main farm.

Duncan Munro: Yes.

The Convener: That is a problem for tenant farms, too, which reduces the number of new entrants. We have considered that in discussions on other issues that have come before the committee, so we are aware of the situation.

The next speaker is Donald Macdonald from Forss.

Donald Macdonald: Hello. I am from Forss, which is just a wee bit down the road from Thurso. I have not read much of the bill—I just saw an article in *The Press and Journal* on Saturday about today's meeting and I was interested in coming along.

I will talk about dilapidated crofts. Crofting and farming have suffered greatly since the BSE outbreak. I have crofted at Forss for 11 years, and the year just past—2009—was the first year, because of the euro exchange rate and the price of lambs, in which money that was made from the croft could be invested back into it. If one third of the money from the croft was for feeding animals, one third was for improving buildings, roads and fences and one third was for profit or whatever else was wanted, that would be a nice scenario. However, I had never experienced that until the past year, and I do not know whether that situation will continue. Dilapidated crofts could be a big

issue. As people become older and less able to work their crofts, how can we say that their crofts are dilapidated? They might just have no income to maintain their crofts. That is a tough issue to hit.

My other point is about the creation of new crofts. I believe that the Scottish Government has set aside £10 million for young entrants into agriculture. I had great difficulty in entering agriculture and was just fortunate enough to enter it at the right time. The Scottish Government says that £25,000 will be available for a young person to enter agriculture. That might buy them half a dozen coos and a new tractor, but it is nowhere near what is needed to get going, even on a smallholding. Why does not the Crofters Commission take that up, buy parcels of land and do what it did when it bought farms in the 1930s before the war, to give people a chance at agriculture and farming, with a good tenancy that provides the option to buy at the end? That would be nice, because I do not see much coming through from the £10 million to help young people into agriculture.

The Convener: You have made an interesting point—thank you.

The next speaker is Jim Macmillan from Castletown.

Jim Macmillan: Hello. I have a smallholding and a non-croft holding at Castletown. I also have crofts in Ardnamurchan. I am—obviously—an absentee; we run sheep down there.

I will pick up on a few points that have been made. It was said that absenteeism in Caithness is in single figures, but I do not believe that that is correct. The figure is certainly well into the 40s. The absenteeism figures do not take into account grazing shares and sheep-stall clubs.

I disagree with Mr MacKenzie, who said that there are not many viable crofting units. Caithness is probably unusual in having many viable crofting units. One big issue with the bill is that it has been designed around a Camuscross-type situation and does not address many issues that full-time crofters experience.

As for the crofting register, I agree with the Crofters Commission that part of the problem with the system has been that solicitors and crofters have not been diligent over the years in informing the commission of changes. Much responsibility lies with the commission, but it cannot do anything unless people inform it. There will have to be legislation to ensure that solicitors and crofters inform the commission of any changes.

15:45

There is also a problem with the registration system regarding crofting estates. To make a

landlord responsible for registering the crofts on a whole estate will render many of the smaller crofting estates completely worthless, because the costs involved in registering all the crofts on a small estate could be horrific. That point must be addressed.

On the matter of speculation, the 10-year ruling for clawback will hinder a lot of crofters, certainly in Caithness. Many crofters have to use land to sell in order to reinvest, especially young guys who are starting off. As one or two members who are involved in farming will know, the costs of setting up are horrific. In this day and age, a person going into a croft cannot get single farm payment entitlements without buying them, and such people will probably not have been eligible for funds under the less favoured area support scheme—LFASS—over the past few years, although we hope that that will change. Stock are now back at pre-BSE 1996 prices, so how can someone going into a croft buy stock without subsidies? Some form of financing will have to be considered, be it lending or whatever, probably from the crofting commission. If the relevant department is doing checks, there is no way most young guys can go into crofts without serious money behind them. It just cannot be done. Even with smaller crofts, by the time a house is built and the croft is stocked, grain will be out of the question because the guy will be losing money hand over fist. The people behind the bill must understand what they are trying to achieve. We could create a system for new crofts and to get rid of absenteeism, but who the hell will be able to afford to go into those crofts? Nobody will, under the present circumstances.

You have to consider how you, as legislators, see crofting developing into the future. The bill represents a big opportunity. There have not been many occasions in most people's lifetimes when crofting has gone through such a rigorous appraisal. You guys are carrying the can for crofting for the next 30 or 40 years, so you have to get it right. You are getting only this one chance, so I implore you to consider how you are going to finance the thing.

A few things have not really been touched on, and I am not sure why they have been proposed. For example, I am not sure why the crofting commission should get involved with owner-occupied crofts when the idea is to create new crofts. The commission has plenty of work on its plate, and such involvement is perhaps not needed. It might be fine for small crofts, but why not simply bring in a minimum-size rule whereby a croft that is below 3 hectares cannot be subdivided. To say that all subdivision must be approved by the crofting commission does not seem right, considering that there are crofts in Caithness of well over 500 acres. That just creates

more red tape at a time when we really do not need it.

There are other points that have not been addressed. Crofters who have bought crofts previously will already be registered, so the registration of the new croft should be straightforward, and there should not be any cost to those guys at all. On CCAGS grants, I would say, "Make your mind up." People who are not on crofts but who come below the original £120 per holding rule can get the grants, but an owner-occupier of a croft cannot, just because they fail the means test. The means test is based on the national average wage which, for a married couple, is £26,000. The majority of people will not pass the means test, because most people who are crofters at least have a wife out working. If we want to develop crofting, CCAGS must be available to everybody.

The Convener: Finally, we will hear from Councillor Robbie Rowantree.

Councillor Robbie Rowantree: I thank my colleagues who gave evidence in the first part of the session. Several things that I will say will basically reinforce or nuance points that they made in their submissions.

One difficulty that I have had with the bill process is that it began by being fundamentally founded on the Shucksmith report. Shucksmith approached crofting in the Highlands from his planning background. He saw it as a mechanism to solve the problems of the rural housing crisis, but that is a fundamentally flawed premise, which has caused me concern throughout the bill process. Crofting is not the solution to the lack of effective registered social landlords in Highland. We need to consider the process completely differently and from a completely different view. Interestingly, both Mr Flyn and I sit on the Highlands Small Communities Housing Trust. That mechanism is far more useable by communities to solve problems to do with social housing in remote rural areas than is an approach that tries to make crofting fit a model.

I have visited parts of Germany over the past couple of years. Absenteeism and neglect are serious issues there as well, particularly in the east of that country. They are not unique to Highland Scotland by any stretch of the imagination, and they tend to be a symptom of the unviability of small units. We need to start to consider the basis of socioeconomic support for agriculture and understand that there needs to be buy-in from the public here if they want to see the public benefits that flow from small artisanal agriculture in rural areas that is underpinned by socioeconomic payments. We need a fundamental input from the Rural Affairs and Environment Committee on how rural payments are made in

Scotland and on how the currently inverted pyramid can be made slightly more attractive to people in small artisanal agriculture. A strong point has been made about the great difficulty of encouraging new entrants into agriculture because of undercapitalisation. That was a problem in the time of Burns, and it has not gone away in the 21st century.

An issue that I particularly want to address from a council point of view is the current relationship between planning application committees and the general planning view that is taken by councils on the one hand and the Crofters Commission on the other. It is quite distressing to end up on a planning application committee as a crofter, as I am, and suddenly to see what happens to submissions from a grazings committee or interested crofters in a township. They will come along and say, "This is land that could be used for crofting and we do not want to see it developed," but a blue pencil line that planners have drawn around a settlement development boundary will all of a sudden trump anything that the Crofters Commission or the local grazings committee can say, and that land will end up with unsuitable development. We need to ensure that the bill will give the opinions of townships, assessors and the Crofting Commission primacy over decisions that are made under the Town and Country Planning (Scotland) Act 1997. I would like that matter to be addressed in the bill so that we do not lose land in crofting townships to speculative development. In itself, that would solve many of our problems.

