

Dear Colleague/Stakeholder

**CROFTERS (SCOTLAND) ACT 1993 and CROFTING REFORM ETC. ACT 2007:
CONSULTATION ON DESIGNATION OF NEW AREAS FOR CROFTING**

I am writing to invite your views on the attached consultation document, which sets out proposals to designate new areas in Scotland, outwith the Crofting Counties, where crofts can be created. The results of this consultation will be considered along with the results of the report by the Committee of Inquiry on Crofting due in April 2008.

Section 3A of the Crofters (Scotland) Act 1993, inserted by section 6 of the Crofting Reform etc. Act 2007, gives Scottish Ministers the power to designate new areas by Order. This consultation seeks views on the proposal to align areas where crofting tenure applies with the area covered by Highlands and Islands Enterprise. This would entail the designation of the isles of Arran, Bute, Greater and Little Cumbrae; the local government area of Highland not currently within the Crofting Counties; and the local government area of Moray as new croft areas.

More information about crofting and crofting areas can be found on the Scottish Government website at <http://www.scotland.gov.uk/Topics/Rural/Crofting> Maps of the new areas are available in the 'Overview of Crofting' section of this website.

To support this consultation, the Scottish Government will hold public meetings on Arran and in the Grantown-on-Spey area. More information on these events and registration details will be publicised locally in due course.

Responses are invited **by 12 March 2008** by e-mail to NewCroftAreas@scotland.gsi.gov.uk or to

Phil Burns
Scottish Government: Rural Directorate
Rural Communities Division: Land Tenure, Land Reform
Area 1D
First Floor
Pentland House
47 Robb's Loan
EDINBURGH
EH14 1TY

This consultation and all other Scottish Government consultations can be viewed online at <http://www.scotland.gov.uk/consultations/current> You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

The Scottish Government has an e-mail alert system for consultations (SEconsult: <http://www.scotland.gov.uk/consultations>). This system allows stakeholder individuals to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces Scottish Government distribution lists, and is designed to allow stakeholders to keep up to date with all consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** enclosed with this consultation paper as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential and treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Where respondents have given permission for their response to be made public, these will be made public in the Scottish Government Library and on the Scottish Government web pages by the end of **April 2008**. All responses not marked confidential will be checked for any possible defamatory material before logging them in the Library or placing them on the website. You can make arrangements to view responses by contacting the Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

Next Steps

Following the closing date, all responses will be analysed and considered along with the recommendations of the Committee of Inquiry on Crofting due in April 2008. If Ministers subsequently decide to designate new croft areas, legislation to that end will require to be laid in Parliament.

Comments and complaints

If you have any comments or queries about how this exercise has been conducted please send them to Phil Burns, Scottish Government: Rural Directorate, Rural Communities Division: Land Tenure, Land Reform, Area 1D, First Floor, Pentland House, 47 Robb's Loan, EDINBURGH EH14 1TY (tel: 0131 244 6192) or by e-mail to phil.burns@scotland.gsi.gov.uk

Thank you for your help.

Yours sincerely

GS Selkirk
Rural Directorate: Rural Communities Division

PROPOSALS FOR DESIGNATING NEW AREAS FOR CROFTING IN SCOTLAND

1. This consultation paper is seeking views on the designation of areas outside of the Crofting Counties where crofting tenure will apply. It proposes that crofting tenure should be extended to those areas covered by Highlands and Islands Enterprise which are not in the Crofting Counties.

Background

2. Crofting plays a strong part in helping to maintain viable communities in some of Scotland's rural and less accessible areas, and potentially in enabling their populations to grow once again. Crofting is recognised as providing home bases for people linked with small-scale nature-friendly agriculture and forestry responsibilities. There is also a wide range of alternative land uses that have a croft as their base.

3. Crofting as a form of land tenure is presently confined to the Crofting Counties. However, the Scottish Government is of the view that there is merit in extending the potential benefits of crofting tenure to other parts of Scotland. To this end, Scottish Ministers announced on 1 October their intention to consult on a proposal to designate new areas in Scotland where crofts can be created.

4. The new crofting legislation enacted earlier this year provides the means to create new crofts within the Crofting Counties. The new legislation also provides powers for Scottish Ministers to extend this capacity to create new crofts to the newly designated areas, which should likewise provide opportunities for owners outwith the Crofting Counties to make provision for small scale starter farms for new entrants. Creating new crofts may also provide an opportunity for self-build housing (subject to planning) which could be attractive to enterprising workers seeking a land-based unit from which to develop an enterprise.

