

Implications for crofting on exit from Europe

THE LOSS of faith in our Crofting Commission has been occupying many crofters' minds and hearts for several months now, and we cover it in this edition. But, of course, the result of the European referendum has taken us all by surprise and tends to cast a shadow over any other issues.

Within days of the vote, the SCF was granted a meeting with the cabinet secretary for rural economy and connectivity, Fergus Ewing, under whose remit crofting now sits. Mr Ewing does not have answers to how the impending divorce will affect crofting, but was able to give us reassurance that the Scottish Government's commitment to crofting stands firm.

As would be expected, reflecting the national vote, not all crofters are unhappy about the

EU divorce. Red-tape is perceived (not always justifiably) as coming from Brussels. It hasn't helped that the UK and Scottish governments have used the "it's Brussels" excuse to pass off legislation of UK or Scottish origin – or EU legislation that has been 'gold plated' by our officials.

Also, many crofters are close to fishing, a sector wanting out of the EU. This is understandable. It is said that our fishing policies are the product of an uncaring Margaret Thatcher's negotiations to secure a rebate from the EU.

A wider UK perception, and subsequent disquiet, seems to be that many of the UK's woes, such as the widening inequality in wealth and well-being, are due to being in the EU, when they can clearly be attributed to our own UK

government policies.

For crofting, my worry is that many of the croft-friendly policies we enjoy originated in Brussels. For example, remember that the proposals that were issued by the European Commission at the start of the CAP negotiations for this phase were very strongly oriented towards the small producer and environmental protection. These were watered down or actively obstructed by an NFU-steered UK Government. Scottish Government figures show an overall increase in CAP payments to the north and west, but it could have been so much better.

Many of the infrastructure and social projects we see in remote areas, such as community projects, causeways and lifeline ferries are EU

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The crisis of confidence in the Crofting Commission

THE GRAZINGS calamity has escalated to a crisis of no confidence in the Crofting Commission, which is not to most on-lookers' surprise.

The crofting law blog used the analogy of the tale of The Emperor's New Clothes, where the Commission is confidently stumbling on with complete lack of self-awareness whilst on-lookers gape in disbelief. All, that is, save NFUS which has publically stated support of the actions taken by the Commission. Political manoeuvrings, at the expense of crofting, perhaps? What must their membership think of this?

A recent letter to the press from an eminent lawyer, Donald Rennie, honorary president of the European Council for Rural Law, states emphatically that the imposition of grazings constables by the Crofting Commission upon shareholders whose committee has been removed by the Commission is clearly illegal. He points out that the Commission is wasting yet more public money taking this to

the Scottish Land Court. They have already thrown so much money at this now, what is a bit more?

The Cross Party Group on Crofting re-formed this month, with the crisis of confidence in the commission top of the agenda. Thirty-seven people attended, including nine MSPs. Curiously, the convener of the Commission did not attend to face the inevitable questions. The commissioner from the Western Isles was left to squirm in his place, but was adept at evasion and got out unscathed. It meant we learnt little.

SCF has sent a letter to the cabinet secretary outlining what is required in a procedural review of the way in which the Crofting Commission has dealt with the three common grazings it has removed. Such a review can avoid the same thing occurring again.

The Commission has backed off from Mangersta common grazings, with apologies. It is widely felt that if Mangersta had not stood up to the Commission they would have been bulldozed.



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It shows that the campaigning we have all been doing is having an effect, so we must keep at it to

protect common grazings – and therefore crofting.

INSIDE THIS ISSUE

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Message from the chair...

Fiona Mandeville



WHAT A turbulent few months it has been!

We endured the delays in payments due to the government's problematic new IT system, now thankfully resolved.

Then the inexplicable and worrying sacking of grazings committees by the Crofting Commission.

And now the momentous decision to leave the EU. As we went to press we received the letter below from Fergus Ewing, cabinet secretary with remit for crofting, setting out the actions the Scottish Government is taking.

Members have varied views on the EU issue and its implications. We want to hear from you to evaluate the spread of concerns and aspirations. Please email us.

SCF is committed to making the best of the situation we find ourselves in and working with the Scottish Government to evolve new policies and support schemes which will support crofting in the years ahead.

There will be no quick and easy fixes and there will be many adjustments to make. Will we regain the respect of our European neighbours? Can we expect a Westminster government to replicate the £4 billion CAP support that comes from Europe?

We recently met with Fergus Ewing, who said: "Crofting is vital to communities, the economy and the environment in Scotland's remote and fragile rural areas, and crofters rely – above almost anyone else in Scotland – on EU

funding for their incomes. I very much welcome the SCF's support for the Scottish Government's stance and look forward to working with you and other stakeholders to ensure that Scotland's best interests, including those of crofters, are represented."

Mr Ewing speculated that the CAP might continue for UK until 2020. Whether this happens or not (and no-one can say for sure at this stage) we need to work with policy-makers to evolve new home-based support systems, tailored to a Scottish perspective and our geo-physical and climatic challenges, to replace the best of what we got from Europe.

We need to have control of our agricultural support system in Scotland, where our ministers and civil servants must understand the topography and weather which makes crofting such a challenging enterprise. Those constraints result in sheepmeat and beef which is unrivalled in quality and flavour, but we need production support and open markets.

And who should understand better than Scottish decision-makers the value of crofting in preserving our rural communities and the importance of consolidating these communities through enlightened schemes such as the Croft House Grant Scheme (to be enhanced with the reintroduction of a loan).

We need support strategies

which are specifically designed to enhance crofting.

Be assured that the only organisation run by crofters, for crofters, will be fighting your corner in this wide-open new arena.

But back to the Commission.

Its decision to sack three grazings committees has astounded all with an interest in crofting. A body with the remit of serving crofting communities is instead threatening them and imposing draconian rules of financial management and practice which will put an end to the positive development of and investment in these communities.

It appears that the Commission has been very devious in quietly changing the guidance on its website to fit its recent actions. Where are these instructions coming from? Where is the integrity?

Comments and questions from MSPs at the cross-party group meeting left us in no doubt that the Scottish Government shares the wide concerns expressed about these issues. In response to an invitation by Mr Ewing, SCF has submitted a list of key points to be addressed in a review of the workings of the Commission.

Elections for new commissioners will be coming up soon. It is very important that a good number of crofters stand for election, and we encourage you to consider doing this. It is an opportunity to shape the direction of the commission and is a very worthwhile contribution that you can make for your fellow crofters. Don't let recent events put you off. We want more women and more younger crofters as commissioners.

Let's see if we can achieve that.

A letter from Cabinet Secretary Fergus Ewing

RECENT EVENTS have profoundly affected our relationship with Europe.

Although the landscape remains fluid, as Cabinet Secretary with responsibility for the key rural policies and programmes which stand to be impacted as a result of the outcome of the EU referendum, I wanted to set out our position.

The priority for the Scottish Government is to explore all options to secure and protect Scotland's interests, in line with the way people here voted, and to ensure Scotland's continuing relationship with Europe. The First Minister has established a standing council on Europe to be chaired by Professor Anton Muscatelli, which will provide advice on legal, constitutional and financial issues.

Given the impact of EU law, policy and funding on rural matters in Scotland, I am considering how to ensure I have the best

advice and information available to support me and the Scottish Government as we navigate this uncharted territory.

Last week, I attended the Agriculture and Fisheries Council in Luxembourg and met the French, German and Irish ministers and the EU Agriculture Commissioner, Phil Hogan. During those discussions I stressed that we are open for business and that we are doing all we can to protect Scotland's role in the EU. It is vital that other nations understand Scotland's position, just as it is vital for our communities that the Scottish Government does all it can to safeguard the benefits of EU membership.

With the shock of the initial result now turning to concern and uncertainty about the future, rural stakeholders want facts and assurance as quickly as possible. It is important to emphasise that nothing changes immediately. The UK remains for now a member of the EU

and EU funding continues. Whilst it would be remiss of me to offer false assurances about what may come in the longer term in terms of EU funding, I can assure you that the First Minister has committed to working to protect all of Scotland's interests. The UK Government has committed to involving Scotland fully in the negotiations to leave the EU and we are pressing for an integral role in both those negotiations and the process leading up to them.

My door always remains open. Many stakeholders have been in touch over the last few days and we will continue to share what we know as quickly as possible. We have difficult negotiations and tough decisions ahead of us. My commitment is to work closely with you in the coming weeks and months to support our rural communities and ensure the best possible result for Scotland.

Implications for crofting on exit from Europe

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grant-funded.

Without a European Commission who will protect the interests of the remote areas, the environment and the smaller producer in the UK, let alone Scotland? Certainly not Westminster. It says something, perhaps ironically, that the SCF is the largest association of small-scale food producers in the UK.

If the attempts by the Scottish Government to somehow keep Scotland in the EU – the will of

the majority – fail, SCF will be pressing for a fully-devolved agricultural policy in the UK, whereby agricultural policy decisions affecting Scotland are made in Scotland.

For the wider UK and our European neighbours, I think the decision to leave was taken by many based on misinformation and false promises, and a selfishness that puts us to shame. Remember that the European Project was devised primarily to keep peace in Europe – the economic benefits were almost an added extra.

Coincidentally, I am writing this on the 100th

anniversary of the Battle of the Somme, the epitome of international discord gone mad. We have enjoyed a welcome period of relative peace across Europe since the start of the project but there are always eyes watching, waiting for signs of weakness.

Thank goodness that, of all the UK nations, Scotland demonstrates the strength that we need to make the best of this.

Patrick Krause, SCF chief executive

Learn from past mistakes

SCF DIRECTOR Joyce Wilkinson believes that crofting will benefit from the UK leaving the EU. Here she explains why.

THE OPPORTUNITY to establish a stronger crofting sector has now arisen, one that delivers all the public and environmental benefits we like to use to promote crofting, as well as sustaining the people who have struggled with the disheartening bureaucracy of recent years.

SCF is needed more than ever to help design a new domestic package of support that actually benefits crofting.

This time we should learn by past mistakes and be aware that Scottish government officials usually have the final say in these designs. Where they used to blame a higher authority in Brussels as an excuse for dismissing healthy, workable systems that would have benefited crofting, we can now lobby to make our own laws and rules using models that don't have to be skewed to fit the EU. We must have a clear idea of what we want and have the ears of the SG officials.

Our environment and crofting systems, being of high nature value, should have benefited under CAP; but those who did were few and far between. It worked for some, but if the end result is anything to go by it did nothing for crofting. Crofts lying neglected everywhere, common grazings hardly used, all as a result

of the last 40 years of EU policies.

When production actually pays you will see crofts being worked again and by the very nature of working a croft we will see far more benefit to the environment. It is neglect and the generation of 'lawn-mower crofters' that do the most damage to nature.

We won't lose our crofting grants; they were around long before the EU and we always had a department of agriculture. We will still have it, but the lack of constant EU audits will relax the red tape and enable us to farm or croft without hindrance.

The country has voted to leave the EU. Looking at why is pointless at this stage. Farmers and crofters in the Highlands and Islands have an opportunity now to create a domestic support package that fits our own country. The effects of the current CAP deal are not even being felt yet, but it left the crofting counties a lot worse off, creating a very unlevel playing field with badly thought out support.