The Convener: We have a question.

Councillor Rowantree: I hate that.

Peter Peacock: I want to pick up on your point about the town and country planning system. Would you support the commission, which is one factor in the process, being a statutory consultee for every planning application, or at least for applications that are contrary to the local plan, given that it would be involved in helping to develop the local plan? Do you have a particular view on that?

Councillor Rowantree: As things stand, community councils are statutory consultees for most planning developments. There is capacity to ensure the involvement of the local assessor, the grazings committee or the commission in some form. I am not particularly fussy about how that is done, but a mechanism needs to be found to ensure that the crofting interest in communities is represented in the planning decision that is made and that the current system, which means that decrofting is guaranteed if a person can get through the planning system, is removed. The process should be more nuanced than it is at the moment.

The Convener: I thank everyone who has contributed in the public participation session. What has been said will appear in the *Official Report* of the meeting, which we will use when we draw up our stage 1 report.

I welcome the witnesses from the Crofters Commission. Drew Ratter is convener of the commission and commissioner for the northern isles and Caithness, and Nick Reiter is the organisation's chief executive. We will move straight to questions.

During the committee's evidence session on 20 January, Professor Jim Hunter made a number of comments about the commission's performance. For example, he identified a perceived lack of progress with the establishment of the register of crofts and said that the issue of absenteeism had not been tackled adequately. A number of submissions to the committee and people whom we have met on our visits have raised issues about the manner in which the commission undertakes its duties. Would the commission representatives like to comment on what we have heard about its performance in the submissions and in oral evidence?

Drew Ratter (Crofters Commission): Certainly. We subscribe to a philosophy of endless improvement, so we are quite happy to be corrected and will take serious cognisance of any suggestions about how we can improve our performance.

Turning to the fundamental issues, I submitted a written response on the register. It was long-winded and complex, and I do not think that the committee would wish me to go through the whole of it again, but my contention is that, by and large, the commissioners have maintained the register according to the legislative guidance on what it was for. There has been widespread debate about what the register of crofts is. The register of crofts has always been seen as an administrative tool to be used by the Crofters Commission. My contention is that, in that regard, it has always been fit for purpose.

It might be worth making two points. First, the register is only ever as good as the information that is received. It is a legislative requirement that people give the commission information at certain key moments, but often they do not. They can be subject to a summary report to the procurator fiscal, but they either do not worry about that or are not aware of it. In any event, information tends not to get through. It could be said that that does not matter too much when nothing has happened, and it is overcome by the fact that when something happens and a regulatory decision is contemplated, we require the people who have applied for a decision to submit accurate information. Therefore—I may be offering a

hostage to fortune in saying this, but I think not—decisions are always made on the basis of accurate information.

The commission has tackled absenteeism on a number of occasions in its history. There have been waves of activity on absenteeism since 1955. We should remember that taking action on absenteeism is quite resource intensive. In this country, increasingly it is not possible simply to pick up people like draughts on a board and move them from place to place. People have legal rights and appeal mechanisms are open to them. If they have the incentive to do so, they exercise those rights and we have to deal with all the administration, which takes up a considerable amount of time.

That said, over the past year, on the basis of signals from the Government and the Shucksmith inquiry, the message that we have got is that dealing with absenteeism is fundamental. We are in the process of doing that—600 letters have gone out to people who are on the register as having been absent for more than 10 years and we are analysing the responses. Obviously some of those letters will have gone to old or wrong addresses—there will be errors because of what I said before—but we hope that during the process we will be able to improve the quality of our information and thereby improve our engagement with people in that situation.

16:00

The Convener: Nick, do you want to add anything?

Nick Reiter (Crofters Commission): No. I was going to say something about why we pursue absentees, but presumably we will come on to that.

Peter Peacock: Before I ask my question, it is only fair that I should declare that, although I know some of the people who were on the previous panel, and some of those who spoke from the floor earlier, I know these two individuals very well indeed. I have known Drew Ratter for many years; we were councillors in the Highlands and Islands for an overlapping period and worked together on joint committees a number of times. I have also spent time on Drew's croft trying to learn something about crofting. Nick Reiter was a senior official at Highland Council when I was the leader of the council, so I have also had many dealings with Nick and know him very well.

The fact that I know them very well also means that I know that I do not agree with them on everything in life.

The Convener: I was just going to say that I do not think that you will be less hard on them—maybe the opposite—so carry on.

Peter Peacock: I have not lost my critical faculties because of all that.

I want to ask specifically about the make-up of the commission and its current role and work. Following the Shucksmith report and administrative action by the Government, the commission was to focus its activity purely on regulation. How different has that made life in the past year, if at all?

Drew Ratter: It has made a significant difference. The type of organisation that the Crofters Commission is means that more or less its entire budget is for staffing. We have very few resources apart from hours that we can apply to tasks. The fact that the Government permitted us to retain most of our staff resource means that we have been able to free up enough time to set up a specific section that we refer to as the strengthening crofting section. Currently, it is made up of people who are involved in what we call the occupancy initiative. After a great deal of thought, analysis, argument and debate, I am firmly of the view that the most important thing about crofting is occupancy. The key is to have people living in remote and fragile communities, and I am quite happy to defend that position. That is why I am committed to pursuing the current initiative.

We have also reorganised the commission to take on board administrative changes that the Crofting Reform etc Act 2007 put into law. We might now have forgotten, but the 2007 act was to be a streamlining act that would reduce administration and promote efficiency. We could go deeply into whether that has been achieved, but we are now attempting to streamline our processes so that they follow the legislation's strictures. We have some confidence that we can free up a little more time by doing that. That is the fundamental change that has been made.

Nick Reiter: Another task for the new strengthening crofting team, which is still in development, is to do with our new status as a key agency under new planning legislation. That is still very much in its infancy. We are still discussing with the relevant local authorities how it will work, and it has some bearing on the point that Councillor Rowantree made about the interface between crofting and planning decisions.

Peter Peacock: I want to look into that a bit more deeply. Other administrative action in the past year has given the commission's development function to Highlands and Islands Enterprise. As I recall, the budget was very small; it was about £150,000 or thereabouts.

We heard a bit of evidence earlier—and we have picked up similar evidence on our travels—to suggest that it is paradoxical that at the very time that the commission is becoming democratically elected, the power to influence the development of crofting has been removed and given to a non-democratically elected body that does not have a single crofter on its board. That is a Government policy and I will not ask you to comment on it specifically. However, if you had a development function, which might be built around community mapping or planning of a sort, would that detract significantly from your ability to continue to regulate, or could you in future accommodate both a development function and a regulatory function?

Drew Ratter: It would depend on how the new legislation develops, if it is passed. If we are to have elected representatives of the crofting communities, I would prefer them to have power over something that could contribute to the development of their community. That would attract a better type of candidate. If people are to be elected to a body that is purely a regulator, in effect they will be standing for election to operate arcane and complex legislation and to make decisions that could sustain appeals to the Scottish Land Court. This is simply my opinion, but if there were a broader remit, you might attract a different type of candidate.

You asked whether our having a development function would detract from our ability to do X, Y and Z. As far as I know, everybody in all organisations is busy all the time. That means that people have to be doing either one thing or the other. I would argue that, at the moment, our staff's time is filled up with regulation. If they were required to do more, operational planning every year would have to be adjusted accordingly. At the moment the Crofters Commission is statutorily required to deal with each regulatory application within a period—it has no control over how much it does as far as that goes.

The Convener: Having been a councillor, I know that we are used to having to press the buttons on our microphones ourselves, but here you get it done for you—just leave them alone.

John Scott: I have a question for Drew Ratter. Peter Peacock asked about the development function and the regulatory function working together. Would there not be conflicts of interests in that?

Drew Ratter: Between the development and the regulatory functions?

John Scott: Yes.