5. In addition, there is also an opportunity for tenants of certain small landholdings¹ to be fully recognised as Crofters with the right to buy their house and land (subject to the land remaining in crofting tenure).

6. Options to exempt new Crofts from statutory rights of assignation and the right to buy (see paragraph 21 below) should provide greater confidence and encouragement to landowners, including community landowners, to offer croft tenancies with less risk. Public Sector land bodies funded or supported by the Scottish Government will be encouraged to consider ways of creating Crofts on their land. In this respect, Forestry Commission, Scotland is actively working to facilitate the creation of woodland crofts on National Forest land.

Proposed New areas

7. Section 3A of the Crofters (Scotland) Act 1993² (the 1993 Act) (as inserted by the Crofting Reform etc (Scotland) Act 2007³ (the 2007 Act)) gives Scottish Ministers

¹ holdings subject to the Small Landholders Acts 1886-1931

² http://www.opsi.gov.uk/acts/acts1993/Ukpga_19930044_en_1.htm

³ <http://www.opsi.gov.uk/legislation/scotland/acts2007/20070007.htm>

the power to designate new areas outwith the crofting counties where crofting tenure can apply. This power is to be exercised by order made by statutory instrument, subject to an affirmative resolution of the Scottish Parliament.

8. Recognising the development aims of much of crofting policy, Scottish Ministers now plan to invite Parliament to approve the use of these powers to designate the whole of the area outside the Crofting Counties which lies within the Highlands and Islands Enterprise (HIE) area of operation as land that may be constituted as crofts.

9. The proposal to align places where crofting tenure can apply with HIE coverage requires the designation of the following areas:

- Arran
- Bute
- Greater & Little Cumbrae
- The local government area of Highland which lies outwith the Crofting Counties
- The local government area of Moray

These areas are considered to have a particular historical link with crofting and have more examples of crofting-type land management than most other areas in Scotland. In addition, there is some merit in treating the whole of the Highlands & Islands area on a similar basis for land tenure purposes, rather than relying solely on the historic definition of the Crofting Counties. Maps showing these new areas (and the Crofting Counties) can be downloaded from the Scottish Government website at <http://www.scotland.gov.uk/Topics/Rural/Crofting/17096/7492>

Crofting Counties & Crofts

10. The Crofting Counties are defined in section 61 of the 1993 Act as being the former counties of Argyll, Caithness, Inverness, Orkney, Ross & Cromarty, Sutherland and Zetland. There are no powers within current legislation to allow that definition to be changed or extended. The newly designated areas will not therefore form part of the Crofting Counties.

11. A Croft is a holding defined in Section 3 of the 1993 Act. While the 1993 definition previously restricted crofts to the Crofting Counties, this has been amended by the 2007 Act to include holdings in an area outwith the Crofting Counties designated by Scottish Ministers⁴.

12. New crofts in the proposed new designated area will not be in the Crofting Counties and thus will not be covered by arrangements which are restricted to the Crofting Counties. In addition, whilst references or provisions which depend on the definition of a Croft will apply to the newly designated area, those which are defined by reference to the Crofting Counties will not.

⁴ inserting Sect 3(1)(cc)

13. In practice, this means that Small Landholders Acts holdings in the newly designated areas will be eligible for conversion to crofts (paras 15-18 below) and that new crofts will be able to be constituted (para 20 below). In principle, this may mean that any crofting communities established in the designated areas might seek to exercise the absolute purchase powers under the Crofting Community Right to Buy legislation in due course (paras 25 & 26 below). On the other hand grant assistance will continue to be restricted to the Crofting Counties (paras. 28 & 29 below); neither will it be possible to create new common grazings governed by the provisions of crofting legislation outside of the Crofting Counties.

Small Landholdings – Conversion

14. Ministers have no power to designate an area for certain purposes and not for others. It is therefore not open to Ministers to provide for the establishment of new crofts outwith the Crofting Counties without also extending the provisions in relation to small landholdings.

15. Section 3A of the 1993 Act (as inserted by the 2007 Act) provides powers for the Crofters Commission to constitute and register as a croft any small landholding within the Crofting Counties to which the provisions of the Small Landholders (Scotland) Acts 1886-1931 solely apply.

16. The tenant of such a smallholding who wishes to apply to convert their holding to a croft must obtain a certificate from the Land Court confirming the status of the tenancy of the holding (under the Small Landholders Acts 1886-1931), before they can make an application to the Crofters Commission. The application must be made public by the Commission, who are to give the owner and any person with an interest in the land an opportunity to appeal.