Britain still has to maintain climate change targets under international treaty, so the bodies looking after our environment and the reasons for delivering support such as LFA can be effectively fought for. We were better looked after pre-EU and there is no reason to think we won't be now, more so with a country needing to have solid food security.

Tourism has never suffered with a strong or weak pound. Either way they still come to the Highlands,



Joyce Wilkinson

they always have, and they do like to see active crofting and livestock in the fields and hills, not ragwort and rushes.

The EU could never deliver any productivity support, but crofting badly needs it to bring crofts back into activity, with resulting benefits.

Let's not concern ourselves with the "what ifs" and concentrate on

the certainty that we can now help to create a domestic package of support that fits crofting, not one where we have to fit in to suit countries that are nothing like us.

What do you think? Please email us your views so that we can help formulate the policies that will benefit crofting in the years ahead.

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The inexplicable case of a public body confusing legal dogma with good sense



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Patrick Krause attempts to explain the main issues that have led to a crisis of confidence in the Crofting Commission.

THE CROFTING Commission website says "The Crofting Commission regulates and promotes the interests of crofting in Scotland to secure the future of crofting."

Following the summary dismissal of three grazings committees; the foisting of grazings constables upon the dismembered grazings; the demolition of crofters' characters; the contradiction and confusion; it is no wonder that crofters and those with crofting interests are standing agog, asking "What is going on in the Crofting Commission?" Common grazings are the epitome of communal working, yet this spectacularly detrimental exercise in public relations by the Commission threatens the very core of crofting communities. I wonder what the motive is?

One committee was summarily dismissed for not presenting fully audited accounts. Previously the Commission had issued official guidance that audited did not mean fully audited in the legal (and expensive) sense, but could be taken to mean an independent examination; the Commission was taking a light-touch approach. At the demand by the Commission for five years annual accounts, the committee presented an independent examination of its accounts, as is usual for small businesses, charities and social enterprises. They were summarily dismissed for failing the demand.

A second committee was also summarily dismissed, in this case for not distributing to individual shareholders funds held in the bank for maintenance and improvement. In this case, though the only shareholder asking for his tiny share of resumption money was an absentee, we are told by the Commission that legally he had the right to it; so they took his side rather than mediate a settlement.

It is hard to understand why this committee was unexpectedly sacked when it had attempted to pay the absentee, under guidance of the Commission. The other committee mentioned was also instantly sacked even though it had seemed to have

complied with all the demands of the Commission. The third committee summarily dismissed by the Commission has on-going legal issues it is fighting, but was also apparently dismissed for non-disbursement of operational funds.

But let's leave the detail and look at the principles.

The first issue: The law says that money due as part value of resumption may be paid by the landlord to the clerk of the committee for distribution by the clerk among the crofters concerned. The law is not prescriptive in saying when or how the distribution is to take place. The Commission has added in its regulations the word immediate.

The Commission also claims that even money awarded as grants for specific purposes, such as SRDP schemes, should be distributed to individuals. This is contradictory to the rules set by funders and, we believe, completely incorrect.

For years grazings committees have managed finance in a workable, business-like fashion. Income generated from anything, such as resumption of land, schemes for development or through managing agri-environment schemes, is put in the bank. As in any business, expenditure on maintenance or improvements is deducted before any profit is disbursed to shareholders. If a grazings committee was expected to take all income and pay it out as dividends to shareholders before deducting expenditure, only to then have to recover from all shareholders their share of the expenditure, it would be a complete nonsense.

The second issue: An independent examination of accounts for businesses turning over less than £500,000 per year is perfectly acceptable to HMRC, Companies House and the charities regulator. So why not for the Crofting Commission? Why did they say it was, then it wasn't? The subsequent heavy-handed bombshell of summary dismissal for failure to produce fully-audited accounts has naturally caused fear throughout all regulated grazings that they also are in breach for not having fully-audited accounts.

The third issue: All three grazings had constables imposed upon them following the

dismissal of their committees. Leading crofting law experts are saying that this is not legal. The shareholders should have had the chance to re-elect committees. There is no facility in law for the Crofting Commission to appoint grazings constables when they have dismissed the grazings committee. Furthermore, the grazings constables themselves are acting illegally, so could be open to prosecution.

The Commission argues that it is only carrying out its interpretation of the law; but why now and so destructively? If the Crofting Act is wrong (as much of it has proved to be) it could be put in the crofting law sump for future rectification and the Commission could quietly resolve the issues, rather than turning this into a public, highly-charged stand-off. If it is enforced, grazings committees cannot comply, so will resign (or be dismissed); and the grazings will leave regulation – unless the Commission then imposes constables on all grazings.

The Commission clearly knows a lot more about regulation than I, and knows what the consequences of this will be, but is keeping quiet about its objective. How this fits with the Crofting Commission policy plan, in which it says "The Commission regards the shared management and productive use of the common grazing to be essential for the sustainability of crofting. To that end it will ... work with crofting communities to promote the establishment of effective grazing committees and will actively support established committees," only they can answer.

The convener, who is implicated in all three cases, has been widely quoted as saying the Commission is to deliver "the express will of Parliament". He would do well to go back and look at the legislation again to see what the will of Parliament was. The will of Parliament is not necessarily the letter of the law, or in this case, the Crofting Commission interpretation of it, if it is bringing about the demise of regulated common grazings.

SCF is calling for a full procedural review of how the Crofting Commission dealt with these cases, leading to what can only be termed a complete crisis in confidence in the Crofting Commission.

Mangersta statement

The crofters of Mangersta made the following statement after the Commission recently announced that it had concluded its harassment of the township:

THE CROFTING Commission has drawn a line under its dispute with Mangersta grazings committee in Lewis and has recognised that they acted "in good faith" at all times.

In a remarkable about turn, the Commission has told the Mangersta crofters that they have terminated the appointment of a grazings constable to replace the grazings committee and apologised for the conflicting advice offered by the Commission over a prolonged period.

The dispute – which has massive implications for all crofting communities – centred on the Commission's insistence that all revenue coming into grazings committees, mainly from government grants, should be distributed as personal revenue to individual shareholders.

In response, the former members of Mangersta grazing committee stated: "We are pleased and relieved that common sense has finally intervened and that this whole affair has been brought to a conclusion, with recognition by the Commission that we acted with integrity and in good faith at all times.

"Latterly, we made our stand on behalf of the whole crofting community, since the legal interpretation promoted by the Crofting Commission would, if implemented, spell the death of crofting on a communal basis.

"We have never accepted that the funds obtained by the village for agricultural and environmental schemes should be distributed



Mangersta common grazings extend up to the summit of Mealaisbhal, the largest of the hills in the background.

as personal income and we have no intention of doing so.

"We continue to believe that there should be an inquiry into the functioning of the Crofting Commission. Even more important, it is essential that crofting law is clarified on this and other matters where ambiguity may exist.

"With crofting at a low ebb in many places, it is regrettable that so much time and resources have been devoted to this unnecessary dispute. However, we welcome a line being drawn under it and will work constructively with the Commission and anyone else where it is in the crofting interest to do so".

Common grazings and the law

Brian Inkster, Inksters Solicitors, reviews the law

THE LAW on common grazings has its origins in the Crofters Common Grazings Regulation Act 1891 and the Crofters Common Grazings Regulation Act 1908.

Provisions enacted 125 years ago that have enabled common grazings committees to operate without too much bother until the Crofting Commission of today decided to summarily remove three committees from office.

I believe, in so doing, the Crofting Commission completely misinterpreted the law.

Grazings funds

Nothing in law states that monies received by a grazings committee must immediately be paid out to shareholders. Likewise, nothing in law prevents shareholders insisting on funds due to them being retained

within the township fund to meet the cost of township improvements.

Financial impropriety

The Crofting Commission,

*"I believe...
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according to their own guidelines, "will not get involved in any matter relating to alleged financial impropriety. This is potentially a

civil and/or criminal matter and should be dealt with by the relevant authorities." That is indeed the case in law, yet the Commission has contradicted its own guidelines on this.

Removal of grazings committees from office

The Crofting Commission's ability to remove a grazings committee involves "making such inquiry, if any, as they may deem necessary". However, they must be "satisfied" that the members of the grazings committee "are not properly carrying out the duties imposed upon them".

It is important to note that the Commission cannot make a decision so unreasonable that no reasonable person acting reasonably could have made it. This is the *Wednesbury* test (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223). If a decision of the Commission fails that test it could be

open to judicial review in the Court of Session.

Grazing constables

The only ability for the Crofting Commission to appoint a grazings constable falls under section 47(3) of the Crofters (Scotland) Act 1993. This is where the crofters who share in a common grazing fail at any time to appoint a grazings committee. If the Commission decides to remove a committee from office they must appoint, or provide for the appointment of, committee members to replace them, not a grazings constable.

Guidelines

The Commission is currently producing revised guidelines for shareholders. These, like previous ones issued by them, will not necessarily reflect the actual law involved. Be wary of such guidelines and seek independent advice, if need be, thereon.

Crofting Commission reaffirms commitment to common grazings

THERE HAS been a lot of media attention focused on the Crofting Commission and common grazings and we would like to reassure all grazings committees, shareholders and crofters that we are committed to safeguarding this valuable asset.

Grazings committees play a crucial part in the crofting system and in the effective shared management of common grazings across the crofting counties. It is therefore important for grazings committees to have, and follow, clear

grazings regulations to secure the future of common grazing land for the benefit of all crofters.

The role of a grazings committee is to run the grazings on behalf of shareholders through the planning of maintenance and improvement work in line with the Crofting Acts and their regulations. We hope that by encouraging clearer regulations and clarifying areas of the legislation, committees will feel confident in the management of their grazings.

The Crofting Commission is on hand to provide

support and guidance to crofters, grazings clerks and grazings committees on the options available to them and we are preparing, in consultation with crofting stakeholders, best practice guidance.

For more information visit:
www.crofting.scotland.gov.uk

To date only the NFUS – the only organisation that has publically said it agrees with the way the Crofting Commission has dealt with the common grazings issues – has been consulted on the new guidance.



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Crofting Commission elections



CROFTERS ARE due to go to the polls in March 2017 to elect six members to the board of the Crofting Commission.

The organisation is the only public body in Scotland where the majority of board members are elected by the people it regulates, with the other three commissioners appointed by Scottish Ministers.

The Crofting Commission gained new powers and a new way of selecting its board in 2012. The board is made up of nine commissioners, six elected by crofters for a term of five years, and three appointed. The number of elected commissioners will remain the same for the March 2017 elections.

Whilst elected commissioners are voted in by crofters from a particular geographical area, once elected commissioners work together alongside appointed commissioners for the good of all crofters – they do not work to further the interests of their constituency alone.

The elections will be administered by Comhairle nan Eilean Siar. The Scottish Government, the Comhairle and the Crofting Commission are working together to ensure a free and fair election process and to encourage a high voter turnout.

SCF is committed to having a majority elected Crofting Commission and urges members to stand for election or apply to be appointed. If you are interested in being a commissioner please

contact the Crofting Commission in Inverness.

