

Crofting Consultation 2017



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What is the purpose of the event?

- Information on Consultation document
- What is and isn't covered in the consultation
- Opportunity to ask us about the consultation to help you respond to it

Scottish Government doesn't have the answers,
those need to come from working with you



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The Consultation Document

- What's in the Document?
- Key points
 - 11 Questions
 - One yes/no response
 - Two asking you to rank your preferences
 - Eight open questions seeking more detailed information

You do not have to answer all questions, but the more information and understanding we have, the better



What are we consulting about?

- Scottish Government's Crofting Policy
- What form the new legislation should take
 - 4 options identified
- Specific Legislative Priorities
 - 7 priorities given, there may be others



Wider Context 1

- Consultation focuses on crofting law. Many other areas where changes may be required but do not require legislative change.
- Scottish Government has identified for crofting priorities of:
 - introducing a New Entrant Scheme
 - exploring the creation of woodland crofts
 - publishing a National Development Plan for crofting
 - targeting croft house support at those in most need
 - reintroducing the croft house loan scheme
 - modernising crofting law



Wider Context 2

- Stakeholders have also been involved in identifying priorities through the Crofting Stakeholder Forum to:
 - Increase in Affordable Housing
 - Development of Crofting
 - New Entrants
 - Financial Incentives
 - Common Grazing
 - Simplify Crofting Legislation



Crofting Policy 1

- The Scottish Government values crofting as a form of land tenure and recognises the added contribution that crofting continues to make to the rural economy and the sustainability of rural and remote communities.
- The Scottish Government is committed to reforming crofting to secure its future, bring new blood into the crofting communities and ensure it can continue to contribute to the development of a thriving rural Scotland.



Crofting Policy 2

- Early engagement with crofting stakeholders found that the current aims for crofting:
 - to encourage stable and flourishing communities
 - to assist in delivering thriving and resilient local, rural economies
 - to assist in delivering maintained and balanced land-use and management
 - to encourage fair and equitable relationships between all crofting stakeholders
- These findings are consistent with current Scottish Government policy.



Crofting Policy 3

- Consultation question 1
 - Do you agree with the stated Scottish Government policy on crofting?
 - Yes/No
 - Please explain your answer



Legislative Options 1

- Legislative change can take a number of forms
- Each option has its own advantages and disadvantages
- Not just about government resources and form of the law, time and effort required by everyone to build consensus and take legislation through parliament



Legislative Options 2

Option 1	Option 2	Option 3	Option 4
Consolidation Bill	Bill amending existing legislation / Pre-Consolidation Bill	Bill amending existing legislation and restating crofting law	Bill setting out 'new' crofting law
<p>A consolidation Bill brings together several pieces of legislation on an area of law into one Act. It is a way of tidying up the legislation on that topic and making it easier for people to access the legislation.</p> <p>The parliamentary process for consolidation Bills does not permit substantive changes or additions to the law.</p>	<p>A two Bill approach to be fully implemented.</p> <p>A pre-consolidation or amending crofting Bill would be developed containing amendments to existing crofting law, but would not bring all crofting law together into one piece of legislation.</p> <p>Followed by a second piece of legislation, a consolidation Bill (as in Option 1).</p>	<p>Would include some substantive changes to crofting law and restate some or all of the existing law.</p> <p>This approach would attempt to reduce the number of pieces of crofting legislation at the same time as making amendments to them.</p>	<p>A "clean sheet Bill" would set out crofting law as it is to apply in the future and repeal any law that is no longer needed</p>



Legislative Options 3

Consultation Questions

Please select your preferred option to indicate which you believe to be the most suitable way to proceed with any crofting law reform. Should you wish to suggest another approach that has not be identified, then please select “other” and provide details.

1. 2. 3. 4. Other (5).

Please can you explain your answer and any other comments you may have on the options.



Specific Legislative Priorities 1

- Options presented deal with issues of a legislative nature, may be other non-legislative options that are equally or more important
- Options highlight main issues that have been identified and the list is not intended to be exhaustive



Specific Legislative Priorities 2

- Priorities identified in the consultation are:
 - Absenteeism, Misuse and Neglect
 - Assignment and Succession
 - Common Grazings
 - Crofting Commission Regulatory Functions and Processes
 - Crofting Registration
 - Owner-Occupied Crofts
 - Standard Securities



Specific Legislative Priorities 3

4 generic questions are asked under each respective priority

- A) What do you think are the main opportunities for change relating to...
- B) What specific parts of the current legislation that you are aware of ... could be changed to help address these matters?
- C) What do you think would be the practical effects of making these changes to the legislation (e.g. financial, environmental, social equality or other effects)?
- D) Apart from changes to legislation, are there other more appropriate ways that matters relating to ... could addressed?

Please provide any other comments you may have on ...



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Specific Legislative Priorities 3

- Please list in order of ‘highest priority’ first to ‘lowest priority’ last.

1. 2. 3. 4. 5. 6. 7.

- Are there any other priorities for crofting that have not been considered in this consultation?
- Are there any potential unintended consequences of crofting legislative reform?



Responding to the consultation

- Consultation Period Last from 28 August to 20 November 2017
- Consultation is available online at:
<http://consult.scotland.gov.uk/agriculture-and-rural-communities/crofting-consultation-2017>
- Paper copies may be obtained from RPID Local Area Offices or by contacting the Crofting Bill Team on:
croftingconsultation@gov.scot



What next?

- Once Consultation process is complete, we will analyse responses received and these will inform further development of the Bill
- Where respondents have given permission for their responses to be made public, these will be published.
- There will be a report of the analysis of the consultation responses published after the consultation process finishes.



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