17. The application must also fulfil the following conditions before a decision can be made by the Commission:

- the holding must not be part of a larger agricultural unit that is (or has been) worked, managed or let as a single unit;
- the tenant must be a natural person;
- the fixed equipment which enables the tenant to cultivate the croft must not have been provided by the landlord; and,
- the Commission must be satisfied that the tenant has paid the owner of the land compensation for the holding being constituted as a croft; either agreed or as assessed by the Scottish Land Court.

18. Tenants of Small Landholders Act holdings converted to a Croft will benefit from current crofting tenure rights including the absolute right to buy and assignation rights. Any such land bought by the tenant after conversion will continue to be subject to crofting tenure with the tenant becoming the owner of the Croft and expected to work it. Any subsequent action to seek de-crofting of the holding or any part of it will need to be justified to the Crofters Commission on the grounds of why it is appropriate so soon after conversion into a Croft.

19. There are provisions for other land under Agricultural Holdings legislation to be converted⁵. However, the owner of a tenanted agricultural holding⁶, wherever situated, cannot apply to constitute the holding as a croft without the written consent of the tenant.

Creating New Crofts & New Croft Leases

20. An owner of any land in the Crofting Counties can make an application to the Commission to constitute land as a Croft. In the same way, an owner of any land in newly designated areas will also be able to make an application to the Commission to constitute land as a Croft.

21. Section 5 of the 1993 Act (as amended by the 2007 Act) provides for leases of new crofts (whether in the Crofting Counties or in newly designated areas) to exclude rights for the tenant to assign or compulsorily acquire. This makes it possible for a landowner to create new crofts without the risk of these crofts being acquired by the incoming crofter or their successors in tenancy or assigned without the agreement of the Landlord.

Common Grazings

22. Section 51A of the 1993 Act (inserted by the 2007 Act) gives the Crofters Commission the power, on the application by a landowner, to constitute 'eligible land' as common grazing by entering it as such in the Register of Crofts. Public notification of such applications is required with provision for appeal.

23. Section 51A(5) makes clear that 'eligible land' is to be situated in the Crofting Counties. Accordingly, it will not be possible formally to constitute eligible land as common grazings in the newly designated areas.

Crofting Community Right to Buy

24. Part 3 of the Land Reform (Scotland) Act 2003 (the 2003 Act) provides a right to buy for Crofting Communities subject to land being eligible croft land, which is defined in section 68 as land within the meaning of 'Croft' in section 3 of the 1993 Act. Eligible croft land does not however include any Croft occupied or worked by its owner or a member of its owner's family.

25. As a result of the creation of new Crofts, the Crofting Community Right to Buy (CCRtB) could in principle be extended to the newly designated areas. This would be subject to the statutory definitions of Crofting Community Body and Crofting Township. However, in section 71 of the 2003 Act the definition of Crofting Township is currently dependent on at least 2 crofts⁷ sharing a Common Grazing. As there are no powers to create Common Grazings outside the Crofting Counties, exercise of the Crofting Community Right to Buy in any newly designated areas would therefore require Ministers to approve an alternative definition of a Crofting Community.

⁵ section 3A(9) of the 1993 Act (inserted by the 2007 Act)

⁶ under the Agricultural Holdings (Scotland) Acts 1991 and 2003

⁷ with tenants resident within 16km.

26. Ministers have no current intention to extend Part 3 of the 2003 Act (CCRtB) outwith the Crofting Counties. If, in due course, recognisable crofting communities become established outwith the Crofting Counties, Ministers may consider whether the Crofting Community Right to Buy should be similarly extended. At this stage, any alternative definition of what might constitute a Crofting Community would be purely hypothetical; and would run counter to Ministers' wish to facilitate new crofting developments outside the Crofting Counties. In these circumstances, the possibility of extending the CCRtB would only be considered after further public consultation in the light both of the Committee of Inquiry on Crofting report and experience of the operation of the 2003 Act in the round.

27. The pre-emptive Community Right to Buy provisions set out in Part 2 of the 2003 Act will, of course, continue to apply as normal in the newly designated areas.

Financial support to crofting

28. The Ministerial announcement on 1 October made clear that designating new areas will not mean extending the application of crofting-specific grant support to these areas. Financial support to crofting is one of the issues being considered by the Committee of Inquiry on Crofting, which is due to report early in 2008. Ministers will consider financial support to any newly designated areas later in 2008 in that context. New crofts in the designated areas will, however, still be eligible for support and assistance under the Scotland Rural Development Programme on the same basis as other landholdings elsewhere in Scotland.