The Scottish Government launched a formal consultation on the election process:

- the boundaries for the six constituency areas;
- who should be able to vote in the election;
- who should be able to stand for election;
- the process of appointing a new commissioner, should a vacancy arise before the 2022 crofting election;
- the maximum amount and process for election expenses.

To see the SCF response to the consultation, visit our website or contact HQ.

The Crofting Commission is the regulator of crofting. The Commission:

- acts to enforce crofters' duties to be resident on, and cultivate or make other purposeful use of, their crofts;
- takes decisions on regulatory applications such as decroftings and apportionments;
- maintains the register of crofts and carries out the annual crofting census;
- supports grazings committees by producing templates for grazings regulations;
- promotes the interests of crofting and participates in a number of groups where crofting is discussed.

Five Actions for Crofting

THE SCOTTISH Crofting Federation will hold the Scottish Government to the SNP manifesto pledges which respond to the Five Actions for Crofting issued by the federation in the run-up to the Scottish elections. The five actions are:

- **Target financial incentives**
- **Simplify crofting legislation**
- **Make crofts available**
- **Increase affordable croft housing**
- **Deliver crofting development**

The SNP manifesto contained pledges to provide public support for the continuation of crofting and to secure thriving crofting communities and modernise crofting law, make it more transparent, understandable and workable in practice. They will also explore mechanisms to make more publicly-owned land available to new entrants, introduce a new entrants scheme for crofting and explore the creation of new woodland crofts.

We have already won a huge improvement to

the Croft House Grant Scheme and the SNP are promising to re-introduce the Croft House Loan Scheme for which we campaigned for many years. Finally they have promised to publish a national development plan for crofting.

The full five actions for crofting are:

Target financial incentives

Current and future agricultural support policies must have a positive impact on crofting and must move away from shoring-up the outdated and unsustainable large-scale industrial model, to using public money to pay for the delivery of public goods.

Simplify crofting legislation

The Committee of Inquiry on Crofting prioritised the need to make crofting legislation fit for purpose. This is unfinished business which can only be done effectively with a new act.

Make crofts available

Many people want to come into crofting and crofting needs incomers, especially young folk. It is recognised that making existing crofts available is a long-term project, so new crofts must be created simultaneously.

Increase affordable housing

A considerable step has been taken by Scottish Government in reviewing and upgrading the Croft House Grant Scheme. But we can do more to help crofters access affordable housing in rural and island communities by reinstating the loan element.

Deliver crofting development

HIE was directed by ministers to take responsibility for crofting community development. This is not the same thing as crofting development. There must be a body given ministerial direction and funding to take responsibility for crofting development.

Cross Party Group on Crofting

THE CROSS Party Group on Crofting convened for the first time in this parliamentary session on 29th June.

It was attended by 37 people with an interest in policy that affects crofting, including nine MSPs. This is a record attendance.

Office bearers were elected: convenors Rhoda Grant MSP and Michael Russell MSP; secretary, SCF (Patrick Krause).

It was agreed at the previous meeting on 10th February that the following items should be carried forward:

- The Five Actions for Crofting
- New crofts
- Rural communications
- Croft registration fees for community landlords
- Management of predators and pests – geese in particular
- Ferry services
- Croft house loan
- Areas of Natural Constraint

As well as the standing items of:

- Crofting law and administration;
- Crofting development;
- CAP and support to crofting.

Minutes of the meetings can be found on the Scottish Parliament website.



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- Animate Consulting
- Assynt Foundation
- Assist Social Capital
- Crofting Commission
- Crofting Connections
- Care Farming Scotland
- Common Good Food
- Crofting Law Group
- Comhairle nan Eilean Siar
- Crofting Register Stakeholder Forum
- European Forum for Nature Conservation & Pastoralism
- Forestry Commission Scotland
- Highland Council
- Highlands & Islands Enterprise
- Highland Small

- Communities Housing Trust
- James Hutton Institute
- LANTRA
- National Farmers Union Scotland
- Nourish Scotland
- National Trust for Scotland
- ODRO
- Registers of Scotland
- Royal Society for the

- Protection of Birds Scotland
- SAC consulting
- Soil Association Scotland
- Scottish Crofting Federation
- SCF Young Crofters
- Scottish Churches Rural Group
- Scottish Government Crofting Stakeholder Forum

- Scottish Government Rural Payments and Inspections Directorate
- Scottish Land & Estates
- Scottish Natural Heritage
- Scottish Parliament Information Centre
- Scottish Rural Network
- Scottish Rural

- Parliament
- Royal Society for the Protection of Birds
- University of Highlands and Islands
- Woodland Crofts Partnership
- Woodland Trust Scotland
- Plus individuals with an interest in crofting



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CROFTING CONNECTIONS

Crofting Connections: looking to the future

WE APPRECIATE the opportunity in every edition to contribute a spotlight on the wide range of Crofting Connections activities in schools across the Highlands and Islands.

It is usually a simple matter of looking back at recent events we have organised or the latest reports from schools and taking our pick from many newsworthy items, with lots of photos and quotes from pupils and teachers, to help bring this exciting work to life on the pages of *The Crofter*.

This time, it feels different.

Crofting Connections is in its seventh year and we are looking at the future of our work, post March 2017. An independent evaluation by the University of Glasgow School of Education, published in May 2015, showed a real commitment from pupils, teachers and key stakeholders to the continuation of Crofting Connections. The evaluation team described it as “an exemplary

programme of national significance”.

The Scottish Government commissioned a review of Curriculum for Excellence by the Organisation for Economic Co-operation and Development in 2015. The team visited eight schools, two of which were Crofting Connections schools. Their report, published in late 2015, states: “Teachers said that children were much more aware than they used to be of why they were learning something. We saw powerful interdisciplinary projects on topics like World War I and *Hebridean crofting*. Primary school students especially came across as highly engaged with their learning – echoing the survey results on engagement mentioned earlier.”

The EU has played a huge part in the Highlands and Islands, providing considerable support for the development of not just of crofting but also infrastructure, farming, fishing, economic development, culture, heritage, arts, environment,

education and training (eg Erasmus).

This makes the work of Crofting Connections more significant than ever. We now have to find a way to help our young people to live and work in some of Scotland's most peripheral communities, in a post-EU referendum landscape, and to fulfil the vision which has informed the work of Crofting Connections since its inception in 2009:

“Our vision is of growing, prosperous, inclusive and sustainable crofting communities which enjoy the capacity and the power to develop their own strategic plans and to pursue these with vigour subject to legitimate national interests. Crofters will be flexible and adaptable to change, building on their heritage to seize new opportunities, but essentially forward looking.” Mark Shucksmith, Committee of Inquiry into Crofting – final report 2008.

Pam Rodway

Crofting Connections project manager



Kenyan Connections: the shamba is the Kenyan equivalent of the croft. Many rural families still keep family cows or goats for milk. The milk is usually boiled and drunk in hot sweet tea, or preserved as a kind of yoghurt, made in gourds, sometimes with the addition of ash to improve its keeping qualities.



Kenyan Connections: the Crofting Connections delegation to Kenya in October 2015 was really impressed by the school gardens we visited. Here, pupils at the award-winning school garden at Michinda Boys' School show us some of their water harvesting techniques.



Kenyan Connections: teachers, staff and community members from our partner project NECOFA Kenya, visited us in June 2015. Pictured here are two Maasai visitors from near Lake Baringo, sharing food, stories and songs about droving and pastoralism at a Drovers' camp in the school garden at Inveraray Primary School.



Secondary pupils from Highland and the Western Isles on a visit to Redbraes Croft in Assynt in October 2014.

Crofting tenure and new crofts



© Martin Benson – Isle of Lewis

THE RESTORATION of crofting law, Scottish land reform and the creation of new crofts go hand in hand.

The thrust of land reform in Scotland is to see Scottish land used by more people. This can be achieved by taking land from existing owners and sharing it out as smaller owned plots. Alternatively, a method of distribution that may be more encouraging for existing land-owners is for them to create rented holdings.

When new tenanted crofts (we will call small tenanted agricultural holdings crofts for this article, whether under crofting tenure or not) are created, there is a need to have a tenancy agreement. Some crofts have been created and the landlord has opted to create a bespoke tenancy agreement instead of using existing crofting legislation, mainly, it seems because of having to try to understand the guddle that is crofting legislation. Even if reference has been made to crofting legislation it is through asking for advice, not from looking at the act. Who would?

The question has been asked: "If we were creating crofting legislation today would it look like the Crofting (Scotland) Act 1993 (as amended)?" The answer is clearly no. However, it is widely acknowledged that a blank sheet of paper approach to rewriting crofting legislation is not the best way to proceed as there is much within the crofting acts that needs to be retained, whilst attending to the significant issues and problems identified by the Crofting Law Group in the crofting law sump.

There have been several attempts at making crofting legislation work properly, but we are still

left with the 1993 Act, as amended, rather than a consolidated act, and it doesn't work properly. It is helpful to look at these attempts as stages of a work in progress, which have led to the compilation of amendments needed in the sump. This is a crucial point in the evolution of the legislation and needs to be progressed to radically amended legislation and the formation of a consolidated act. The current Scottish Government has pledged to modernise crofting law and make it more transparent, understandable and workable in practice in the current session.

New tenanted crofts need lease legislation – which exists, an appropriate model having been developed over a period of 130 years. Crofting law is unique legislation which protects the tenant, the landlord and the land.

Crofting legislation affords crofters protection other sectors, such as tenant farmers, look at with envy.

Crofting legislation protects the landlord's interests and allows the landlord to retain ownership of the land.

Crofting legislation lays out clear obligations on the tenant that protect the land and put it to purposeful use.

The right to buy has been indicated as the culprit for the demise of the crofting system, through opening up a market in crofts. This is not wholly the case. The right to buy offered protection to tenants against obstructive landlords by creating owner-occupied crofts (and also allowed purchase of the ground for a house in order to secure a mortgage). Poor regulation by

the Crofters Commission gave the impression that owner-occupied crofts were outwith crofting law. They are not.

The 2010 amendments to crofting law have gone some way to address this, though more needs to be done. The right to assign crofts outwith the immediate family probably gave rise to a market in crofts much more than the right to buy, as it gave the crofter an opportunity to attach a price to a tenancy.

It would be prudent to consider withholding the right to buy and the right to assign from leases for new crofts except under specified circumstances. This is permitted under existing crofting legislation.

Common grazings are a foundation of communal working in crofting communities. New crofts would not necessarily have to hold shares in a common grazing but if they did, use of the grazings needs to be governed. Crofting legislation provides for common grazings.

Summary: reasons to use crofting legislation for new crofts

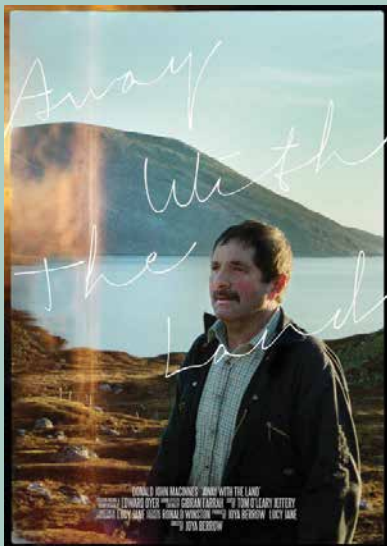
Don't re-invent the wheel. Crofting legislation has many well-tested aspects that provide for the tenant, the landlord and the land.

