

PRESS RELEASE

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Crofting Bill Stage 3: Important improvements and a clear commitment for wholesale reform

The Scottish Crofting Federation welcomes the passing of the Crofting Bill in the Scottish Parliament today. The final Bill includes minor, yet important improvements of current crofting law and there is a clear commitment from all parties that a comprehensive review needs to begin right away.

From consultations ahead of the first draft until this day, government proposals have been improved and strengthened considerably. Throughout the process, the dialogue between SCF and government officials has been constructive and members of the parliamentary Rural Affairs and Islands Committee have exercised careful and comprehensive scrutiny despite the tight schedule.

Now, it is important to build on this momentum: During the stage 3 debate in parliament, Jim Fairlie, Minister for Agriculture and Connectivity, has committed to start a comprehensive review of legislation within two years, paving the path for full crofting law reform in the future. This allows for a fresh and thorough look at the entire legislative framework surrounding crofting, to make it fit for crofting to thrive in the 21st century, a long overdue task that has cross-party support.

SCF Chief Executive Donna Smith said: *“Whilst it was previously agreed that crofting reform should, as a first step, focus on relatively minor tweaks and fixes, it was not expected that it would take eight years to get there. We need to start thinking about how a wholesale crofting law reform should look like right away, building on the extensive stakeholder engagement undertaken in this Bill and taking into account previous work, namely the findings of the 2008 Inquiry on Crofting. It remains to be seen if the provisions introduced in this Bill do enough to tackle absenteeism and neglect. Yet, it is already clear that any future reform must, above all, find ways to address the escalating market in crofts that has destroyed the social fabric of many crofting townships.”*

The final version of the Bill voted on today features a number of improvements, additional to the provisions strengthening the Bill at stage 2. Most importantly, provisions introduced at stage 3 include safeguards for crofter-led environmental initiatives on common grazings, ensuring that landowners cannot object to projects for spurious reasons by providing more clarity in terms of any conditions that may be imposed on reasonable grounds. There are multiple precedents where crofters attempting to pursue initiatives, such as native woodland planting on ground less suited for grazing, have been stopped by landlords seeking to impose unfair conditions. While the strengthened provisions may help, uncertainties remain about the impacts of carbon and natural capital markets and their effect on the integrity of the wider crofting system. The Minister has assured that crofters' rights will be protected from resurreptions from “green” lairds seeking to extract profits from crofting land through carbon markets.

Donna Smith said: *“At SCF, we’ll make sure we hold government to this promise. Crofting holds tremendous opportunities for sensible land management that perfectly aligns with the government objectives for climate, biodiversity and sustainable and regenerative agriculture. However, the risks and uncertainties surrounding carbon will remain a barrier, despite the new provisions on environmental use. To really make a difference, more needs to be done, which includes that crofting duties are effectively enforced, grazings committees are empowered and the right incentives are provided through agricultural support structure.”*

Another improvement introduced at stage 3 is the new provision that requires the Commission to produce guidance on the time period Commission consent to be absent from the croft may be given: While there are legitimate reasons for crofters to be away from their crofts for a longer time period, members made us aware of multiple instances where crofters in their township have been granted to be absent over a period of thirty years. Alongside other provisions introduced previously, most importantly tightening rules around owner-occupiers and preventing the separation of grazing shares from the croft, we now have a Bill that is considerably stronger than what had been proposed initially.

Mrs Smith continued: *“Government has demonstrated that it is willing to listen where crofters have given clear evidence and made proposals for improvements. We hope to continue to build on the work that has been commenced through this Bill with whoever will be in office after the elections and we will engage with our members to make proactive proposals for a new legislative framework that supports crofting to thrive.”*

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For further information or interview requests, please contact mike@crofting.org or donna@crofting.org

ADDITIONAL INFORMATION

About the Scottish Crofting Federation

The Scottish Crofting Federation is the only organisation solely dedicated to supporting crofting in Scotland. Our mission is to ensure the sustainability of crofting for future generations and advocate for crofting so that its value is recognised from within communities to government. We support crofters to meet the challenges of a changing world and champion the need for crofting to remain accessible and affordable for young people in crofting communities. As a member-led organisation, SCF works to secure a thriving future for crofting, rooted in community, culture and care for the land.