Drew Ratter: No. I would have thought that they were complementary functions. We do not necessarily need to hark back to this, but one of the fundamental aspects of the Shucksmith report

was that crofting development bodies should be set up to deal with that kind of thing. I would like crofters to be involved in that sort of thing one way or the other.

Nick Reiter: We have not really defined what we mean by development. At one end you could talk about something like the croft entrant scheme, which is in effect a grant scheme, which we used to run with HIE money as well as local authority money and our own money. There is a role somewhere between the development function and the regulatory function, which has perhaps fallen between two stools, which we might call the mediation function. In some cases, that can be time-consuming, but when you manage to broker some sort of agreement that sits well with the community, you can avoid the need for regulatory action and possible appeals and so on. There is a resource issue there. The mantra of every chief executive is, "If you gave us more resources we could do more." There is perhaps a lacuna—perhaps something has gone missing. There are staff in the commission who used to do quite a bit of that work who cannot do it now because there is no time. Perhaps that needs to be thought about.

Peter Peacock: It is interesting that you raised that point, because we had a conversation this morning about the potential role of mediation in resolving local conflicts or disputes or preventing them from brewing. What is that role and is it part of the regulatory process or of some wider community development process?

Nick Reiter: It can be either or both. The system of local plans could be considered a form of mediation in that the aim is to get the community—including crofters, landlords and others—to agree about which bits of land in a crofting area are suitable for new housing and which bits should be protected because they have more agricultural value. However, there are also more localised cases that are not addressed by planning. For example, there can be disputes about common grazings or what happens when a croft is decrofted or part decrofted or there are apportionments or whatever. In such cases, it can be helpful to have discussions before somebody makes an application on a matter and somebody else objects. It might well be possible to bring people together—I will not use the phrase "to knock heads together"—in a way that avoids regulation and possible appeals to the Land Court. I could give any number of cases as examples.

The Crofters Commission and the proposed crofting commission are not the only bodies that could be involved in mediation, but I reiterate that it is sometimes possible to save a lot of hassle, pain and public expense by getting into such areas sooner rather than later.

Elaine Murray: You will be aware of the proposal for members of the crofting commission to be elected. I will not ask you to define how that process should work, but there has been some concern about who should be eligible to stand for election and who should be eligible to vote. Do you have any advice that you wish to offer on that?

Drew Ratter: We could discuss what system we would have in a perfect world, but in general terms, the election of a regulator is an unusual phenomenon in this country. In America, police chiefs, sheriffs and so on are elected, but in this country the sheriff court is not elected. An elected regulator and tribunal would be a new departure for this country.

I find it difficult to see how the electorate could be constituted other than by giving a vote to each registered crofter. That is feasible. As with the compilation of most electoral registers, there would have to be a certain number of attempts to communicate with people and they would have to be asked to confirm whether they are registered crofters of good standing.

As for who they will elect, I do not see that the bill places many limitations on that. It does not state that it must be crofters who are elected. It appears to me that the electorate will be able to elect whomsoever they choose. However, giving votes to registered crofters is the most likely way in which to constitute an electorate. That means that aspiring crofters—people who would like to get into the crofting system—will necessarily be excluded, but I do not know how they could be included.

Elaine Murray: Another concern that was raised with us is that most of the people who register are men rather than women. If that is the case, there could be an equalities issue. Earlier evidence suggested that only those who are on the electoral register and eligible to vote should be eligible to stand, as is the case with the election of councillors, MSPs and everybody else. Is there an equalities issue, in your view?

Nick Reiter: We have some figures on that. We looked at some 14,500 crofters. I have to say that we do not know the gender of about 500 of them because the figures are based on searches, and if someone is a doctor or whatever, we do not know their gender. However, we know the gender of the vast majority, and the overall balance is 2.1 men to 1 woman, so about a third of registered tenants are women.

One caveat is that we register crofts and not crofters, so if somebody is a registered tenant of three crofts, they will appear in the figures three times. There is a way in which to identify each crofter individually, but it is quite labour intensive

because each tenant does not have an identity number as such.

We do not know about dates of birth for about two thirds of them because we do not normally ask for dates of birth, although we do when, for example, there are two Iain MacDonalds, one of whom is the father and the other the son, and we would use their dates of birth to distinguish between them. That information is not currently held for everybody on a registered croft. Certainly, there is an imbalance of approximately 2.1 men to 1 woman. The ratio is pretty consistent throughout the four large areas that we use for administrative purposes. In each of those four areas, the ratio does not vary much between 2.1 and 2.3.

16:15

Drew Ratter: The demographic is quite narrow because the average age of crofters is in the 60s.

Elaine Murray: You were talking about who should be eligible to vote: it is one vote per crofter. If a crofter has three registrations, they would still have only the one vote—they would not have three votes.

Drew Ratter: I suppose that that is up to the Parliament.

Elaine Murray: Yes, with reference to your recommendation.

Nick Reiter: It depends where you put the border.

Drew Ratter: It would not be out of the question to give people who have three crofts three votes if Parliament so chose. It is up to you.

The Convener: Does Bill Wilson have a small point to make?

Bill Wilson: No, it is okay.

Liam McArthur: We have had evidence to suggest that the interaction between the community right to buy in the Land Reform (Scotland) Act 2003 and the rights of crofters under crofting law is not reflected in the bill as well as it might be. Sir Crispin Agnew suggested that, although it does not appear to have been considered in the drafting of this bill, one measure that could be introduced would be to make one of the appointments to the Crofters Commission a representative of crofting landlords, presumably a community landlord. If we had had more time, we might have been able to put the question to the previous panel. It would be helpful to hear your views on Sir Crispin Agnew's point that crofting law does not take into account the role of community landlords under the 2003 act.

Drew Ratter: Law in general does not distinguish between one type of landlord and

another. A landlord is a landlord is a landlord. I am neither a parliamentary draftsman nor a lawyer, but to try to find a mechanism to distinguish between good and bad landlords sounds pretty tricky.

Bill Wilson: Just tricky?

Drew Ratter: I am trying to be nice here.

Liam McArthur: You do not see a value in having in the bill a requirement that one of the appointees to the commission be a community landlord representative.

Drew Ratter: It does not trouble me tremendously much. For interest, most of the current commissioners are crofters, but one of them is a small farmer who owns some tenanted croft land, so we have a croft landlord among the current commissioners. It is not absolutely clear to me what would be achieved by your proposal given that commissioners are required to interpret the law and make decisions commensurate with it. Commissioners are not there to represent crofters or landlords, nor do I think that it is reasonable for them to do so. If commissioners attempted to make decisions on that basis, I fancy that they would be struck down on appeal fairly briskly.

Liam McArthur: The argument that Scottish Government officials put to us earlier in the process on why a certain proportion should be elected and appointed was precisely to secure a particular representative mix of skills, experience and so on. That seems to run slightly contrary to what you say.

Drew Ratter: Not entirely. It is true that interests have to be represented when we are dealing with crofting, but the reason why I think that an appointed element should remain is there is a significant public interest, for which the minister is responsible, that requires to be represented. I think that that is slightly different from representing a sectoral interest.

Nick Reiter: I agree with that and would add that the public interest, plus the emphasis on skills and experience, might be what should guide ministers the most in deciding whom to appoint. In other words, the minister may want to see who has been elected and, to a certain extent, use the appointment process to fill any obvious gaps in experience, knowledge and skill sets. For example, an appointment can fill the gap if none of the elected people can speak Gaelic. If we start to fetter the process, we may find that ministers appoint on the basis of interest when they should be looking at least as much, if not more so, at skills, experience and knowledge.

Drew Ratter: It may be worth looking at how we got to where we are. In the early days of the Crofters Commission, there were significant

landowners on it. The first commissioner for Orkney and Shetland I can remember was Robert Bruce, who was the owner of one of Shetland's largest crofting estates and actually a very good commissioner. The position shifted entirely from that mix due to pressure from the Scottish Crofters Union, when it was a serious organisation in the late 1980s. It ran a massive campaign to get more crofters on to the commission, which it did with enormous success, to the point at which pretty much everybody who has been a commissioner over the past decade has also been a crofter.