Committee of Inquiry on Crofting

29. The Committee of Inquiry on Crofting has been tasked with identifying a vision for the future of crofting, contributing to sustaining and enhancing the population, improving economic vitality, safeguarding landscape and biodiversity, and sustaining cultural diversity through proactively engaging with crofting communities and others with an interest in sustainable rural development in the crofting counties and other areas of Scotland where crofting may have a role to play. It should be noted that proposals for designation of new areas may be affected by the Committee's recommendations for the future of crofting tenure. Further information on the Committee can be found at <http://www.croftinginquiry.org/>

QUESTIONS TO BE POSED.

1. Do you agree that new areas should be designated for Crofting?

2. Do you agree the new areas should align with those of Highland and Islands Enterprise?

If not, Why?

3. Is there another area which has a stronger claim?

If so, Why?

4. Do you agree that Crofting Community Right to Buy should not be extended to the new areas?

5. Any other comments?

6. What is your background? (please tick)

Crofter

Small landholder

Agricultural tenant

Landowner

Other

RESPONDENT INFORMATION FORM

CROFTING REFORM ETC. ACT 2007: CONSULTATION ON DESIGNATION OF NEW AREAS FOR CROFTING

Name:

Postal Address:

1. Are you responding: (please tick one box)
- (a) As an individual go to Q2a/b and then Q4
- (b) **On behalf of** a group/organisation go to Q3 and then Q4

INDIVIDUALS

- 2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all We will treat your response as confidential

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

- 3 The name and address of your organisation **will be** made available to the public in The Scottish Government library and/or on The Scottish Government website. Are you also content for your **response** to be made available?

Yes

No We will treat your response as confidential

SHARING RESPONSES/FUTURE ENGAGEMENT

- 4 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for The Scottish Government to contact you again in the future in relation to this consultation response?

Yes

No

FOIRM FIOSRACHAIDH NEACH-FREAGAIRT

ACHD ATH-LEASACHADH CROITEARACHD ETC. 2007: CO-CHOMHAIRLEACHADH AIR AINMEACHADH SGÌREAN ÙRA CROITEARACHD

Ainm:

Seòladh puist:

1. A bheil thu a' freagairt: (cuir diog ann an aon bhogsa)
- (a) Mar neach fa leth thè theirig gu C2a/b agus an uair sin gu C4
(b) **As leth** buidhne theirig gu C3 agus an uair sin gu C4

DAOINE FA LETH

- 2a. A bheil thu ag aontachadh gum faodar am freagairt agad a dhèanamh poblach (ann an leabharlann Riaghaltas na h-Alba agus/no air làrach-lìn Riaghaltas na h-Alba)?

Tha (theirig gu 2b gu h-ìseal)
Chan eil, chan eil idir Dèiligidh sinn ri do fhreagairt gu dìomhair

- 2b. **Far nach eil dìomhaireachd air a h-iarraidh**, nì sinn am freagairt agad fosgailte don phoball anns an dòigh a leanas (**cuir diog air aon** dhe na bogsaichean a leanas)

Dèan, dèan mo fhreagairt, m' ainm agus mo sheòladh uile fosgailte.
Dèan, dèan mo fhreagairt fosgailte, ach fàg às m' ainm agus mo sheòladh
Dèan, dèan mo fhreagairt agus m' ainm fosgailte, ach fàg às mo sheòladh

ÀS LETH BHUIDHNEAN NO CHOMANN:

- 3 **Thèid** ainm agus seòladh na buidhne agad a dhèanamh poblach ann an leabharlann Riaghaltas na h-Alba agus/no air làrach-lìn Riaghaltas na h-Alba. A bheil thu riarachta cuideachd gun tèid am **freagairt** agad a dhèanamh poblach?

Tha
Chan eil Dèiligidh sinn ri do fhreagairt gu dìomhair

A' COMPÀIRTEACHADH FIOSRACHAIDH / CONALTRAIDH SAN ÀM RI TEACHD

- 4 Compàirtichidh sinn am freagairt agad air an taobh a-staigh le sgiobaidhean poileasaidh eile aig Riaghaltas na h-Alba a dh'fhaodas a bhith a' dèiligeadh ris na ceistean a thog thu. Is dòcha gum bi iad airson fios a chur thugad a-rithist, ach feumaidh sinn do chead fhaighinn airson seo. A bheil thu deònach gun till Riaghaltas na h-Alba thugad san àm ri teachd ann an co-cheangal ris an fhreagairt cho-chomhairle seo?