Existing crofting legislation is well on the way to being turned into workable, appropriate law.

Existing landlords are more likely to create crofts if they retain the ownership of the land – crofting legislation was originally designed specifically for this.

Crofting legislation provides for common grazings.

Away with the land



JOYA BERROW and Lucy Jane, film students from the London College of Communication, have made a documentary on crofting, following Donald John Macinnes as he works his croft in Bunavoneadar, North Harris.

"We have been researching crofting culture and its history," they explain, "specifically in North Harris, and developing this project for a year. Along the way, we met many crofters on the island. We learnt that the crofting population is quickly decreasing, with mutual anxieties within the crofting community that this vital practical knowledge will not be passed down to the younger generations because many of them are leaving the island to find work.

"It also became obvious to us that this way of life on the island is becoming increasingly less economically viable and that the crofters are forced to alter their selling strategies because of the control of the buyers at the markets, from both the island and mainland.

"The aim of our film is to raise awareness for the culture of crofting, including its deep-rooted history and unstable future. The text titles at the end of the film highlight the decreasing subsidies that crofters receive, which are funded through the EU. We hope that this sends a powerful message to viewers, which in turn could create an active interest and advocacy for the upkeep of the crofting culture on the island."

You can watch the film on <https://vimeo.com/169225391>, password: stereo.

New crofts for Assynt



Brendan O'Hanrahan, Assynt Foundation director, reports

THE ASSYNT Foundation has recently announced that it intends to establish new crofts on several different parts of the community-owned estate and has put out a call seeking expressions of interest in these new crofts.

The intention to create crofts on the 17,000 ha estate was one of the fundamental original objectives of the community when the estate was bought in 2005 with the help of the Scottish Land Fund. However, the need to bring the estate onto a firm financial footing has required all of the estate's energies and attention over the last ten years and it is only now that it feels able to properly embark on this long-yearned-for project.

The areas where the foundation intends to set up new crofts are: Tileathdoire/Drumrunie, Ledbeg, Cnocnaneach and near Glencanisp Lodge. Each of these areas is different in terms of the kind of land and the range of potential uses and therefore we may end up with a quite diverse range of croft types and sizes. The latter two areas have potential for woodland crofts and we will explore this in consultation with Jamie McIntyre and other members of the Woodland Crofts Stakeholder Group.

The crofts will be regulated according to crofting law. There will be no automatic right to buy or assign. All croft tenancies have a residency

requirement. Tenants must live within 20 miles of the croft – therefore we are first of all looking for applicants within this radius – covering most of the Assynt, Coigach, Strath Oykel and Ullapool areas.

We hope that some of the crofts may also enable croft houses to be built on or associated with the tenancies, but this will not be straightforward – subject as it is to planning and other constraints. However, we see this as one way of trying to tackle the tremendous dearth of affordable housing in our area – as is the case over so much of the Highlands.

Once crofts have been established, a process that may take some time, there will be a formal application process for the tenancies. Selection of tenants will be via a points system, the criteria for which will be consulted on and made public.

If you would like to express preliminary interest in becoming a crofter on Assynt Foundation land, please send us your name, contact details and a short summary of why you would like a croft and/or a share in common land. If having a croft house is important to you, please state this (but note what is said above on this topic).

Please send no more than one side of A4 by 1 August 2016 to gordon@assynfoundation.org.uk or Gordon Robertson, Assynt Foundation, Glencanisp, Lochinver, IV27 4LW; 01571 844100.



Well-deserved CBE for David

DAVID CAMERON, first chair of Community Land Scotland, has been awarded a CBE for his work in promoting community land ownership.

Community Land Scotland was established to maintain the momentum of community buyouts and David, a native of Harris, played a key role in this process.

SCF is delighted to congratulate David on his well-deserved honour.



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SAC Agricultural & Conservation Consultants combine local knowledge with extensive experience and are supported by our team of renowned specialists. We can assist crofters with business advice on a range of topics to improve profitability including:



- Agricultural and rural business advice
- Enterprise planning
- Comprehensive assistance with IACS, LMO, RP, CHGS and CCAGS (agricultural buildings, hard standings, drainage, grassland improvement, handling equipment, fences and access tracks are examples of eligible expenditure under CCAGS)
- Completion of Assignations, Decrofting and Sublet applications
- GPS croft maps for Crofting Commission or SGRPID
- Operational Needs Assessment to support planning applications
- Livestock record keeping and pre-inspection checks
- Grassland and crop advice including soil analysis, fertiliser and reseeds
- Livestock feed analysis, rationing and animal health planning
- Horticultural advice
- Agri-environment advice
- Forestry scheme implementation and management
- Diversification opportunities
- Marketing advice
- Renewable energy feasibility studies including wood fuel heating systems

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TRAINING

Skills boost for crofters

WE ARE pleased to announce that we have secured funding to run targeted training and networking days for crofters, new entrants or successor crofters.

Following successful application earlier in the year to the new SRDP Knowledge Transfer and Innovation Fund, HIE, The Princes Countryside Fund, SNH and the Woodland Trust, the project is being managed over three years and started in early July. Tina Hartley and Lucy Beattie return as training managers

What's on offer?

Access to crofting toolkit – aimed at new entrants, aspiring crofters and successor crofters, this two-day training course will be held in different areas throughout the Highlands and Islands. Themes will cover animal husbandry, land and environment, grants and subsidies for primary production, crofting law, horticulture and all you need to know when starting out in crofting. More than just a training weekend, there will be learning resources in a toolkit, a peer discussion forum

and continued support for anyone who joins the cohort. This will run five times a year and there will be a number of places offered to those aged 16-25 which have been fully funded by the MacRobert Trust. Cost £70 per person/weekend, concessions for those aged 25 and under.

Township training – an option for any local groups, townships or grazings committees in the crofting areas. Applicants can choose from a training menu that may include visiting speakers, inspirational croft visits or demonstration days. An opportunity to network and share best practice and learn more about management techniques that can enhance your business. Examples could include bracken management, in-bye permanent pasture management techniques, animal husbandry, AI for cattle on common grazing, boundary management etc. Cost £20 per person/event.

Skills boost days – focusing on improving practical skills and learning new skills to enhance

your business and improve your agricultural produce. Clipping, growing, dosing, fencing, walling, tilling, scything – you name it, there is a wide menu to choose from and with SRDP funding these one-day skills days can be offered at £40 per person/day.

A call for local course directors

SCF will welcome applications from anyone residing within the crofting areas who may be interested in running courses in their local area. We are looking for folk who are passionate about crofting and have excellent administrative skills, to engage with their local community and run practical skills days and township training events. You will need to be self-employed and have access to a computer, printer and car. Local course directors will generally run five skills boost days and one township event per annum, subject to demand.

Any interested persons are asked to submit a covering letter in the first instance to training@crofting.org.

#croftcraic



ON THE CROFT

Grass mixes for Lewis



Grassland expert David Lawson discusses challenging growing conditions

THE LEWIS and Harris Grassland Group is one of three grassland groups across Scotland established with support from the Scottish Government Knowledge Transfer and Exchange Programme, supported by the Scottish Funding Council (SFC).

The Lewis and Harris group has shown great interest in grass seed mixes that will thrive in Lewis.

Grass seed for sale is typically a mixture of various breeds with different characteristics. If you want to know which mix is best for your situation, contact your local SAC office. Supported by grassland expert David Lawson, they can study the component parts and advise what kind of site and management systems are most suited.

In general grass needs a pH of 5.8-6.0. This target is lower in peat soils ~ (5.2- 5.5) and moderate levels of phosphorous and potassium in the soil. However, many soils in Lewis are more

acidic and have lower fertility.

At a recent meeting, the group discussed the challenges of improving the sward during the time that the application of sand or lime and fertiliser was building up soil pH and fertility. The challenges of a damp climate were also discussed.

Clover is an important plant as it fixes nitrogen from the atmosphere in the soil and reduces the amount of nitrogen fertiliser required. However, it is difficult to establish as it needs a high pH, 6.00 to 6.2 and good levels of phosphorous in the soil. Both are a challenge in many areas of the north west. Clover forms a symbiosis with bacteria to fix nitrogen.

The SRUC hill and mountain research centre has had good results using an inoculant. To test if these bacteria are a limiting factor, the Lewis grassland group will establish clover with and without the bacteria inoculant to see if it's a

worthwhile practice in our local area.

Group member Mid Coll common grazings applied for funding from the Lewis Endowment Fund, James Hutton Institute, to run a trial facilitated by David Lawson and managed locally by new SAC consultant Rob Black. The trial will look at how various grasses and alternative clovers perform against the standard white clover and perennial ryegrass. The grass mixtures to be grown are timothy (which likes damp conditions) and reed canary grass. Reed canary grass was grown successfully under trial funded by QMS in Skye and may have an important role as a pioneer grass in acidic and low-fertility fields. Clover alternative bird's foot trefoil, which is tolerant of lower pH soils, is also being trialled.

Janette Sutherland

janette.sutherland@sac.co.uk

Rob Black rob.black@sac.co.uk

Skye and Lochalsh micro-abattoir

AS WE go to press the steering group is putting together a funding package for this project, which is literally shovel-ready, and will provide a much-needed service for crofters and farmers in the region. We know there is a groundswell of goodwill behind us and to translate that into tangible commitment we need to raise funds locally as well as applying to the usual funding streams. A crowd-funding website will be launched during the summer and updates will be posted on Facebook under Skye and Lochalsh Micro Abattoir.

Questions over SNH commitment to sea eagle scheme

THE STAKEHOLDER group established in Skye and Lochalsh to oversee operation of the Sea Eagle Management Scheme has questioned Scottish Natural Heritage's commitment.

As well as reluctance on the part of the agency to organise meetings of the group, minutes and reports have not been circulated and applications for funding under the scheme have not been actioned.

SCF's representative on the group, Galtrigill crofter Donald Murdie, said, "It is very disappointing that the seven approved applicants to the scheme have not been contacted by SNH or issued with a contract. This means that the necessary works could be delayed by a year. Other applications are pending a meeting of the stakeholder group, which has been repeatedly deferred. We have to question whether SNH has allocated sufficient staff time and resources to

enable the scheme to operate as intended.

"Almost all the members of the stakeholder group are volunteers who give up their own time to facilitate the objectives of the scheme, so it is reasonable to expect a level of commitment from the government agency. It is also imperative that reports of losses of lambs and fieldworkers' visits to crofts and farms are made available openly and promptly."

At the time of writing, we are hearing reports of serious lamb losses in North Uist. Crofters who have experienced predation of lambs by sea eagles are again urged to report these to the local SNH office and to copy reports to SCF head office. There is a need for further SCF members to join the sea eagle stakeholder group in Skye and Lochalsh.

If anyone is willing to do so, please contact head office.