Nick Reiter is correct in what he said. These days, it is coincidental that commissioners are crofters—they are appointed through Nolan interviews. There is something to be said for appointment through a rigorous interview process, and it permits the minister to look for complementary skills. If he or she should choose to appoint a landlord to the commission, it does not need to be through a piece of legislation; they can choose to do so.

Peter Peacock: Will you clarify one point? You mentioned public interest and what is almost the minister's duty in the appointments process. Were you implying that the convener of the commission should always be appointed by the minister?

Drew Ratter: Yes, I believe that they should. I think that I can say that without speaking from interest because, obviously, I will be gone by the time that such a decision is made. I am not looking to bolster my own position, but I believe that the minister should make that appointment.

Peter Peacock: Is that because of the minister's accountability to Parliament and the need to have a connection to the convener?

Drew Ratter: That is my view.

Peter Peacock: Okay.

Liam McArthur: Sorry to interrupt, but we had some debate about that point in the earlier evidence session. Do you believe that the appointment should not be on the recommendation of the commissioners for ministerial sanction?

Drew Ratter: I would make the convener a ministerial appointment. The minister could appoint the convener from either outwith or within the people who are elected—I make no comment on that—but I think that the proper mechanism would be to make the link through the Parliament, as Peter Peacock said.

Peter Peacock: I will move on to the question that I was going to ask. One of the controversial proposals in the bill is to give the commission, for the first time, powers to charge for its services. If you are a crofter who applies for a decrofting, apportionment or whatever, you might end up

paying anything up to £3,000 for the transaction. Given that Parliament has imposed on crofting the need for crofters to apply to the commission for decrofting, apportionment and assignment, is there any justification for the crofter having to pay for that?

Drew Ratter: I can see both points of view. At the moment, there is no power to charge, so it is not something that we have had to consider. Some regulatory applications and decisions create an asset of considerable value for the person who has applied and gained from whatever the regulatory outcome is. I can see that an argument could easily be made to say that, having made a significant benefit from that, such people should repay the public purse for the process that has got them that benefit. It will not be a popular argument, but I try to be as fair minded as I can.

Peter Peacock: An underlying concern that I have picked up about the proposed charging regime relates not just to the individual cost to crofters but to the possibility that the Government might effectively freeze its grant-in-aid contribution, which is also part of the proposal, and allow charges to be increased so that the budget can be balanced. That concerns me for two reasons. First, I was very surprised to find that the financial information that you gave to the Finance Committee contained not one pound sign. After all, as Nick Reiter said earlier, it is almost the bounden duty of chief executives to plead for more money.

However, given that there is no such figure and that, according to its financial memorandum, the Government clearly thinks that you can do the increased work that you will be asked to do at no extra cost—something that, I have to say, I am sceptical about—my worry is that if, as a result of having to carry out more work with a fixed budget, the new commission starts with an underlying deficit, it will have to use fees to balance the books and to fund the work on absenteeism, the register or whatever. I would be surprised if, somewhere in the background, you had not considered a number of scenarios based on what the outcome of the bill might be and begun to work out what each might cost. If you have, I would certainly be interested to hear about such work. Would you be able to give us any detail on it after the meeting?

Drew Ratter: Whereas the ethos behind the previous bill was to reduce and streamline regulation and make things more efficient, the fundamental basis of this bill is the belief that crofting requires more regulation. Given that the Crofters Commission budget is made up entirely of staff and labour costs, having to carry out any extra work will obviously cost more. Nick Reiter will probably be able to furnish members with

more detail, but we have certainly modelled various scenarios in that respect.

However, in the end, we did not put any figures in our submission because, as the debate went on, we became convinced that we would have to set out multiple scenarios in it. The fact is that everything will depend on the new commission's plan, which, of course, can be vetoed by the minister. If the agreed plan simply says, "We're not going to do very much," it will not cost very much, but if it says, "We're going to do X, Y and Z," which will mean dealing with hundreds more cases of various kinds, it will clearly cost a great deal more. Unarguably, one way of raising the money would be to use the charging mechanism, if it existed.

Nick Reiter: I start from the realistic point that, over the next few years, new resources are going to be very hard to come by. As a result, the real choice facing the crofting commission is not how we get more resources but what we do with our existing resources. That will be largely determined by two factors. First, some of our actions will be purely reactive. With regard to the duty on the new crofting commission to make a determination within 28 days on all applications for consent to be absent, I have to say that, if we received 700 applications in the first year, we would not be doing much else but dealing with those—unless the plan that the new commission had drafted, had consulted on and then had agreed by the minister stated that such applications would be dealt with by giving three years' grace, except in terrible cases. In other words, the plan could mitigate any effects and ensure that certain decisions could be taken very quickly.

In fact, the same applies to all the provisions in the bill. If the commission wants to go into great detail in every single case—many of which will be reactive and triggered by applications rather than by the commission going out and doing something—it will struggle and will have to manage demand. The danger is that if demand is high and a lot of applications come in, the proactive work—which might include work on neglect and misuse, about which you have heard a lot this afternoon—may have to take a back seat until the other things have settled down.

16:30

We can work out roughly how much staff time is needed for certain types of cases based on how we currently work, which may not always be the most efficient way—some efficiency savings may be available. It is hard for us to say how much of the work the commission will be able to do, assuming that it has to work within its existing resources. We currently deal with around 1,000 applications per year. The bill provides for ministers to decide which types of applications

might attract a charge, so we are probably not talking about full cost recovery because there is a huge variation in cost in dealing with different types of application.

A simple application might go through with no objections, in which case the process is straightforward and does not cost a lot. The other extreme is an application that attracts a lot of objections, in which case a hearing may have to take place, the SGRPID officer has to carry out an inspection, and it could end up in appeal.

Charging for applications might or might not contribute to the costs but, as Drew Ratter said, we need staff. Taking on staff involves a long-term commitment. We cannot vary our staff on a month-by-month or six-monthly basis, especially as they must be highly trained.

The work will be a challenge, and it will need to be prioritised. One of the big dangers is that expectations may be raised that the new crofting commission will do all the work, all at the same time. That may not be possible.

Peter Peacock: That is interesting. I hope that you can send us details of the scenarios that you have worked out—I fully accept that those may not emerge, but it would be interesting to see that work.

The one thing that is clear from what you have said is that what the Government says will happen, which is that the commission will do exactly what it does today plus its new duties, will not come about either at more cost or by the commission doing less of its current work in order to accommodate the new work.

Nick Reiter: I would qualify that slightly by saying that the issue is how much can be done within a certain timeframe. Eventually, it can all be done, but it might involve a big peak of work at the beginning followed by things tailing off. It will need to be managed very carefully.

Peter Peacock: One complaint that we constantly pick up about the commission is that it takes for ever to do things now. If the new crofting commission takes for ever plus for ever, that will not bring it into great repute early in its life.

Nick Reiter: Again, that comes back to the plan. In a sense, the issue is how much effort the Government and the crofting communities want us to put into each case. We have heard about absentees today; I will leave aside the debate about occupancy versus usage. We have sent out 600 or 700-odd letters to people who we think have been absent for 10 years or more, and we have started to get letters back, which give a huge range of reasons for and explanations of what has happened, what is happening or what will happen.

It is hugely time consuming to go through each of those cases in great detail.

It would be open to the new crofting commission to say, “No, we are not going to do that—we will have policies that will allow many of the cases to be either deferred or decided very quickly.” If the commission decided on those sorts of policies, it could get through a lot more work, but that would mean changing the way in which each case is dealt with.

John Scott: You mentioned that there are around 700 cases of absenteeism. Is that figure not slightly low, given the level of absenteeism that we have heard about and discussed today and the fact that there are 15,000 crofters? Is it not more likely that the case load involves several thousand cases rather than several hundred?

