

Peter Peacock MSP

Speech in the Scottish Parliament

Crofting Reform (Scotland) Bill

1 July 2010

While crofting undoubtedly faces many challenges, I fear that the bill will do little to help it to meet them. At root, the challenges that face crofting are economic not regulatory. With the passage of every successive bill on crofting, it is almost inevitable that regulation becomes more complex. In part, and in this instance, the bill—for example, in being tougher on absenteeism and neglect—seeks a regulatory action to what is essentially an economic question.

If crofting provided more of a living and there were more economic strength and diversity in our crofting areas, we would probably not need to debate absenteeism. Neglect may be associated with absenteeism, but it may also have different roots. That said, crofting remains a remarkable feature of the life of the Highlands and Islands. Crofting demonstrates a deep attachment to the land. It is born of many historical reasons, including the investment of many generations in the improvement of the land and in making a real contribution to the local economy.

If we really want to support crofting, we should spend less time legislating and more time addressing economic development.

We need more resources targeted on the really less favoured areas, using agricultural support, rural development mechanisms and support for housing.

We also need more joined-up rural development policy and the greater decentralisation of jobs in the economy. The bill will add little to that.

At one level, the bill will possibly be disruptive.

I refer to the costly and bureaucratic new crofting register—a second register that will take over 40 years to complete.

It will cause unnecessary dispute for the reasons that I have set out often enough before.

It is unnecessary for the regulation of crofting, destined to change attitudes and takes an approach to crofting that encourages individualism and discourages a communitarian approach.

John Scott amply demonstrated that in his speech.

The minister may argue that the changes are rooted in the changes of the 1970s that allowed owner occupation.

She may be right about that.

However, the new register, together with the changes to croft grant entitlement, will drive the change yet further. Indeed, the register looks designed to aid a vision of crofting that is rooted in title to land and a free market in crofts.

John Scott: Will the member give way?

Peter Peacock: I am sorry, but I cannot.

The provisions in the bill will democratise the crofting commission, even if only partially. As a democrat, it is impossible for me to resist moves towards an element of democratic elections to the commission. That said, although democratically elected crofters may

replace appointed crofters, they will implement the same law and operate under the same legal advice.

The scope for discretion will be relatively small.

If the democratically elected commission had been given a role in the development of crofting where wide discretion exists, a real difference may have been made.

That would have allowed crofters to address the economic questions that I touched on earlier.

Alas, they are not to be allowed that role.

Beyond that, and although helpful, the toughening of the provisions for absenteeism and neglect will stand for very little if the commission does not have the resources to take action.

As we heard in evidence, the commission is not being funded to add to what it does already.

There are, of course, provisions that will add to the commission's ability to act in certain circumstances.

I refer to the provisions for its plan, to which the Scottish Land Court may have regard and which offers additional options.

In addition, there are the provisions for the refusal of decrofting applications, even where planning consent exists, and the changes to planning and presumptions about inby land.

All that has a contribution to make.

Like other members, I suspect that we will not see another crofting bill for some time.

That will come as a great relief to future members of the Rural Affairs and Environment Committee.

It is possibly also a blessing for crofters.

Future Parliaments would do well to address the deep and enduring economic challenges that people in many parts of our crofting counties face.

Until those challenges are met, there is little that legislation can do other than impose more complexity, regulation, bureaucracy and cost on crofters.

The bill exemplifies all those features. If it passes on to the statute book, it could be held up as a warning, not an example.