ON THE CROFT



© Martin Benson – Isle of Lewis

Is the 2014-20 Rural Development Programme working for crofters?

Gwyn Jones, chief executive of the European Forum on Nature Conservation and Pastoralism, poses the question.

IT'S MORE or less half way in the life of the Rural Development Programme (RDP) and almost time for a mid-term review, whether or not DG Agriculture demands it of us.

The RDP's treatment of crofting and crofting areas is pretty cursory and few measures are specifically targeted at crofters, but the more general measures can be taken to apply equally to crofting. Crofters are at least one fifth of all active farmers in Scotland, so sheer numbers alone suggest they should get a significant slice of the RDP action.

Crofters use at least a tenth of Scotland's agricultural land, probably more. That tenth has disproportionate significance in terms of not just biodiversity (my own interest), but also carbon storage, clean water resources, valued landscapes and many other ecosystem services which are in practice so-called public goods – ones the market isn't paying for, in

simple terms.

Crofting has a significant social role in many of its heartlands and its demise is likely to have wider ramifications.

That's not to say that only crofting delivers some or even all of these things, but if things aren't working for crofting, if taxpayers can't promote public policy goals through crofting, it should be a real cause for concern, not only to civil servants and policy makers.

I wrote a couple of reports in the middle of the last RDP period, looking at the degree to which a significant element of that programme – agri-environment schemes – were being accessed by common grazings and individual crofters.

Finding out the uptake for common grazings required the Scottish Government (whose help was invaluable and much appreciated) to do some digging, but in the end, all one needs to do is to check against a relatively short list – though the Northern Irish system seems eminently sensible – the code numbers of their commonages all start with a 9.

Is anyone making such enquiries this time round?

With crofts it's a completely different story – there is nothing to identify them and, seemingly, no desire to have any such identifier. We have to monitor crofting through some sort of estimate. For something so apparently important, that seems strange. Strange also that everyone who cares about crofting seems to accept it so unquestioningly.

Getting a handle on the area of anything which is purely crofting is particularly difficult, given the size of estates and hill farms in the same parish. But with uptake, we're on firmer ground. Using the proportion of direct payment claimants using common grazings as a surrogate (and underestimate) for the proportion of crofters, we can identify a set of parishes which, in terms of IACS claimant numbers, are overwhelmingly crofting.

I did this in my report, looking for parishes in which 80% or more of direct payment claims were from common grazings users. Twenty seven parishes fulfilled this criterion; the 2956 claimants with grazings shares they contain are 67% of all

such claimants.

The 27 parishes are amongst the 30 parishes which have the highest absolute numbers of such claimants; the top 14 on that list are all included. 21 of the 27 are designated by HIE as fragile areas, out of 61 so designated. It is therefore possible to be relatively confident that the crofting sample is meaningful.

Agri-environment data for these parishes was shockingly poor, as was the data for common grazings. It looked even worse when compared to the high level of uptake in certain parts of the lowlands.

The purpose of monitoring and evaluation is not just to find fault, not even to find weaknesses which can be addressed; it should also show progress and illustrate success. But are the questions being asked?

It's not as easy as it should be, but it can be done. It would be negligent not to. Wouldn't it?

Gwyn Jones
gwyn@efncp.org
www.efncp.org/download/SRDP-crofting-report.pdf

ON THE CROFT

New Croft woodland project officer for Argyll and Lochaber



A PARTNERSHIP aiming to plant 500 hectares of new woodland on crofts has appointed a project officer covering Argyll and Lochaber.

Iona Hyde is available to give free woodland management advice and help with funding applications across the area, including the Inner Hebrides.

The Croft Woodlands Project is a partnership between Point and Sandwick Trust, Forestry Commission Scotland, the Scottish Crofting Federation and Woodland Trust Scotland. The project is generously supported by Point and Sandwick Trust, Forestry Commission Scotland and Heritage Lottery Fund.

The new post is part of a network already offering advice across the Western Isles, Northern Isles and Highlands. The scheme has proved extremely popular with crofters.

"Our package of free advice and support is designed to overcome the main barriers that are holding crofters back from planting trees – finding funds and woodland management expertise," said Iona. "Not every croft will be

suitable for woodland but we know from the crofting census that more than one in ten crofters have already planted trees on their holdings, and there's an unfulfilled demand from others who want to do the same.

"Trees and woodlands bring multiple benefits for individual crofters and for villages when the right trees are planted in the right place – including shelter for livestock, crops, buildings and wildlife; sustainable sources of firewood; increased variety in the landscape; food for wild birds and local amenity."

Iona worked as a woodland officer for national parks in Scotland and England for over 20 years before becoming a woodland and environmental consultant. She has extensive experience of woodland creation and management and is looking forward to assisting the crofting community in Argyll and Lochaber to create new woodland and bring under-used woodlands back into management.

Iona can be contacted on 0343 7705460 or at IonaHyde@woodlandtrust.org.uk.

WOODLAND TRUST SCOTLAND

Trees for the crofting community

Trees provide important shelter for your livestock, crops and buildings and a valuable source of woodfuel for you.

Free advice and support to help the crofting community plant trees and manage woodland is now available.

Get in touch with your local croft woodlands advisor and find out how useful trees could be.

ON THE CROFT

Local food for local people

Project leader Laura Donkers explains

THIS COMMUNITY project run in partnership by Tagsa Uibhist and Cothrom aims to create a low carbon future for Uist by encouraging the growth of more local produce to reduce food miles, reduce food waste and raise awareness of their links to sustainability and climate change. It will also provide opportunities for skills development and work experience in the horticulture sector to deliver health benefits and job opportunities.

Recent data gathered through the Reclaiming the Knowledge survey revealed that over 90% of current growing in Uist is carried out by over 35 year-olds. The new project will continue to improve the community's carbon literacy by providing training support and allotment facilities for young families; life skills provision including cooking, meal planning to avoid food waste; and education about sustainability/seasonality/CO2e reduction. It will continue to expand growing facilities into North Uist with the provision of allotments



© Claire Nicolson

in a new Poly Crub to be sited on Berneray, as well as development and refurbishment of raised beds and a Keder greenhouse at a residential care home in Daliburgh, South Uist.

Growers and crofters will be supported to find outlets for their

produce at local food businesses and the weekly Grimsay market, as well as supplying the islands' school catering departments (under the Scottish Government's Better Eating, Better Learning initiative) by developing a pilot project, Potatoes for Schools.

Potatoes for Schools

The initiative was widely promoted in April to encourage crofters to grow extra potatoes this year to supply the prized machair-grown potatoes to the island schools' catering departments. We wanted to share information on what supplies are needed and to support the supply of approx 3.8 tonnes of potatoes (based on 100 kg per week per 38 weeks) to schools.

A number of crofters responded to the call and have committed to growing potatoes for the five schools in South Uist, Benbecula and North Uist.

Crofters will be paid a competitive price for their potatoes, which will be stored in suitable facilities at East Camp. The project's horticultural coordinators will manage the supply to the catering departments throughout the year. Crofters will be encouraged and supported to develop the service as a private or social enterprise in the future.

Further information is available at the project's website www.localfood-uist.co.uk

Kayak to the rescue for three lucky lambs

Fiona Mandeville reports on a happy ending to an exciting event

THE NORTH wind was blowing strongly across the bay, bringing white caps and an early April chill.

We got home from work to see a ewe and three lambs trapped on a flat rock in the middle of the estuary at the bottom of our croft, with the high tide creeping closer to them minute by minute.

At this time of year the sheep are always hungry. They watch the tide and wait for it to

ebb so that they can cross from their common grazings and raid the gardens and unused crofts on the other side. They don't mind a paddle, and if they don't wait long enough it's not uncommon to see the lambs swimming.

But this was a critical misjudgement on the ewe's part. Sheltering on the sun-warmed rocks out of the wind is not a good idea when the tide is coming in fast.

We rushed down to see if we could launch our dinghy for a rescue mission, but found the matter already in hand with the sheep's owner John and

neighbour Farquhar about to set off in his boat, and fellow crofter Lis ready for action in her kayak.

The high spring tide was flooding strongly up the estuary and the rock was quickly disappearing. Farquhar and John were rowing furiously and barely stemming the tide through the channel formed by the reefs in the middle of the ob. A group of us stood helplessly on the shore, restraining ourselves from jumping in to swim across, realising that would not help. Lis was more manoeuvrable in the kayak and got close just as the sheep jumped off. The three tiny lambs also popped into the cold sea and started swimming for their lives.

The wee heads quickly got lower in the water as the lambs became chilled, but one by one Lis scooped them up and secured them inside the kayak. The ewe started swimming across to the far side, but fortunately changed her mind, possibly responding to our encouraging calls in addition to her maternal instinct.

Lis handed us the lambs and we wrapped each one in a towel and gave them a good rub dry and held them close to warm them out of the bitter wind. The ewe was hauled ashore and man-handled up the slope to John's wee car. She and the three lambs squeezed in beside a wet crofter and his even-wetter daughter. With the heater on full the re-united family headed for home.

A happy ending this time, and a puzzle for John, as the ewe in question was the mother of twins, with the third lamb being an unexpected addition.



Reconstruction of the ewe and lambs stranded with a rising tide

ON THE CROFT

Digging out the bull

A BULL from Feorlig on Skye had a narrow escape recently. He fell into a deep drain on the common grazings and became stuck there, not visible at ground level. His owner eventually found him and the local fire service was called in to the rescue. After a good deal of effort and digging, he was released from his two-day ordeal and immediately wandered off to graze.



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SCOTTISH SMALLHOLDER FESTIVAL

Saturday 24th September 2016 at Lanark Agricultural Centre

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Schedules and entry forms available from our website:

www.ssgf.uk

Secretary, SS&GF, Dalmore, Station Road, Barry DD7 7RS
enquiries@ssgf.uk

Entries close Friday 2nd September (16th for G,C&F)

WANTED

Book, "Crofting Law"

by Derek Flyn and Donald MacCuish, published by Butterworth/ Law Society of Scotland.

This highly regarded book has been out of print for a number of years. If any reader knows of a copy which is no longer required, contact would be appreciated. Cash payment would be arranged. Condition not critical and even a lead might help. Please rifle granda/ grandma's shelves and contact: Finlay Matheson, Arinackaig, Strathcarron IV54 8YN, 01520722 482/ 07775743226.



Membership benefits

If you are an SCF member, you get a discount off your croft insurance from NFU Mutual Insurance. Get in touch with your local agent for a quotation.

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Ian Blackford MP

**Member of Parliament for
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ON THE CROFT

White drench resistance in *Nematodirus battus*



Advice from the Moredun Research Institute

BENZIMIDAZOLE (white drench; 1-BZ) resistance has recently been identified in *Nematodirus battus* populations in the UK.

Nematodirus is a round worm that infects young lambs, typically 6-8 weeks old. The parasite is widespread throughout the UK and causes significant production losses, particularly in heavily-infected animals. *Nematodirus* is frequently controlled by drenching all lambs with benzimidazole in spring or early summer.