Drew Ratter: The only number that we can work with is in the teens of hundreds. We have sent letters out to absentees of more than 10 years’ standing whom we know about. As I keep emphasising, we can only know what we know. We can operate only on information that we receive one way or the other. It is certainly possible that the number of absentees exceeds 700. As things stand, if an application that relates to any of the regulatory aspects comes in, we have no choice but to process it. We also have limited choice as to how we process it because, as Peter Peacock said, people say that things take an endless amount of time. Many of the lawyers I know think that decrofting is eye watering. All the time spent on it is time that the Scottish Parliament inserted into legislation. There are statutory periods for X and statutory periods for Y. It is difficult to telescope any of this kind of activity.

Elaine Murray: We have heard arguments that there should be additional statutory provision for assessors, including a requirement that they be elected. We heard in evidence on 10 February that, in some areas, some assessors are elected. We heard today that it can be difficult to attract people to stand as assessors because, to paraphrase, they might be seen as the community snitch. How are assessors formally appointed at present and what is their role? Should there be statutory provision for the election of assessors?

Drew Ratter: We need to go through a few years of history first. When work started in 2002 on what became the 2007 act, the Crofters Commission was told that it should cease to be active in the communities. The act says that the commission “may appoint” a panel of assessors—it is one of those “mays”. Since the area commissioner function was abolished, the panel of assessors was systematically run down on the basis that something new would be introduced.

By the time I became chairman of the commission—I later turned into a convener—the 2007 act was in place. It was clear that some of the proposals to change that sort of thing were not going to be enacted, so I concluded that it would be a good idea to revitalise the panel of assessors. I convened a small group of representatives from the Scottish Crofting Federation and the Crofters Commission to figure out a way of doing that. As I said, the legislation says that the Crofters Commission “may appoint” a panel of assessors, so there was a mechanism to make appointments. However, we arrived at the conclusion that they should be as nearly elected as possible. In effect, crofting is organised broadly according to a soviet system whereby we have crofters, they elect their grazings committees and those committees then appoint assessors. The only appointed people in this system are commissioners.

We set up a mechanism and a call was made for assessors to come forward. At that time, I was extremely keen that the age and gender balance in the assessors network should be improved because, prior to that, they were pretty much all men and pretty much all very old. We achieved a great deal and got a good response. I dispute that there was a poor response. The panel of assessors for the crofting counties is almost complete; there are very few vacancies. A considerable number of younger people and women expressed an interest in becoming an assessor. The panel of assessors is now an extremely effective body and I am quite surprised by the amount that assessors do for no reward. These are people who act as part of the Crofters Commission's information-gathering system and give their views without fear or favour. I admire them.

Some other mechanism could be devised for electing assessors. We could certainly eliminate the requirement to appoint and instead build an electoral process. However, I cannot see that the process for selecting the assessors would be much different. Whether they have them or not, all crofters need grazings committees because crofters have a considerable asset in their common grazings. The grazings committees are the statutory bodies that manage them. Grazings committees should exist and be active everywhere, although that is not the case. If the Government wanted them to be active, it would at least instigate a level playing field as far as access to schemes is concerned and enable common grazings to be included on the same basis as individuals, which has never happened. However, it seems likely that grazings committees will still be elected by crofters and I think that the committees should then have a role in electing assessors. I am

reasonably satisfied that that system provides a good representative body.

Elaine Murray: We heard some evidence that people would not consider standing as an assessor because there would always be a suspicion that they had somehow favoured one part of the community over another.

Drew Ratter: As I tried to say earlier, that is inevitable when an assessor gives their views. It is an aspect of crofting regulation in general. One of the Crofters Commission's functions is to be a body with which people can get angry. When a decision is made, someone gets what they want and someone else does not. If an assessor is involved, there will therefore be somebody who thinks that the assessor is a good guy and somebody who does not. That is inevitable. However, I repeat that the panel of assessors for the crofting counties is more or less complete. There is a small number of vacancies, and they are mainly in areas where there are low levels of activity. The proof of the pudding lies in the fact that we have assessors.

Elaine Murray: Okay.

Drew Ratter: May I add one more thing about that? It is something that nobody appears to have noticed. Almost all public organisations that I can think of would give their eye teeth for an expert volunteer network. That is something that exists in very few places, and we have it in exemplary form in the network of assessors.

The Convener: The Crofters Commission's role as a Government adviser on crofting matters is clearly stated in the Crofters (Scotland) Act 1993. The bill removes that role from the list of the commission's functions and its function to act as an adviser would not be explicitly stated. It would have a duty to publish an annual report, which would be laid before the Scottish Parliament. What advice has the Crofters Commission given the Scottish Government on that? How does the Crofters Commission see its advisory role in future?

Drew Ratter: The Crofters Commission responded to various requests for information during the development of the bill. I see its role as being to give dispassionate advice rather than to be responsible for the development of legislation. I would regret it if the Crofters Commission was not the adviser on the year-round, normal operation of crofting, because it is the body that is most intimately involved with crofters and it has a body of expertise and knowledge that does not exist elsewhere.

On a general point about the governance of the United Kingdom, civil servants see themselves as the exclusive advisers to ministers and they are jealous of that role. That is not a comment on

anybody in particular. It is just how government works.

Nick Reiter: We are a particularly strange organisation, in some ways. I am in a strange position because I am a civil servant and I am also chief executive of the Crofters Commission. I am answerable to my sponsoring division as regards the organisation's finances and staff management ahead of also being answerable to our convener and commissioners on those aspects, so there is a dual role in that respect.

At present, commissioners would certainly expect to have a role in advising the Scottish Government on all matters that pertain to crofting. The crofting commission will be a slightly different creature because the majority of the commissioners will be elected and will therefore have a constituency, so a different dynamic might need to be taken into account. The question that that leaves hanging in my mind is this: if the crofting commission is not going to advise ministers on crofting, who will do that?

16:45

The Convener: Okay. Liam, do you want to move on to talk about the register of crofts?

Liam McArthur: We have heard various opinions about the map-based register. Yesterday, there seemed to be a bit of a question mark over whether we should bother with it. Today, as you will have heard, the first panel seemed to accept the value of a map-based register, although the witnesses had deep reservations about how the bill proposes to implement it. What is your view of the short, medium or long-term benefits of such a register?

Drew Ratter: As was said earlier, in the past the register was maintained as a working tool for an organisation and, broadly speaking, while nothing is perfect, it has been capable of carrying out its functions. There is complex mapping technology, which did not exist a few years ago, that allows a vast amount of information to be stored in map-based form. I am sure that having something of that type will have value.

Liam McArthur: Is that an administrative value, or do you see value in it for individual crofters and crofting communities?

Drew Ratter: As far as I can recall, the original reason for setting up a map-based register was to create a register of leases so that crofters could use their leases as collateral when they were borrowing. I can see that that is a very good reason for having an exceptionally accurate map-based register.

Nick Reiter: If the new register as proposed in the bill goes ahead, we will still need to do pretty much everything that we do at the moment.

Liam McArthur: You do not think that your work would decrease.

Nick Reiter: No, a map-based register will not reduce our workload because we still have to have the information. As the casework comes in and we deal with it, we will still need the information. We could gather additional information if necessary. We could do the first stages of processing for the Registers of Scotland, as proposed in the bill. How much extra work that would be would depend—the devil is in the detail of how much checking of discrepancies we would need to do and all the rest of it. What we do at the moment is largely what we need to do to be able to process our applications. We have started doing quite a lot of mapping. We are using digital mapping, and it is building up as we go along. However, unlike what we do at the moment, digital mapping has no status in law. It cannot prove where the boundaries of so and so's croft are; it is just to allow commissioners to make decisions on applications.

Liam McArthur: You heard the concerns that were expressed earlier that the bill as drafted means that there will be an incremental process whereby certain neighbour crofters will only find out about the allocation of a boundary when it has already been set. As a result of today's evidence, the committee has been taken with the notion of a community-based mapping exercise, partly, I suppose, because some of the mediation that you mentioned earlier in response to Peter Peacock's question might come through that process. Would a community-based mapping process make your life easier?