Tha
Chan eil

4. A bheil thu ag aontachadh nach bu chòir a' Chòir-Cheannaich Coimhearsnachd Croitearachd a leudachadh gu sgìrean ùra?

5. Beachdan sam bith eile?

6. Dè a tha annad? (cuir diog)

Croitear

Neach-gabhail-fearainn beag

Neach-gabhail àiteachais

Uachdaran

Eile

CEISTEAN RIM FAIGHNEACHD.

All non-English responses should be accompanied by English translation of the text.

1. **A bheil thu ag aontachadh gum bu chòir sgìrean ùra ainmeachadh airson Croitearachd?**

2. **A bheil thu ag aontachadh gum bu chòir na sgìrean ùra a cho-thaobhadh ri feadhainn lomairt na Gaidhealtachd 's nan Eilean?**

Mura bheil, Carson?

3. **A bheil sgìre eile ann le tagradh nas làidire?**

Ma tha, Carson?

air co-dhiùbh a dh'fhaodar a' Chòir-Cheannaich Coimhearsnachd Croitearachd a leudachadh anns an aon dòigh. Aig an ìre seo, cha bhiodh mìneachadh eile air na tha Coimhearsnachd Croitearachd a' ciallachadh ach beachd-bharalach; agus bhiodh e an aghaidh miann nam Ministearan leasachaidhean ùra croitearachd a chomasachadh air taobh a-muigh nan Siorrachdan Croitearachd. Anns an t-suidheachadh seo, cha tigeadh beachdachadh air co-dhiùbh a bu chòir an CCCC a leudachadh gus an rachadh tuilleadh co-chomhairleachaidh phoblaich a chumail a ghabhadh suim iomlan an dà chuid de dh'aithisg na Comataidh Rannsachaidh air Croitearachd agus an t-eòlas air mar a tha Achd 2003 air obrachadh.

27. Bidh na solarachaidhean ro-chasgach Còir-Cheannaich Coimhearsnachd a tha air an cur a-mach ann am Pàirt 2 de dh'Achd 2003 a' cumail orra a' buntainn mar as àbhaist anns na sgìrean ainmichte ùra.

Taic ionmhasail do chroitearachd

28. Rinn an aithris Mhinistireil air 1 Dàmhair soilleir nach biodh ainmeachadh sgìrean ùra a' ciallachadh gun tèid leudachadh a dhèanamh air taice-tabhartais shònraichte do chroitean anns na sgìrean seo. Tha taic ionmhasail ri croitearachd air aon de na cuspairean mu bheil a' Chomataidh Rannsachaidh air Croitearachd a' beachdachadh, 's tha dùil aice ri aithris tràth ann an 2008. Beachdaichidh Ministearan air taic ionmhasail do na sgìrean ùra ainmichte nas fhaide air adhart ann an 2008 sa cho-theacsa sin. Ge-tà bidh còir aig croitean ùra anns na sgìrean ainmichte fhathast air taic agus cuideachadh fo Phrògram Leasachaidh Dhùthchail na h-Alba air an aon bhunait ri gabhaltasan fearainn eile air feadh Alba.

Comataidh Rannsachaidh air Croitearachd

29. Chaidh a' Chomataidh Rannsachaidh air Croitearachd a chur an gnìomh gus lèirsinn a lorg airson na tha an dàn do chroitearachd, a' cur ri seasmhachd agus leudachadh àireamh an t-sluaigh, a' leasachadh beothalachd economaich, a' dìon cruth an fhearainn agus bith-iomadachd, agus a' cumail suas iomadachd chultarail tro bhith for-ghnìomhail ann a bhith a' dol an sàs le coimhearsnachdan croitearachd agus eile aig a bheil ùidh ann an leasachadh seasmhach dùthchail sna siorrachdan croitearachd agus ann an sgìrean eile de dh'Alba far am faod croitearachd pàirt a chluiche. Bu chòir mothachadh gum faod na molaidhean airson sgìrean ùra ainmeachadh tighinn fo bhuaidh molaidhean na Comataidh airson na tha an dàn do chòir fearainn. Gheibhear tuilleadh fiosrachaidh mun Chomataidh aig <http://www.crofting inquiry.org/>

21. Tha earrann 5 de dh'Achd 1993 (mar a chaidh atharrachadh le Achd 2007) a' cur air dòigh gum faod tacan croitean ùra (co-dhiùbh anns na Siorrachdan Croitearachd no anns na sgìrean ùra ainmichte) bacadh a chur air còirean an neach-gabhail sealbh a thoirt seachad no a thoirt a-mach gu h-èiginneil. Tha seo ga dhèanamh comasach don uachdaran croitean ùra a chruthachadh gun chunnart na croitean sin a bhith air an ceannach leis a' chroitear a tha a' tighinn a-steach, no leis an fheadhainn a leanas iad sa ghabhaltachd, no air an toirt seachad às aonais aonta an Uachdarain.