Due to the acute nature of disease caused by this parasite,

treatment failures could have a profound impact on mortality and productivity of young lambs. Synchronous hatching occurs annually in *Nematodirus* usually in the spring, resulting in very high levels of challenge from contaminated pastures. Acute disease occurs when synchronous hatching coincides with the grazing of young lambs. Recently, reports have emerged of clinical cases of *Nematodirus* in autumn, the cause of which is as yet unknown.

An agriculture and horticulture development board funded studentship is being undertaken by the Moredun Research Institute to identify the distribution of white drench resistance in *Nematodirus*



Adult *Nematodirus battus* worm

populations throughout the UK. The study aims to provide a benchmark of the current scale of resistance in this species and investigate potential risk factors associated with the development and spread of resistance. The output of this research could inform future management strategies and minimise the economic impact of resistance.

Analysis of *Nematodirus* populations from approximately 200 farms across the UK indicated that the genes which code for white drench resistance are present throughout the country. Resistant genes were identified in around a quarter of the populations tested. Fortunately, the overall frequency appears to be relatively low.

However, the wide distribution of resistant genes, even at low frequency, indicates that the potential for the development of clinical white drench resistance in *Nematodirus* is widespread in the UK. Focal points of high prevalence were also identified and further

research is being conducted to investigate the cause of this apparent localisation.

Given that white drench resistance in *Nematodirus battus* appears to be at low levels in the UK at present, white drenches (1-BZ) are still recommended for the control of this parasite in young stock.

Unidentified resistance could lead to treatment failures and potential production losses in future years. Currently the faecal egg count reduction test (FECRT) is the test of choice for assessing drug efficacy and can be conducted by collecting samples on the day of treatment and 10 days later to calculate the reduction in parasite eggs.

Development of a novel DNA-based test to identify white drench resistance genes in *Nematodirus* populations is in now in progress. This test could be useful in the rapid assessment of treatment decisions and the evaluation of the need for alternative treatment strategies.

www.moredun.org.uk

Update on Basic Payment Scheme payments

Published 29 June, 2016

Total number of eligible Basic Payment Scheme (BPS) claims = 18,137

This is an estimate of the total number of eligible BPS claims. They are still being finalised and therefore this figure is expected to change over time. All the percentage of payments paid noted within the report are a percentage of this figure.

BPS and greening payments

Total amount by value processed for payment by end of business 28 June, 2016 = £283m

Total payments

Number of businesses to receive a payment* = 16,479

All other farmers were offered a nationally-funded loan to the approximate value of their first instalment. This was paid automatically unless the farmer opted-out.

Total full payments

Number of businesses to receive full payment = 13,520

National BPS support payments

Total number of payments = 5,234

Payments, valued at almost £91 million, have been initiated to over 5,200 farm businesses in Scotland.

The number of National BPS payments may be lower than the total number of National BPS offers due to farmers choosing to opt out or already having received their first BPS payment.

Scottish Suckler Beef Support Scheme

Total number of payments = 7,008

Payments, valued at over £29.5 million, have been initiated to just over 7,000 beef producers in Scotland.

ON THE CROFT

Donald's hortiblog

WHAT A difference a year makes.

This time a year ago in late June we were still awaiting the arrival of summer, and we waited in vain.

Now, after a glorious May and June on the west coast, the solstice and the start of the school holidays have heralded a change to an unsettled Atlantic weather pattern.

I hesitate to say so, but the recent rain was very much needed. On our sharply-draining soil here in north Skye, watering has become quite problematic. We have been very glad of the burn running through the croft, even though it has reduced to a trickle at times. Tap water has been used only on crops to be eaten raw, such as salads and strawberries.

Soils: a cautionary tale

Following on from my last column, I'm always telling people to have their soils tested regularly and I should heed my own advice. When we took on this croft eight years ago, we had soil tests done which revealed low phosphorous and potassium, and pH on the low side too. We thought that we could correct this with our usual manuring practices, mainly applying seaweed.

Early in May we had the pleasure of hosting a Soil Association training event, tutored by that guru of horticulture at the edge, Audrey Litterick. At her suggestion we had further soil tests done. The good news was that our pH had risen to a satisfying 6.5 and potassium levels were high. However, phosphorus remained very low, which is quite serious for vegetable and soft fruit production.

The normal remedy would be triple superphosphate (TSP), but we aspire to be organic and TSP is not permitted. The alternative

is ground mineral phosphate (GMP) which is a natural form of the element and has a slow-release effect, and will need to be applied over a number of years until the deficiency is corrected. So more tests will be needed. It's quite difficult and expensive to get GMP in the quantities needed for a small croft and if anyone needs this material I can put them in touch with a supplier.

Pest of the year

Our old friend red spider mite appeared on the polytunnel strawberries as early as mid-May, encouraged by the hot weather. The timing of this was serious, as the fruits were just setting, so we had to order a biological control, a predatory insect called phytoseilus that rapidly arrived by post in a small test tube. These creatures were released and quickly ate up the very nasty pest species. A brief recurrence was dealt with by removing affected leaves and thoroughly wetting the plants. Good result.

Far worse looks like being the diamondback moth, which has arrived in plague proportions. This is the most serious pest globally of the cabbage family. The eggs of the small moth hatch into a leaf-mining larva which emerges as a small green and hungry caterpillar which then forms a web-covered chrysalis. This pest is resistant to all but the most drastic chemical controls, which we would never use, and the biological control is in very short supply due to infestation across Europe.

So we can only hope that our otherwise strong and healthy brassica crops will outgrow the pest. Fingers crossed.

donald@crofting.org



A' dol ann am pàirt

GED A bha an aimsir math gu leòr am-bliadhna airson buntàta agus fras tuirneip a chur aig àm a bha iomchaidh, agus sin na fhaochadh seach mar a bha cùisean an-uiridh.

Tha e glic cuideachd a bhith beachdachadh air innleachdan a bhios a' leudachadh nan cothroman againn nuair nach eil an t-side cho math. 'S e tè dhiubh seo, an tunail plastaig a tha ag obair san aon dòigh ri taigh-gloinne ach a tha nas saoire agus nas luaithe a chur suas – am “polytunnel”. Ma tha tunail mar seo agad, 's urrainn dhut tomatoes a chur 's a bhuain gu soirbheachail agus abaichidh glasaich mòran nas tràithe na a-muigh. Cha tèid tunail no dhà an àite gàradh no croit ach cuiridh e ris na gabhas dèanamh.

Bha sinn fhìn a' cur suas tunail o chionn ghoirid, agus bha feum againn air daoine eile airson an comhdach plastaig a chur air. Thug sin orm meomhrachadh air cho cudromach 's a tha e gum bi daoine a' co-obrachadh; rud a bhiodh nàdarra anns na bailtean croitearachd ach nach eil idir cho làidir an latha an-diugh. Chan eil mi ag ràdh nach eil daoine deònach a bhith cuideachadh a chèile. 'S iad a tha, ach rudeigin dh'fhaoidte nas foirmeile na sin.

Bidh làithean fainge mar eisimpleir, gan cumail ann am mòran àiteannan fhathast, far a bheil dleastanas aig daoine tionndadh a-mach, ach bha co-obrachadh mar sin na bu chumanta aig aon àm. Tha an làrach-lìn “Tobar an Dualchais” na thùs prìseil airson beul-athris de h-uile seòrsa, gheibhear am-measg eile fiosrachadh air mar a bha bailtean croitearachd ag obair. Lorg mi seo bho Sheonaidh Domhnallach às Caolas Phaibeil an Uibhist a Tuath, a' bruidhinn air cùisean ron dàrna cogadh mòr:

Bhiodh daoine dol ann am pàirt, gu h-àraidh aig àm buain mhònadh. Bha na sia cruitearan a' tionndadh a-mach ann am pàirt agus bhiodh iad a' buain fad latha do gach croitear.

Agus..... nam biodh ri fear de na cruitearan bàthach no àth a thogail, bhiodh an uair sin na cruitearan uile a' cruinneachadh còmhla ris ann am pàirt, airson na sgrathan fheannadh, agus airson an ceann a chur air 's nì sam bith eile a bha ri dhèanamh mu thimcheall air.

Tha sinn a' faicinn cothroman eile a' nochdadh an-diugh, cothroman air pròiseactan a bhiodh gu buannachd a h-uile duine, agus le taic-airgid bho ChAGS aig 80% airson buidheann, 's fhiach e gu mòr cruitearan a bhith ag obair “ann am pàirt”.

le Gabhan Mac a' Phearsain

ON THE CROFT

The Well Hung Lamb Co



Robin at the Black Isle Show



Lamb cuts



Scottish Crofting Produce stall at Living Food Fair, Cawdor Castle

Robin J Calvert describes his successful croft business

AROUND 15 years ago, back in the good old days of the sheep annual premium scheme, I came back from selling well-presented lambs at Dingwall mart for the princely sum of £32 a head.

Lambs cost about £28 to rear then on our marginal land. Even with the subsidy of £18, this didn't add up and we decided to look at alternative ways to add value to the flock.

Our first efforts were very basic. Having secured essentials such as chillers, business registration, insurances etc, and learned some of the bureaucratic pitfalls of trading in fresh meat, we set about selling cut lambs at farmers' markets around the Highlands.

We were lucky in the early days

that we managed to come to an arrangement with a butcher to cut all our carcasses, thus obviating many of the problems associated with meat trading. Immediately our selling price per head went up from the mart price of £32.00 to around £130.00. Well worth the effort and extra work. This was encouraging.

Gradually building up equipment – mainly from our own resources – we expanded trading to include specialist food events, local and national shows, hotels and restaurants. These days there is potential funding available through SRDP, but we had little help to start with.

Over the course of time, it became obvious that the biggest problem with the croft – unimprovable species-rich natural meadow grasses and heather – was actually our biggest asset.

It's indisputable that poor-quality

croft land grows exceptional quality meat. With lambs you get a slow-grown succulent carcass with a good texture. Hogget is not easily obtainable and finds a ready market. Sales of premium quality mutton, in good condition and hung properly, outstrip our modest supply. Even in these supermarket-dominated days, discerning customers seek out and appreciate meat with authentic provenance. Offer a high-quality product and you'll find people willing to pay a premium price for it.

But it has to be consistently good.

Our Highland cattle beef is much sought after and, working completely from 'birth to plate', we don't have to be too choosy about finishing the carcass to conventional standards. Free-range rare-breed pork sells well as does properly-presented venison.

We've taken a long road since we

started and it's been neither cheap nor easy, but it has had the effect of making our croft into a reasonably viable unit. Possibly not the sort of diversification everyone would want, but it's worked for us.

Nowadays we have our own cutting rooms and a small bakehouse so we're in control of the entire process on site. Our mutton crofters' pies have become a firm favourite with many customers – nearly 400 sold last weekend alone – adding even further value to the carcass.

Due to the recent CAP changes and working with mainly category 3 land, we find that our cross-compliance costs now outweigh our subsidy payments. In other words we're now subsidising ourselves, so there's never been a more essential time to maximise returns from the croft.

www.wellhunglamb.co.uk

Water is good; damp is bad

FROM THE power of the wind to extract energy from livestock; to impede growth rates; and to reduce immune competence, as outlined in the last issue of *The Crofter*, we move on to the impact of moisture.