Drew Ratter: We have a geographic information system at the Crofters Commission and we have produced quite a lot of mapping, which we regard as a good extension to the existing toolkit.

We must bear in mind what a crofting tenancy actually is. We regulate crofting, and the system has turned into a hybrid system and so on, but essentially the Crofters Commission was set up to regulate the tenanted system of agriculture. A crofting tenancy is not really a territorial unit; it is, essentially, a bundle of rights and duties. At the same time as a crofter acquires rights and duties to do such and such on their inby croft, they acquire rights to do such and such on the common grazing. For most of the things that crofters do, an understanding of exactly where the boundary lines go has never been desperately important. Some of the people to whom you spoke earlier described how they come to accommodations with their neighbours.

Liam McArthur: One of the concerns that was raised yesterday, when we visited crofters in Caithness, was that the current arrangement is working fine—it is pragmatic and solutions are reached—and that the process of mapping a register could flush out new antagonisms.

Drew Ratter: Mapping would probably be difficult. If you look down on a crofting township from a high place, you will usually see that, although the dykes originally followed contours or went around the stones, at some point a fence was driven straight through the middle of the zigzags. I am not sure how that sort of thing could be dealt with except through some kind of community mapping exercise. That is an interesting idea.

Nick Reiter: Mapping will take time and, while it is being done, we will still need to deal with applications. We will still need to use the basic information on a registered croft, which is normally only about acreage, ownership, tenancy and any other matters that we require to know about in order to process an application. For an apportionment, we need a certain amount of detail; however, for some applications we do not need a map at all.

Drew Ratter: We are talking about boundaries that are defined by streams and burns, which move all the time. I had somebody trying to define something according to where a peat bank was although, during its life, the peat bank had moved by 2ft or 3ft every year. Bear that kind of thing in mind.

Liam McArthur: I have a final question. It is perhaps unfair, but I have not visited your croft, as Peter Peacock has, so I feel under no obligation to be fair. Another concern that was raised yesterday was about where the register will reside, however it is arrived at. The concern is that, were it to reside with the Registers of Scotland, it would either duplicate the information that the Crofters Commission already has, or be taken out of the crofting counties, where it would be far more appropriate for it to be retained and managed by the Crofters Commission. Do you have any view on that?

Drew Ratter: Online access to the digitised information on the map is the key issue. I would not care where the register was held as long as people had free access to it. As a crofter, I would be aggrieved if I discovered that I had to pay to gain access to it. I would like to be able to go online and look at it whenever I felt like it.

Liam McArthur: You have better broadband links than many of my constituents.

Nick Reiter: I agree with Drew Ratter. There must not be duplication. If the register goes ahead, it behoves the Registers of Scotland and the

commission to ensure that there is no duplication—that is a no-brainer. The keeper of the records is an expert in what he does and it seems perfectly sensible for him to keep the register. If he wants to send us some of his fees, I will not say no to that.

John Scott: Which mapping system would you prefer? You say that you require only an indicative mapping structure. Would you prefer to base your map on IACS, or would you use the 1911 inland revenue maps or the 1886 maps? Where would you start? Would you combine all three and, where there were no discrepancies, use that as an agreed base?

Drew Ratter: I am completely satisfied with the IACS maps of the land that we have on my unit at home. They show the land that I think that I have—I have no argument with them. That is only my personal opinion, but IACS seems a fairly good base from which to start that kind of mapping.

John Scott: The problem is that not everyone's land is mapped for IACS. Only 5,000 out of the 15,000 crofters are IACS mapped. Nevertheless, that could be a starting point.

Drew Ratter: Can that really be right?

John Scott: I believe so. That is what we are told.

Drew Ratter: I do not know any crofters in Shetland who do not submit an IACS application form.

Nick Reiter: That is Shetland, though.

John Scott: We are not there.

Drew Ratter: They do not get any money if they do not submit an IACS application. [*Laughter.*] I am confused.

John Scott: We have been told that about 10,000 crofters are not mapped because only 5,000 are, and Nick Reiter said that there are about 15,000 crofters or thereabouts, so it follows that 10,000 are not mapped.

Nick Reiter: There are about 18,000 crofts.

John Scott: There are 18,000 crofts?

Nick Reiter: Crofts, as opposed to crofters.

Drew Ratter: There are more than 12,000 crofters, I think.

Nick Reiter: Some crofters have more than one tenancy.

We have to start with what is available. I have heard rumours that other maps have been made. In the 1970s, the agricultural staff did a huge exercise in mapping Scotland; I do not know what happened to those maps or how detailed they were. If I were starting the process, the first thing

that I would want to do was look at everything that is available, even if it is out of date. The more information we start with, the less we will have to reinvent.

The Convener: So if we were to go to a community-based register, starting from the community rather than using trigger points, a community would have to be able to sit down with the landlord's maps, the IACS forms, the land registers and all the other maps so that it gets some commonality and a map of the area that will be used by all. If you say that you have maps for your purposes but the community has agreed a map for its township or whatever, that still means that different bodies are using a proliferation of maps. Surely that is not the purpose of a register of crofts. For example, you have been tasked with creating a register of crofts, and presumably you have some outline of croft boundaries. Would the Crofters Commission, through the local assessor or whatever, be prepared to give its information to the community so that that could be one of the starting points for getting the register together?

Drew Ratter: Our register is publicly available, so we certainly are prepared to do that. However, in most cases, it is a written description of the croft, rather than a map. It does not delineate the croft, it describes it.

The Convener: But it would be very useful as a tool.

Drew Ratter: Of course, and of course it would be available. That information is available to anyone who is trying to put it together. I hope that everyone who holds information will make it available. The final outcome would have to be something that had a thumbprint on it and could be accepted by all.

The Convener: Bill Wilson has a particular point about ransom strips.

Bill Wilson: Sometimes I get the feeling that the committee finds a new set of maps at every evidence session.

I have a quick question that I hope will speed things up. Were you present during the earlier discussion of ransom strips?

Drew Ratter: I have heard Derek Flyn give a very good description of the potential problem with ransom strips, and what he said could be true. I talked earlier about how boundaries wiggle around and are then straightened out. Conceivably, areas could be missed out and the landlord could discover that they own land that is not croft land and, if they were a very bad landlord, they might use that as leverage to achieve some aim. I had not thought about it before, but when Derek described that at the meeting in Inverness I was convinced by his reasoning.

Bill Wilson: So you think that ransom strips are a problem. Does that apply to you, Mr Reiter?

Nick Reiter: I do not feel qualified to comment on that, I am afraid.

Peter Peacock: I have one small query. I want to be clear that you are being non-territorial when you say that it does not matter where the register is. It could be kept by the keeper, but the problem with that is that the keeper has to be self-financing by law, and therefore fees have to be charged somewhere. The Crofters Commission is not in that unfortunate position. If you were asked to keep a map-based register using all the sources, whether or not it was community based, would you be able to do that?

17:00

Nick Reiter: We would only be able to do that if we had additional resources, but there is no reason in principle why we could not do it. We already have some of the expertise and we are on the brink of putting the register of crofts online anyway. I suppose it depends on what the register is for. There is a certain logic in its going to the keeper if it is used in the same way as other records that are kept by the keeper. If it used as the basis of proving where the boundary of a property is, there is a certain neatness in all the information being with the same person.

Peter Peacock: You have opened up another point. From your point of view, having a map-based register would be of assistance purely as a means of regulation. That would be its only function.

Drew Ratter: We should bear it in mind that there is a huge difference between compiling the register and keeping it. To keep such a thing just requires us to have a computer server that enables it to be searched online and a technician who maintains the computers and sees that they do not break down. Keeping the register and permitting free access to it by people who need it would not be difficult for us to do.

