

Call for early action on law of crofting

THE MANY DIFFICULTIES caused by existing legislation dealing with crofting have been revealed in a report published in December by the Crofting Law Group.

This was based on 126 issues submitted by lawyers, organisations and members of the public, who were encouraged to submit details of the problems and anomalies they had encountered. Once collected, they were examined by the group and interested parties were afforded the opportunity of commenting and debating them.

The final report of the Crofting Law Sump has now been made available to the Scottish Government.

The initiative came from the Crofting Law Group after practitioners gave evidence about the many obstacles and obstructions caused by the successive changes to the applicable law over several generations. Appointed by the group to administer the sump were Keith Graham, formerly principal clerk of the Scottish Land Court, and recent SCF chair Derek Flynn, a retired crofting lawyer.

Derek explains, "In 2013, it was necessary to force an amendment of recent legislation because it had been found to be unworkable. At that time, it was made clear that there were

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What will wake up the Scottish Government to the plight of common grazings?

YET AGAIN, IN the new CAP allocation, the highest support rates go to best quality land; and traditional livestock producers continue to be under threat.

Given that so much of Scotland is hill grazing, it is surprising that Scottish Government has never really got to grips with how to support it appropriately. Following the CAP reforms of 2004, vast numbers of livestock disappeared from grazings, leaving hills under-stocked and even abandoned completely in some areas.

Some environmental groups have welcomed this, saying that re-wilding is a good thing. RSPB has studied the issue in depth and concluded that appropriate grazing increases bio-diversity and brings the hill into better condition than if ungrazed. And it is mixed livestock, not deer, which produce the good results.

Scottish Government was willing to go along with this manipulation by subsidy that caused the "retreat from the hills", as SAC put it. This was despite the warnings of organisations such as SAC, RSPB and the SCF. It is probable that the cause was the industry lobby for single farm payments – to provide a retirement pay-out to farmers. Ironically, that same industry lobby is now claiming that their proposed regime of regionalisation is there to stop slipper-farming.

Regionalisation is highly unlikely to fix the grazing problem in the crofting areas. Common grazings still seem to be a complete mystery to Scottish Government and of no concern to the industry lobby. Under this regime extensive rough grazing, which will include most of crofters' common grazings, will get paid £8 per

hectare, less than one twentieth of what will go to permanent grassland; and a quarter of the rate for higher-quality rough grazing.

It was pointed out in a recent policy meeting that there would be no incentive to improve land, as once allocated a region, land cannot move to a better region even if improved. A senior Scottish Government official suggested that producers should need no incentive to improve land, that the increased productivity and therefore market returns should be incentive enough. So why, he was asked, do we in Scotland use the CAP public money to make higher payments to better quality land?

The official had no answer. Maybe it has something to do with the industry lobby?

Traditional livestock crofters are getting thin on the ground. The new CAP doesn't look any more likely to provide the appropriate incentive to continue keeping livestock on the very extensively grazed hills than the last. Some chose to graze in-bye only, or not graze at all, to avoid the complicated, punitive and downright unfair payment system.

Once herds and flocks are lost from the hill it is a long and difficult task to re-establish them. Skills are lost, flocks take a long time to heft and introduced animals potentially take years to thrive.

This sounds gloomy. But look at what the Welsh hill farmers Fairness for the Uplands have achieved. They took the Welsh Government to court over extensive grazings only getting £20 per hectare against the better quality grazings getting £160, and won.

Is it time to consider doing the same here?

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