Last winter gave a clear indication of the impact of high moisture levels. It was not a particularly cold winter in terms of ambient temperatures, but the duration of rain and elevated moisture levels meant that plant growth was curtailed as if it was a cold winter. In physiological terms, damp is cold. Like the impact of the wind, we cannot see the reduced growth rates in sheep and cattle caused by excessive moisture, but it is present all the same.

In a three-year study of pig production amongst subsistence farmers in NE Nepal, for his PhD from Aberdeen University, Dr N Shrestha identified and demonstrated in practice that 80,000kgs of pig meat was being lost to the climatic energy demand (CED), and helped develop simple systems to get that food back. The energy that goes into the pigs as food was diverted from

the CED into growth. The design principles and the science were clear, and the solution straightforward. To increase food production in a wet climate, provide a dry bed with protection from the wind.

Young calves lie down for an average of 20 hours/day, more for calves that are unwell. Target



© Martin Benson - Tírre

lying times for adult cattle are 12-14 hours per day. The lying behaviour of sheep will be similar. The unassailable fact is that our livestock spend more time lying down than standing up, and therefore the physical characteristics of the available lying

space is highly relevant to the amount of growth (foetus, milk, wool, meat) of an animal. A dry lying area will extract less energy from an animal than a wet lying area, and thereby reduce the risk of an animal being in energy deficit and immune-suppressed, or simply slow-growing.

The Highlands and Islands have two abundant sources of material to make low-cost lying areas: natural or recycled hardcore to make a porous base and vegetation of low digestibility that can be used to make a brash bed. The target is to make an area that is always free-draining in the same way that certain natural parts of the hills and common grazings are free-draining. The priority is to provide a relatively dry bed for young stock, as the payoff from a fast-growing, healthy start to life is a massive and significant lift to life-long performance.

Protect a dry lying area from the wind and we have a double win.

*Jamie McIntyre
Livestock Management Systems, Aberdeen*

What has crofting ever done for biodiversity?

THE TERM biodiversity has appeared in a number of publications over the last few years.

Biodiversity simply means the diversity of living things. The term includes the less high-profile groups of species such as insects, fungi, bacteria, lichens and mosses. Measuring biodiversity is important because, in simple terms, having a lot of biodiversity implies a healthy environment.

Scotland has a biodiversity strategy, a policy document published by Scottish Government and based upon European and global strategies. To ensure that our biodiversity strategy is achieved, the Scottish Government has published *Scotland's Biodiversity – a route map to 2020*. This sets out targets – essentially milestones, hence the name – to be reached by 2020. That is the year when the next round of global biodiversity targets is due to be met.

So, what has biodiversity got to do with crofting? Lots of different



© Lorne Gill, SNH

species rely upon crofting for a living; and a lot of crofters rely upon lots of species to help their living. Consider the Scottish tourism industry. Scottish Natural Heritage's economic impact study *Assessing the economic impacts of nature-based tourism in Scotland* estimated that nature-based tourism is worth £1.4billion (approximately 40% of

all tourism spending) to Scotland's economy. Placing a value upon biodiversity, be it monetary or intrinsic, is recognition that Scotland has natural capital. It should be no surprise that one of the milestones is to increase investment in natural capital.

The route map recognises that one of the key pressures

on biodiversity is land use intensification. Crofting, however, is low intensity. That is why crofts are often full of wild flowers, can support nesting lapwings or help protect bumblebees. It should be no surprise, therefore, that crofting areas already contribute a lot of Scotland's natural capital. And that natural capital is worth cultivating.

The route map also identifies which species should be the priority for our help. Removing American mink from the Western Isles to help birds, developing conservation projects for curlew, corncrake, corn bunting and the great yellow bumblebee all involve priority species associated with crofting areas. It should be no surprise that some agri-environment options have been tailored for some of these species.

The answer, therefore, to the original question, what has crofting ever done for biodiversity, is a lot.

Iain Macdonald, policy and advice officer, Scottish Natural Heritage

Flows to the Future



Johnny MacKay from Halkirk doing restoration work on a bog in Caithness

Advisory officer Gearóid Murphy outlines a new scheme

CAITHNESS AND Sutherland is home to the Flow Country: a landscape dominated by blanket bog which is important for the vast amount of carbon locked up in its peat, the special plants and animals found here and the blanket bog's role in regulating good water quality in the rivers which drain from them.

Flows to the Future is a Peatlands Partnership project, supported by the Heritage Lottery Fund, whose aim is to restore, conserve and celebrate these bogs. I am employed by this project to offer advice to land managers in the region about sustainable management or restoration of this valuable habitat.

The main mechanism for incentivising sustainable peatland management in Scotland is through the Agri-environment and Climate Scheme (AECS), a branch of the Scottish Rural Development Programme, which offers funding to carry out activities including extensive grazing, deer management, stocking reductions and peatland restoration.

To apply for this funding you must first complete a mandatory document known as the farm environment assessment (FEA) which should include information on how the ground is managed, habitats and species found there, an assessment of diffuse pollution risk, and what AECS options you would like to apply for. Once you have

completed this you can then proceed with an application for management or capital items on your ground.

The basic management option in AECS for peatland management is the moorland management option. This option offers a payment rate of between £1.24 to and £4.84/ha for management of deer numbers and grazing of moorland. To apply for this option you must produce a moorland management and grazing plan and a deer management plan. Related options such as bracken control, away wintering sheep and ditch blocking can be bolted on to this option.

In my role as advisory officer I can offer advice on the AECS application process, capital item and management option requirements and carry out habitat surveys and peatland condition assessments to inform management. I can also help you draw up the application documents including the farm environment assessment, moorland management and grazing plan and deer management plan; and produce the associated maps with these plans. My services are completely free and I am keen to work with grazing committees across the Flow Country. If you would like more information you can reach me on 07766 500 364 or at gearoid.murphy@gearoid.murphy@rspb.org.uk.

Full details about AECS can be found at <https://www.ruralpayments.org/publicsite/futures/topics/all-schemes/agri-environment-climate-scheme>



Dubh Lochans and bog vegetation below Ben Griam Mor, Sutherland

Croft succession

I G Macdonald, area crofting commissioner for Skye and North West Highlands emphasises the importance of planning ahead.

THE AVERAGE age of a crofter is 59 years – a stark reminder that we should seriously consider what is to become of our crofts when we are no longer able to fulfil our statutory duties.

All around us we see crofts which were once cultivated and common grazings which once echoed to the noise of happy children learning in a practical way about plants and animals and the natural environment.

The commonest plants on Skye crofts now are bracken and rushes.

There are many reasons for this. The principal one is that our young people have had to move away; and any who have retained an interest in crofting have found that access to a croft tenancy or the means to purchase a croft is beyond their reach. If we wish crofting to continue we must accept some responsibility in making crofts available to genuine potential crofters.

I'm often asked what to do with the croft when one is no longer able to cultivate and maintain it.

You either do something now, or make provision in a will for the transfer of the croft.

I had two crofts so I assigned (transferred) one to my daughter. She's always been keen on crofting so it made sense to do the transfer now, while we can still operate together, and she can gradually take on the heavier work. She will then take over the second croft when she has gleaned a little more knowledge from the 'old man'.

If you are a tenant you could assign your croft to a younger person, or you could apply to the Crofting Commission to sublet the croft to someone who will cultivate and maintain it for a period up to 10 years.

Assigning the croft tenancy is a permanent transfer – you cannot subsequently change your mind. If you want to keep the croft house for yourself you need to decroft and purchase the house and garden ground before transferring the croft land.

A sublet is not a permanent transfer and you will remain the principal tenant of the croft, with the subtenant having the right to use the croft for the term of the sublet. Both assigning and subletting need the consent of the Crofting Commission and you'll find the application forms for these on their website.

An owner-occupier could consider a short-term let of the croft or let the tenancy to a younger person. A short-term let is similar to a sublet and is not a permanent transfer of the croft land. However, if you let the tenancy this is a permanent transfer and you would become the new tenant's landlord. Even if the tenant decided



to give up (renounce) the tenancy, you would not revert to being an owner-occupier crofter, but become the landlord of a vacant croft. Your tenant could, of course, purchase the croft from you for 15 times the annual rent unless, in your tenancy agreement, you had entered a clause preventing this.

If you don't want to transfer the tenancy now, the best advice is to arrange for a solicitor with knowledge of crofting law to draw up a will and make provision for the succession to the tenancy of the croft. You'll need to make sure that all interests of the croft (such as grazing shares, where the croft has been purchased) are clearly dealt with in the will. It is easy to get caught out by an imprecise will – for example "I bequeath

If we wish crofting to continue we must accept some responsibility in making crofts available to genuine potential crofters.

my croft tenancy to my son" – when you do not actually name your son, the name of the croft, or you purchased the croft from the landlord several years ago and are no longer classed as a tenant but an owner-occupier.

If you make a will, after your death there is a period of 12 months during which the executor or the legatee (the person you nominate to get the croft tenancy) must notify the landlord and the Commission that s/he accepts the bequest. You have the right to leave a croft tenancy to a natural individual – it doesn't have to be a family member. It is also possible to leave a croft tenancy to more than one individual, but in most circumstances it is not recommended because the croft must be divided so each person gets the bit they are bequeathed. The Commission's consent is required for such a bequest to be effective.

If the Commission refuses – if for instance the croft is too small to divide – the bequest falls into intestacy. If the 12-month deadline for notifying the landlord and Commission is missed, an intestacy arises.

If intestacy arises the executor has 24 months to notify the landlord and the Commission.

If there is no will, or the will does not clearly deal with the crofting interests, get specialist legal advice as soon as possible as the rules of intestacy are complicated and can, in certain circumstances, result in loss of the croft tenancy.

The 24-month period during which an executor

can transfer a croft tenancy in intestacy is frequently missed as the following must take place, which can be very time consuming:

- an executor must be found (usually the closest family member) and confirmed by the sheriff court;
- the executor must identify those with an interest in the croft under the rules of intestate succession;
- a professional valuation of the croft must be carried out;
- the executor must decide if there is a suitable tenant amongst those entitled to succeed who can afford to buy out the other entitled parties;
- if there is no suitable tenant, the croft may be sold on the open market. Estate agents must be instructed, maps drawn up etc.

All of this takes time. If the croft is not transferred within the 24 months, there are circumstances where the landlord can bring the croft tenancy to an end – and all that the beneficiaries are entitled to is compensation for any permanent improvements on the croft.

The Commission cannot be flexible with these timescales and deadlines, as they are set out in the Crofters (Scotland) Act 1993.

So remember: make a will. Where there is a will there is a way. Without a will your family may have problems after your death.

Have a look at the factsheet on the Crofting Commission website for more detailed information or check out my short film on succession planning.

There are also a couple of case studies on assignment and subletting on the website that are great examples of crofters planning for the future and helping younger crofters.

Editor's note: If working the croft and keeping it going is getting beyond you, far better to assign it to a young person now, while you are around to pass on the benefit of your own experience and get the satisfaction of seeing the croft come to life again.