Peter Peacock: I want to move on to where crofters live relative to their crofts. You heard some of the earlier debate about that. To be frank, from my point of view—I probably speak on behalf of some other members of the committee, if not all of them—one of the most intractable issues that we have encountered is the question whether the problem is absenteeism or neglect. I suppose that the answer depends on what we regard as the central purpose of crofting. Is it about providing housing and a place to live in remote communities and about sustaining those communities or is it essentially about agriculture? What are your views on the 16km limit in the bill? Also, is the issue

absenteeism, neglect, or both? Where do you stand on that?

Drew Ratter: I have thought a lot about the 16km limit. A trigger point or event of some kind is necessary, and I would just leave the proposed limit alone. It simply triggers a look at or a discretionary consideration of something. It does not trigger action. If you do away with it, what would you replace it with? Would it be the greatest distance that someone can fly in a day in a helicopter, or 50 miles? It is extremely difficult to come up with something that is unarguable and will not just be seen as arbitrary, so I would leave it at 16km, with the background that it does not trigger action; it simply triggers attention.

I am clear—and my view is broadly shared by a great number of people—that the fundamental thing that crofting has achieved historically is to help to maintain communities of people in areas where they would not otherwise be. The comparison is often made between the environs of Stornoway in Lewis and the straths of Sutherland, where the land was much better but people were cleared off it so that sheep could be introduced, and now there is nobody there.

What intrigues me is that the people who say that the issue is neglect have also, without doubt, said at various times in their lives that one of the strengths of crofting is that it maintains communities. In my view, those statements are incompatible. If there is a public benefit to be achieved by crofting, it is in securing and strengthening rural communities in the areas where it runs. I do not think that it is in maintaining efficient agriculture. If we wished to maintain efficient agriculture, we should abolish crofting immediately, because it is not a good tool for promoting what we regard as efficient agriculture in today's world.

I am quite happy to see what we are doing at the moment as an occupancy initiative. In my view, if we achieve anything, it will be to bring new people into communities to support medical services, shops, post offices and rural schools. If the crofting system can achieve that, it will achieve a very big thing. I am quite clear about where I see the priority.

Peter Peacock: I hear what you say, but I just want to be clear about that. You are not against taking action on neglect, but your position is that you would give primacy to maintaining population, which is affected in some way by absenteeism. Might land use provide the test of whether an absence was significant?

Drew Ratter: The 2007 act sort of defined positive use of the land, and the bill will provide a broader definition. I certainly feel that land use is

fundamental to crofting activity, but land use can be of many different kinds.

Let me explain the problem that I see with tackling occupancy, on which we are striving forward. The Crofters Commission—and any future commission, whatever it might be called—might have significant powers to deal with occupancy, to measure whether it is achieving that and to operate whatever sanctions are permitted. However, as far as I can see, neglect is measured by the GAEC—the good agricultural and environmental condition—which is applied to all land managers in Scotland and enforced by the SGRPID. I find it inconceivable how another mechanism could be devised that would deal with neglect and perceive more immediately whether the land was being neglected. If farmers—who, like crofters, are governed by the GAEC—contravene the GAEC by slaughtering raptors or whatever, they lose a proportion of their single farm payment. Would a totally separate system be set up whereby crofters who were found guilty of contravening the GAEC would lose their crofts? I do not find that conceivable. Dealing with neglect should be done but it is extremely difficult.

Peter Peacock: That is helpful.

Another point that has come out in evidence is that local people often know about absenteeism, which might not be a particular concern in some communities but is a very real concern in others, where young people who want to take up crofting are unable to get access to a croft. How does the commission currently find out about absenteeism so that it can begin to take action against absentees? How will that happen in the future? Equally, what are the trigger points for taking action on neglect? The bill will provide a 16km trigger point, but neglect might be an issue even if the crofter lives within 16km of the croft.

Drew Ratter: For neglect, the trigger point is that the commission must receive a complaint. Speaking from memory, I think that the complaint can come from a landlord or a grazings committee or neighbouring crofters. Since that was established under the 2007 act, I think that we have had three complaints about neglect. Of those, two were certainly attempts to settle grudges.

On action to tackle issues of occupancy, I should stress that no one so far has had any action taken against them in any shape or form. People have been asked only to communicate with the commission to clarify their status and to tell us about their plans. The only information on which we can base action is an analysis of the register as we hold it at the moment. For a short time in the 1990s, the register was almost entirely accurate. The problem is that, when people stopped endlessly combing through it, the register

started to deteriorate. As it is unclear where the register is deteriorating, we need to comb through it—but we need not go into that at the moment—as the register is the source of information. The only future source of information will be improvements in the register, which will be based on information that we manage to glean through such correspondence and information as people choose to give us.

Peter Peacock: Rather than your having to wait for a complaint about neglect, would it be better for the commission to have a duty to inspect or to make arrangements to inspect land from time to time, so that the community did not necessarily have the burden of having to complain?

Drew Ratter: Again, we would need to assess whether there was going to be parity with all other agricultural units. In fact, that process exists at the moment in so far as SGRPID does periodic whole-farm inspections, which fall on crofters and farmers equally. That process of inspection is nothing to do with the Crofters Commission, though.

Peter Peacock: But would it assist your ability to tackle the issue of neglect, about which people are clearly concerned, if you were under a duty to inspect?

Nick Reiter: Removing the onus that is on communities, neighbours or grazings committees to make complaints would help. The current system is not workable, for reasons that we have heard. I agree with the view that we need to separate the issue of absenteeism from that of misuse and neglect, because on the whole the two issues are not intimately linked. People sometimes tend to think of them as one issue, but they are separate issues, for sure. I agree with Drew Ratter's point, although whether the main public interest is in promoting crofting for occupancy or in doing so merely for the productive use of the land is ultimately a political decision rather than one for someone like me. Personally, though, I think that the public interest is served by both aspects. However, occupancy has made a big difference over the years in many communities, including my own.

In principle, if there was an independent way of assessing misuse and neglect that did not involve people having to make complaints against their neighbours, that would be more likely to yield much more information. Whether and how much action could be taken, whether communities should have a say in where it is taken and what resources might be needed to take it are bigger questions.

Peter Peacock: You said earlier, Drew, that crofters often do not tell you about changes for the current register. Under the new proposals,

including the 16km limit, there would be a duty to seek the new commission's consent to be absent. How would you check whether people had done that? Have you thought about that at all?

Drew Ratter: We have. I do not think that we are going to become a private detective agency, going around inspecting 18,000 crofts at regular intervals. That would have massive resource implications for a start. On my watch, the commission will not become an agency that endlessly peeps in at people's windows to check up on them, if I can help it. To an extent, we will have to continue to be dependent on people giving us information when it is their duty to do so or when they look at the register online and say "Oh, that's not right. I must tell the commission." I hope that more of that kind of thing happens.

Nick Reiter: Ultimately, the register of crofts will still be the central source of information in determining who is or appears to be absent and cross-referencing to see whether someone has applied to be absent. As somebody put it the other day, the we-know-where-you-don't-live approach is not one that we will have to pursue with great vigour. We will have to use the information that we have and, to an extent, rely on people to look after their own interest. For many absentees, it may well be in their interest to apply for consent. I submit that before doing that they will look carefully at the commission's plan, which presumably will give them some indication of the sorts of ground on which they might expect to get consent.

17:15

The Convener: I am conscious that time is marching on. Questions and replies should be as brief as possible. Bill Wilson has a quick question.

Bill Wilson: I will be brief, convener. Over the past five years, how many absentee crofters has the commission told that it will give their tenancy to somebody who lives locally?

Drew Ratter: A considerable number. I do not have that information in my head, but we can get it for you.

John Scott: We have discussed most aspects of neglect. What is your view on the proposed exception to the definition of neglect when a crofter refrains from activity because they are conserving flora and fauna on their croft? How can that be monitored and enforced? I appreciate what has been said about whether it is an issue for SGRPID.