Cùl-cinn

22. Tha earrann 51A de dh'Achd 1993 (air a chur a-steach le Achd 2007) a' toirt a' chumhachd do Chomisean nan Croitearan, ma nithear tagradh leis an uachdaran, 'talamh ceadaichte' a dhleasadh mar chùl-cinn le bhith ga chlàradh mar sin ann an Clàr nan Croitean. Tha feum air sanasachd phoblach airson a leithid a thagraidhean, agus gabhaidh ath-agairt a thogail.

23. Tha earrann 51A(5) ga dhèanamh soilleir gu bheil 'talamh ceadaichte' gu bhith suidhichte anns na Siorrachdan Croitearachd. A rèir sin, cha bhi e comasach gu foirmeil talamh ceadaichte a dhleasadh mar chùl-cinn anns na sgìrean ainmichte ùra.

Còir-Cheannaich Coimhearsnachd Croitearachd

24. Tha Pàirt 3 de dh'Achd Ath-Leasachaidh an Fhearainn (Alba) 2003 (Achd 2003) a' toirt cead ceannaich do Choimhearsnachdan Croitearachd far a bheil fearann ceadaichte mar thalamh croite, a tha air a mhìneachadh ann an earrann 68 mar fhearann taobh a-staigh nas ciall do 'Chroit' ann an earrann 3 de dh'Achd 1993. Chan eil talamh ceadaichte croite ge-tà a' toirt a-steach Croit sam bith far a bheil an neach as leis i, no ball den teaghlach aige/aice, a' còmhnaidh no ag obrachadh oirre.

25. Mar thoradh air Croitean ùra a chruthachadh, dh'fhaoidte a' Chòir-Cheannaich Coimhearsnachd Croitearachd (CCCC) a leudachadh ann am prionnsabal chun nan sgìrean ainmichte ùra. Bhiodh seo an crochadh air na mìneachaidhean reachdail air Buidheann Coimhearsnachd Croitearachd agus Baile Croitearachd, ach ann an earrann 71 de dh'Achd 2003 tha am mìneachadh air Baile Croitearachd an-dràsta an crochadh air co-dhiù 2 chroit⁸ a' compàirteachadh a' chùil-chinn. Bho nach eil cumhachdan ann airson Talamh Ionaltraidh a chruthachadh air taobh a-muigh nan Siorrachdan Croitearachd, dh'fheumadh Ministearan gabhail ri mìneachadh eile air Coimhearsnachd Croitearachd nan robh a' Chòir-Cheannaich Coimhearsnachd Croitearachd gu bhith air a cur an cèill ann an gin sam bith de na sgìrean ùra ainmichte.

26. Aig an ìre seo chan eil dad a dhùil aig Ministearan leudachadh a thoirt air Pàirt 3 de dh'Achd 2003 (CCCC) air taobh a-muigh nan Siorrachdan Croitearachd. Ma thèid, rè ùine, coimhearsnachdan croitearachd aithnichte a stèidheachadh air taobh a-muigh nan Siorrachdan Croitearachd, faodaidh Ministearan beachdachadh

⁸ le luchd-gabhail a tha a' còmhnaidh air taobh a-staigh 16km.

Fearainn Beaga (Alba) 1886-1931 a-mhàin, 's an gabhaltas sin a chlàradh mar chroit.

16. Feumaidh neach-gabhail a leithid de ghabhaltas beag a tha ag iarraidh tagradh a dhèanamh gus an gabhaltas aca a dhèanamh na chroit teisteanas fhaighinn bho Chùirt an Fhearainn a dhearbhas inbhe gabhail a' ghabhaltais (fo Achdan Luchd-Gabhail-Fearainn Beaga 1886-1931) mus faod iad tagradh a dhèanamh ri Comisean nan Croitearan. Feumaidh an Comisean an tagradh fhoillseachadh gus cothrom tagraidh a thoirt don neach-seilbh agus do neach sam bith eile aig a bheil ùidh san fhearann.