MEMBERSHIP MATTERS

Upbeat 2016 AGM



SCF company secretary John Bannister reports on this year's AGM, held in Inverness on 10th June.

WE WERE pleased to welcome a larger than usual number of members to SCF's Annual General Meeting (AGM) this year.

The AGM reports what the organisation has been up to over the previous twelve months. It's the SCF being open, transparent and accountable to its members. Naturally the membership wants to know (ought to know!) how their membership subscriptions have been used on their behalf and they need to know if our finances are in the red or in the black. It's pleasing to report that SCF is both in the black and has a reserve fund.

Our chair, Fiona Mandeville, gave a broadly upbeat account in her annual report. She went

on to say that SCF has arrived at this satisfying situation in a variety of ways through our strategic objectives. Every well run business has these, to motivate and drive the organisation forward, and SCF is no exception. Ours are:

membership – retention and recruitment – keeping you and me in and getting more to join us;

representation – that's representation of our members and crofting in general – getting in and lobbying where others fear to tread; **development** – for example the skills training project, which is not only popular but essential for the future of crofting;

funding – raising funds from sources other than membership – making pips squeak, in the nicest possible way;

leveraging capacity – trying to persuade folk like you and me to give a little more of their time to this important cause.



Lucy Carmichael (left), Fiona and Patrick

Following these objectives, we have pressed the powers that be on matters that mean such a lot to us. The five actions on crofting are a case in point. Where would we be without the new housing grants? Without our crofting grants and without the targeted incentives that are such a benefit to us? These have to be kept under continuous review, which we do by keeping our eye on the ball.

The bane of every crofter's life, Fiona said, is the complexity of our present crofting law. For SCF this is unfinished business and we are pursuing this particular business with considerable vigour.

She added that our members continue to be kept up to date with *The Crofter* journal (of which she is the editor), our monthly e-newsletters, press releases, the SCF website and popular social media – Facebook, Twitter and e-mailings.

Guidance and information are

important member services which our members access on a regular basis, receiving invaluable help from our case-work panel.

Fiona mentioned the new Skills Training Project, due to start on 1st July. Many of our members have been impressed by the range and suitability of previous courses.

Finally, our colleague Finlay Matheson was re-elected as a director, to serve for another three year term. Well done Finlay.

Time to look forward into next year and beyond. And, hey-ho! That's another AGM to bite the dust.

The AGM was followed by a useful update by Lucy Carmichael from Scottish Government on the croft house grant scheme. The Scottish Government has listened to our input and has made a commitment to reinstate the loan element. This, and the difficulties crofters can face in obtaining mortgages, is under review at the moment.

CLASSIFIED ADS

**Sell your unwanted croft equipment
(and other stuff)
for just 30p per word.**

**Get in touch with
ads@crofting.org
or phone Yvonne on
01470 532729.**

Have you tried to get a mortgage for a house on a croft?

IF SO, we would like to hear how you got on, so that we can provide information to the Scottish Government to help them gather evidence as they review lending options for crofter housing.

What was your experience of dealing with mortgage providers?

Did you have to decroft the house site to

get a mortgage?

If you were successful in obtaining a mortgage, who provided it?

Have you had a mortgage for self-build?

If so did you need, and get, staged payments?

Any other comments you'd like to make?

Please email your answers to fiona@crofting.org.

MEMBERSHIP MATTERS

STAY UP
TO DATE

Would you like to be amongst the first to hear of policy changes, grant developments, SCF news and events, plus other issues vital to crofting?

If so, please let us have your email address, so that we can keep you in touch.

A quick email to hq@crofting.org, saying please add my email address to the list, is all that is required. Hundreds of SCF members already benefit from this service. Don't be left out.



© Martin Benson – Balephuil, Tiree

Croft holidays

THE MOST popular reason for a visit to the SCF stand at the weekend of the Royal Highland Show was to get information on croft holidays, an initiative we promote under the Scottish Crofting Produce mark.

The feedback from tourists who stayed in croft

holiday accommodation is extremely positive, as is the feedback we get from members who use this SCF facility.

If you have croft holiday accommodation and wish to use the SCF promotion of this, please contact HQ or visit our website.



New faces on the board



Brendan O'Hanrahan, from Kilkenny in southeast Ireland, is an ecologist and land management consultant based in Elphin in northwest Sutherland. He has lived in Scotland since 1988 (with a four-year detour to Germany), mostly in crofting areas in the Highlands and Western Isles. Since moving to the Knockan-Elphin area, he has been closely involved with community-based projects. Although not a crofter, he is mainly active with SCF in relation to CAP-related matters and land management issues.



My name is **Cheryl McIntyre** and I am the SCF board member for the young crofters branch. I live and work on the Isle of Skye where I look after a working croft with a herd of cows, thirteen hens, and a wee dog. In January this year I was lucky enough to gain a tenancy of a vacant, bare land croft in the north west of the island. I am looking forward to putting the croft back into good working use and hopefully helping ensure crofting carries on into a bright, sustainable future.



Hello, I am **Iain Keith** and some of you may remember me from the last time I was on the board. I'm honoured to have been asked to serve again. My wife and I, both born and bred crofters, have a croft in Reay outside Thurso. We keep Shetland cattle, AA cattle, Cheviot, Herdwick and Shetland sheep along with some pigs. I work full time at an engineering firm and I am a union rep, so arguing and debating is something I enjoy and something I think will be needed as crofting enters the future which at best seems uncertain.

Crofting in Slovenia



The fast lane to the high pastures



Intricate traditional hay barn



Small farms on the slopes



Sheep on the inbye



Typical summer high pasture dwelling - note the wooden roof tiles

It's always interesting to visit a new country and look at equivalents to crofting, writes Fiona Mandeville, who visited Slovenia in June.

A SMALL country bordered by Italy, Austria, Hungary and Croatia, Slovenia is wonderfully green and wooded with lots of croft-sized holdings.

The spectacular Julian Alps dominate the north west, while in the east it's rolling wooded hills and small farms. The landscape was well-managed everywhere and very attractive.

Slovenia became independent in 1991 after the break-up of Yugoslavia. It joined the EU in 2004 and adopted the euro in 2007. In 2008 it was the first post-communist country to hold the EU presidency.

The majority of farms are family owned. Livestock rearing, especially pigs, cattle and sheep, is an important agricultural activity. Crops include wheat, maize, sugar beet, barley, potatoes, apples and pears. Bee-keeping is popular and some areas produce excellent wines. Fruit and vegetable-growing areas are scattered about the country and almost all residents have vegetable plots where possible; in the country these are often in a corner of a bigger field.

Unique to Slovenia are long open hay-drying racks with narrow roofs, where hay is hung over wooden slats to dry. Bigger old barns are also

open and made of wood, with beautiful lattice gables and ornate carvings. Big-bale silage is becoming more predominant.

Former state-owned farms have been privatised. Under communist rule, private plots were limited to 25 acres and expropriated lands were turned over to collective and state farms, linked to food processing. They were efficient, especially in raising poultry and cattle, but expensive to operate.

Each village had a local co-operative where a small farmer could sell even as little as 20-30 kilos each day, but the state sold these off during privatisation, leaving producers to find other ways to sell their produce, which can be a challenge.

Although small-scale agriculture is declining, it continues to play an important role in maintaining communities, just as crofting does. However, the main objective of agricultural reform has been to encourage the development of agricultural holdings of a viable economic size.

A 2010 agriculture census recorded 74,646 agricultural holdings in Slovenia, using 474,432 hectares of agricultural area. Almost 79% of agricultural holdings bred 421,553 livestock units (LSU). The average holding used 6.4 hectares of agricultural area and bred 5.6 LSU. In 2010, more than 208,000 people were engaged in agricultural activity. Agricultural work is often a secondary activity, again just like crofting.

The average age of family farmers is 57 and

27% of farmers are women. It was generally the women we saw out in the fields hoeing and weeding.

Slovenia is heavily forested, with more than three-fifths of the land covered with trees. Timber remains crucial to Slovene industry. Below the Alpine tree line, junipers alternate with high meadowland traditionally used for summer grazing. Lower down is a central belt of conifers, birch and beech, mixed with pasture and arable land and, lower still, deciduous growth including karstic heath and maquis, which is good for rough grazing.

In addition to forestry, other income on Slovenian family farms comes from tourism, wood processing, fruit and vegetable processing and wine production. In the Alpine region activity sports such as white-water rafting, para-gliding, canyoning, etc bring welcome tourist income.

Several species have protected status, including reintroduced (though still rare) ibex, European brown bear, chamois, wild boar, red, fallow and roe deer and small game. The lynx has reappeared.

Slovenia is a very appealing country to visit, small enough to drive across in a few hours and offering a range of activities and places of interest, from extensive cave systems to castles and interesting old towns and villages. Old traditions are maintained, the people are welcoming and are proud of their country.

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Royal Highland Show



Maddy (left), Patrick, Fergus Ewing MSP, young crofters Rob and Megan

Young crofter Maddy Norval reports

SINCE WE moved to Rogart we have been taking the crofters' bus, run by Alec Campbell, down to the Royal Highland Show, arriving at Ingleston by about 9:30am.

Chatter is always lively on the bus, although I had a dark feeling in the pit of my stomach as I saw the EU referendum results coming in. The uncertainty and inevitable upheaval over the next two years left me feeling tired and emotional, but that could have been the 4am start.

Arriving in good time and before the crowds, the three of us made our way to the farm machinery and equipment section to let the salesmen do their pitch on us for some cattle-handing stuff. We did a lap of the sheep stalls to see the winners and then the food court for some free sample nourishment (Fudge! Chutney! Black pudding! Whisky!), then staggered over to watch the judging of some dairy

cows. I also caught a bit of time to talk to the crook-making association about turning the horns I collected from our slaughtered wethers into some stunning crooks. What skill they have!

Three young crofters met at the SCF stall to introduce ourselves to the new crofting cabinet secretary, Fergus Ewing. We told him about our four main points of action – access to land, homes, jobs and support. He asked specifically what our campaign for housing was about and we explained that the CHGS consultation had turned out really well for young crofters, with targeted payments to those who need it most, but a grant of £28-38k was only a fraction of an average £140,000 house build. We felt the loan element was essential to fully support young crofters wishing to live on their croft.

He and his PAs made notes to open discussions with commercial lenders again about crofting loans and mortgages, but he was very



John, Russel, Rhoda Grant MSP and Patrick

receptive to the idea of a self-sustaining pot of loan money in a new CBGLS. Patrick pointed out it was in the SNP manifesto to look at reintroducing the loan element, and Mr Ewing was certainly open to that.

Some heavy campaigning will hopefully secure this, but we need all the support we can get. If you are a young crofter and want to make use of the new Croft House Grant Scheme please get in touch with us – yc@crofting.org. We have a private facebook group where we discuss all our needs as young crofters.



The SCF stand with Maria in charge



At the show, SCF vice-chair Russell Smith presented former SCU president John MacKintosh with lifetime membership for his long-standing contribution to the organisation and to crofting.


Scottish Crofting Federation
 rooted in our communities


Scottish Crofting Produce
 Highlands and Islands Croft Origin
Trade Crofters and Crofters' Association

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