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Rural Economy and Connectivity Committee

Subordinate Legislation



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Rural Economy and Connectivity Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Economy and Connectivity.



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Subordinate Legislation

The Committee reports to the Parliament as follows –

1. On 23 November 2016, the Crofting Commission (Elections) (Scotland) Amendment Regulations [draft] was laid before Parliament and was subject to affirmative resolution procedure.

Purpose of the instrument

2. The instrument sets out changes to the circumstances under which elections to the Crofting Commission are conducted. The Commission's second crofting elections will be held in March 2017.
3. The amendments to the principal Regulations relate to candidate eligibility, absent and proxy votes, the filling of vacancies, the retention of documents, and elections expenses. Consequential amendments to and revocations of provisions of the principal Regulations are also made.

Delegated Powers and Law Reform Committee consideration

4. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on 1 November 2016 and agreed not to draw the Parliament's attention to the instrument on any grounds within its remit. The DPLR Committee's report can be found at the following link:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/101943.aspx>

Rural Economy and Connectivity Committee consideration

5. At its 11th meeting of 2016, held on 23 November, the Rural Economy and Connectivity Committee took evidence on this instrument from Fergus Ewing, Cabinet Secretary for Rural Economy and Connectivity and his officials.
6. The Committee was concerned that amendments made, which would require the filling of vacancies with those candidates with the next highest number of votes, could result in Commissioners who received relatively low level of support at elections being elected.
7. The Cabinet Secretary indicated that these provisions enact the original intention of the Crofters (Scotland) Act 1993. However, he recognised that in any future discussions regarding crofting law reform this would be a legitimate area for debate.
8. The Committee inquired whether the Cabinet Secretary was aware of any examples whereby changes to the election criteria could result in any current commissioners being disbarred from standing again. The Cabinet Secretary and

his officials confirmed that they were not aware of any such cases. Scottish Government officials also clarified a drafting point to the Committee's satisfaction.

9. In addition, the Committee sought reassurance that the forthcoming Crofting Commission elections, which provide for five year appointments, would not hinder progress on any future legislative change. The Cabinet Secretary noted that legislative change to reform crofting is a process that will rightly take time and that in the interim we require a functioning Crofting Commission. He offered his reassurance on this point, stating: -

” ...I give the assurance that the decisions that we make today will in no way impede or impair the rights and responsibilities of the Parliament and its members.

10. The Cabinet Secretary subsequently moved the following motion in his name—

S5M-02263—That the Rural Economy and Connectivity Committee recommends that the Crofting Commission (Elections) (Scotland) Amendment Regulations 2016 [draft] be approved.

11. The Committee agreed the motion without division.
12. The Official Report of the meeting is available at the following web page:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10652>

Recommendation

13. The Rural Economy and Connectivity Committee recommends to the Parliament that it approves the draft instrument.