17. Feumaidh an tagradh cuideachd na cumhaichean a leanas a choileanadh mus tèid aig a' Chomisean air co-dhùnadh a dhèanamh:

- chan fhaod an gabhaltas a bhith na phàirt de dh'aonad àiteachais nas motha a tha (no a bha) air obrachadh, air a stiùireadh no air a leigeil a-mach air mhàl mar aonad singilte;
- feumaidh an neach-gabhail a bhith na dhuine nàdarra;
- chan fhaod an uidheam stèidhichte a tha a' leigeil leis an neach-gabhail a' chroit àiteach a bhith air a solar leis an uachdaran; agus,
- feumaidh an Comisean a bhith riarachaidh gu bheil an neach-gabhail air airgead-diòlaidh a phàigheadh ris an uachdaran airson a' ghabhaltais a tha air a stèidheachadh mar chroit; an dàrna cuid air aontachadh no mar a chaidh a mheasadh le Cùirt an Fhearainn.

18. Gheibh luchd-gabhail ghabhaltasan Achd Luchd-Gabhail-Fearainn Beaga a chaidh a dhèanamh nan Croit buannachd bho chòraichean croitearachd a tha ann an-dràsta, nam measg làn chòir a' cheannaich agus còraichean sònrachaidh. Bidh fearann sam bith a thèid a cheannach leis an neach-gabhail as dèidh an atharrachaidh fhathast an urra ri còir-fearainn croitearachd: thèid neach-gabhail na Croite na neach-seilbh le dùil gun obraich e i. Ma thogar cùis as dèidh sin gus dì-chroiteadh a' ghabhaltais (no pàirt sam bith dheth) a shireadh, feumar a fireanachadh ri Comisean nan Croitearan a thaobh carson a tha i iomchaidh cho luath as dèidh a dhèanamh na Chroit.

19. Tha solarachaidhean ann airson fearainn eile a tha fo reachdas Ghabhaltasan Àiteachais a bhith air atharrachadh⁶, ach chan fhaod an neach leis a bheil gabhaltas àiteachais a tha fo thac⁷, ge brith càit a bheil e, tagradh a dhèanamh gus an gabhaltas a dhèanamh na chroit gun chead sgrìobhte an neach-gabhail.

Cruthachadh Croitean Ùra & Thacan Croite Ùra

20. Faodaidh neach-seilbh fearainn sam bith anns na Siorrachdan Croitearachd tagradh a dhèanamh ris a' Chomisean airson fearann a dheanamh na Chroit. Anns an aon dòigh, bidh neach-seilbh fearainn sam bith anns na sgìrean ùra ainmichte cuideachd air chomas tagradh a dhèanamh ris a' Chomisean airson fearann a dhèanamh na Chroit.

⁶ earrann 3A(9) de Achd 1993 (air a chur a-steach le Achd 2007)

⁷ fo Achdan Aonadan Àiteachais (Alba) 1991 agus 2003

Siorrachdan Croitearachd & Croitean

10. Tha na Siorrachdan Croitearachd air am mìneachadh ann an earrann 61 de dh'Achd 1993 mar sheann siorrachdan Earra-Ghaidheal, Gallaibh, Inbhir Nis, Arcaibh, Ros & Cromba, Cataibh agus Sealtainn. Chan eil cumhachdan sam bith air taobh a-staigh an reachdais a th' ann an-dràsta a leigeas leis a' mhìneachadh sin a bhith air atharrachadh no air a leudachadh. Mar sin cha bhi na sgìrean ainmichte ùra nam pàirt de na Siorrachdan Croitearachd.

11. 'S e gabhaltas a tha ann an Croit mar a th' air a mhìneachadh ann an Earrann 3 de dh'Achd 1993. Ged a bha mìneachadh 1993 a' cuingealachadh croitean roimhe ris na Siorrachdan Croitearachd, chaidh seo a leasachadh le Achd 2007 gu gabhaltasan ann an sgìre air taobh a-muigh nan Siorrachdan Croitearachd a chaidh ainmeachadh le Ministearan na h-Alba a thoirt a-steach⁵.

12. Cha bhi croitean ùra san sgìre ainmichte ùr a thathas a' moladh anns na Siorrachdan Croitearachd agus mar sin cha bhi iad air an còmhachadh le rèiteachaidhean a tha cuingealaichte ris na Siorrachdan Croitearachd. A thuilleadh air sin, fhad's a bhuineas reifreansan no solarachaidhean a tha an crochadh air mìneachadh croite ris an sgìre ainmichte ùr, cha bhuin iadsan a tha air am mìneachadh le ceangal ris na Siorrachdan Croitearachd.