Drew Ratter: I would resist the proposal unless somebody was involved in a recognised scheme with recognised objectives. The issue is a serious one for agriculturalists in the Highlands and

Islands, most of whom have entered into contracts with the Government to conserve and improve biodiversity. That seems to have been completely disregarded, particularly in the Pack report. The matter is quite simple: if someone was participating in a scheme that had measurable objectives, that would be fine; if they were just doing it on their own, it would have to be regarded as neglect.

John Scott: You would say that it was neglect.

Drew Ratter: If they were not refraining from activity as part of a recognised scheme, it should be defined as neglect.

John Scott: So, provided that they quoted the scheme number—

Drew Ratter: Especially if the fences were falling down.

John Scott: Thank you. I am taken by your belief that the proposals will not impose a huge burden on SGRPID. If only 5,000 out of 18,000 crofters are in receipt of IACS payments, I suspect that there are 13,000 crofts that are not subject to the GAEC regime and that are, therefore, not being inspected. You have suggested that SGRPID should carry out the inspections—that is fine, but that will impose a cost burden on SGRPID, as that is almost as many inspections as it would carry out for the whole of Scottish agriculture.

Drew Ratter: Indeed. I have heard about the number of crofters who submit IACS applications and the number of crofters who do not, but I have never seen that set down by someone who swears that it has been audited and is absolutely correct.

John Scott: That is probably something that the committee needs to find out.

Drew Ratter: I think that you should get the audited figures from somebody. They just do not sound right to me.

John Scott: I agree with you.

The Convener: Let us move on to the regulation of development on croft land.

Bill Wilson: The bill will provide additional grounds on which the commission can refuse a decrofting application. How will that affect your decision making? Should you be a statutory consultee on all planning applications for croft land? Should there be a presumption against development on croft inby land?

Drew Ratter: We should use the existing system better. We are now a key agency, although the Government has not so far told us what a key agency is. The Planning etc (Scotland) Act 2006 requires a high level of consultation, and crofters, crofters' organisations and grazings committees

must engage in that process. We can support them in their considerations, but they must identify locally important land and be on the record as at least trying to get that land zoned as land that must not be built on. That is the key in the beginning.

When I became the chair of the commission, having been a councillor for a long time, I was acutely aware of the importance of the planning system. I spent quite a bit of time, in the first few months, going around councils in the Highlands and Islands, talking to their planning chairs and senior planning officials. That approach was strongly welcomed and we have had further talks with them.

One of the things that I would be inclined to do, which is under consideration—it is purely a policy thing—would be to require people to obtain decrofting before they acquired planning consent. Broadly speaking, what we are doing at the moment is farcical. We handle decrofting applications as full applications because we have to. In almost 100 per cent of cases in which there is already planning consent, we have to grant decrofting. There is a whole lot of wasted effort there. We have attempted to refuse applications for decrofting with planning consent when we feel that those applications are not conducive to the croft and the community, but the Scottish Land Court said explicitly that it did not expect the Crofters Commission to set itself up as an alternative planning authority. Trying to reinvent the wheel there would be pretty much madness. We should attempt to use the existing legislation and processes in such a way that, in the end, land is appropriately zoned. Planning consent on land that is zoned for housing is pretty uncontentious, but crofters should have their voices heard at an earlier stage, and should be able to identify land that they do not wish to be developed.

Bill Wilson: In simple terms, you would want to say, "You can't get planning permission for anything until you have decrofted."

Drew Ratter: Yes. I would.

Peter Peacock: The proposals in the bill will allow you to refuse to decroft, even if there is planning consent. As you have said, you are a key agency, and that will develop over time. It has been put to us on occasion—it has certainly been put to me over the years—that it would be helpful if the commission had a power to comment on any individual planning application; perhaps it should be a duty—perhaps the commission should be a statutory consultee. I concede that that would be difficult for every planning application—it would be a lot of work. On the other hand, given that you are a key agency in the development of the local plan, if you were a statutory consultee on any application that was contrary to the local plan,

would that assist the commission in protecting crofting land, which has been the topic of much debate in the past?

Drew Ratter: I believe that it would because if the local plan was developed according to how I have outlined, people would have had their say and the areas that they had mentioned would have been zoned. It would be extremely reasonable and helpful if we could comment on specific cases in which planning was being granted on land that had previously been zoned for no development. I would value that power.

The Convener: Bill Wilson has a question on succession.

Bill Wilson: One of our recent witnesses noticed that there is some difficulty with succession in cases in which either a crofter has left no will or there are technical difficulties with the will. Are you satisfied with the way in which the law on succession works, or have you come across problems?

Drew Ratter: Succession can be complex. Our basic premise is that as croft land that is let by a landlord is bare hillside, all improvements are improvements by a crofting tenant and their predecessors. Therefore, there has to be a mechanism to allow crofters to pass that to whomever they choose. If they are intestate and an heir is identified, that is a legal matter and it is not really for me to comment.

Liam McArthur: In paragraph 10 of schedule 2 to the Crofters (Scotland) Act 1993, on the statutory conditions, it states:

"The crofter shall not do any act whereby he becomes apparently insolvent within the meaning of the ... Bankruptcy (Scotland) Act 1985."

We have had a submission suggesting that that is no longer equitable in the present day, when it is possible to be discharged from bankruptcy within a year, and that a landlord has an absolute right to remove a crofter under the statutory condition in paragraph 10. It would be interesting to know whether you can recall cases of landlords dissolving tenancies as a result of bankruptcy, and if you have a view on whether that should be addressed in the bill.

Drew Ratter: I do not recall a case where that has happened. It seems a bit harsh, I have to say.

Nick Reiter: It seems a very harsh punishment for a particular sector when others would not suffer the same. It is inconsistent.

Drew Ratter: If the croft is defined as an asset, that is a totally different story. It does seem a bit harsh that the landlord has such an option when the tenant could subsequently be discharged from bankruptcy.

Liam McArthur: Within a year.

Drew Ratter: Yes.

John Scott: Are you saying that the value of a tenancy, if it has a value, should not be taken into account?

Drew Ratter: That is a totally different question. I was not really trying to comment on what happens when a tenancy is valued as an asset. This is a very specific situation in which the landlord can dissolve the tenancy because the tenant has been declared bankrupt. I guess that that is when the tenancy has not been valued as an asset; it is just sitting there and the landlord takes the opportunity to boot the tenant out. They are two different scenarios.

The Convener: As members have asked all their questions, I thank the witnesses for their—

Nick Reiter: Can I make one brief point?

The Convener: Yes.

Nick Reiter: Several witnesses, including Sir Crispin Agnew, recommended that the bill could look at simplifying the appeals process. The Crofters Commission would support that wholeheartedly. It would make the process easier for the appellant, the Crofters Commission and the public purse.

Drew Ratter: I am glad that Nick got that in. The current situation of making appeals through stated cases is an utter nightmare, and it puts the Crofters Commission in a position where it is almost acting as defence counsel against itself.

I thank the committee for this opportunity. It has been a perfectly agreeable experience. *[Laughter.]*

The Convener: I hope that that does not mean that we have not quizzed you hard enough.

Drew Ratter: No, I would not say that.

The Convener: I thank you very much for your attendance. If there are any issues and evidence that you need to give us as a result of this meeting, please share it with us as soon as possible so that it can inform our future evidence-taking sessions.

That concludes today's meeting, ladies and gentlemen, but before I close the meeting, I put on record our thanks to the management and staff of the Weigh Inn for their hospitality. I also thank the clerks, Scottish Parliament information centre and others who have helped to set up the meeting. It is quite an operation to take a meeting of the Parliament outwith the Parliament. I also thank broadcasting, security, the official report, the press office and anyone else who I have left out. Thank you all for helping us to make this a successful meeting.

The committee's next evidence session on the bill will take place on Tuesday 2 March when we will be in Lerwick. Details of the arrangements for that meeting will be published on the committee's website over the next few days.

Again, thank you all very much, and safe home.

Meeting closed at 17:28.

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