13. Ann an cleachdadh, tha seo a' ciallachadh gum bi gabhaltasan Achdan Luchd-Gabhail-Fearainn Beaga anns na sgìrean ainmichte ùra fosgailte ri dhol nan croitean (paragrafan 15-18 below) agus gum faodar croitean ùra a chur air chois (paragraf 20 below). Ann am prionnsabal, faodaidh seo ciallachadh gum faodadh coimhearsnachdan croitearachd sam bith a tha stèidhichte anns na sgìrean ainmichte feuchainn ri brath a ghabhail air na làn-chumhachdan ceannaich fo reachdas Còir-Cheannaich Coimhearsnachd Croitearachd anns an àm ri teachd (paragrafan 25 & 26 below). Air an làimh eile bidh taice tabhartais fhathast air a cuingealachadh ris na Siorrachdan Croitearachd (paragrafan 28 & 29 below); cha mhotha a bhios e comasach cùl-cinn ùr sam bith a chruthachadh gu bhith air a riaghladh le solarachaidhean reachdas croitearachd air taobh a-muigh nan Siorrachdan Croitearachd.

Gabhaltasan-Fearainn Beaga – Atharrachadh

14. Chan eil cumhachd aig Ministearan sgìre ainmeachadh air adhbharan air leth 's chan ann air adhbharan eile. Mar sin chan urrainn do Mhinistearan solarachadh a dhèanamh airson croitean ùra a stèidheachadh air taobh a-muigh nan Siorrachdan Croitearachd gun na solarachaidhean a leudachadh gu gabhaltasan-fearainn beaga cuideachd.

15. Tha Earrann 3A de dh'Achd 1993 (mar a chaidh a chur a-steach le Achd 2007) a' toirt chumhachdan do Chomisean nan Croitearan inbhe croite a bhuileachadh air gabhaltas beag fearainn sam bith air taobh a-staigh nan Siorrachdan Croitearachd ris am buin solarachaidhean Achdan Luchd-Gabhail-

⁵ a' cur a-steach Earr 3(1)(cc)

6. Bu chòir roghainnean airson Croitean ùra a thoirt a-mach à còraichean reachdail sònrachaidh agus à còir-cheannaich (faic paragraf 21 gu h-ìseal) barrachd misneachd agus brosnachaidh a thoirt do dh'ùachdarain, uachdarain choimhearsnachd nam measg, gabhaltasan croite a thairgse le nas lugha de chunnart. Thèid buidhnean fearainn Roinn Phoblaich a tha air am maoinachadh no air an cuideachadh le Riaghaltas na h-Alba a mhisneachadh gus beachdachadh air dòighean san gabh Croitean a chruthachadh air an fhearann aca. A thaobh seo, tha Comisean Coillteireachd na h-Alba ag obair gu gnìomhail gus cuideachadh le bhith a' cruthachadh croitean coille air talamh Coille Nàiseanta.

Sgìrean Ùra a thathas a' moladh

7. Tha Earrann 3A de dh'Achd Croitearan (Alba) 1993² (Achd 1993) (mar a chaidh a chur a-steach le Achd Ath-Leasachaidh Croitearachd etc. (Alba) 2007³ (Achd 2007) a toirt a' chumhachd do Mhinistearan na h-Alba sgìrean ùra ainmeachadh air taobh a-muigh nan siorrachdan croitearachd far am faodar còir-fearainn croitearachd a chur an gnìomh. Tha an cumhachd seo gu bhith air a chur an cèill le òrdugh air a dhèanamh le ionnstramaid reachdail, a rèir rùn taiceil bho Phàrlamaid na h-Alba.

8. Ag aithneachadh nan amasan leasachaidh a tha air cùl mòran de phoileasaidh croitearachd, tha Ministearan na h-Alba a-nis am beachd cuireadh a thoirt don Phàrlamaid gabhail ri cleachdadh nan cumhachdan seo gus an sgìre gu lèir air taobh a-muigh nan Siorrachdan Croitearachd a tha air taobh a-staigh raon-obrach lomairt na Gaidhealtachd 's nan Eilean (HIE)⁴ ainmeachadh mar thalamh a ghabhas cleachdadh mar chroitean.

9. Tha am moladh gus àiteachan far am faod còir-fearainn croitearachd buntainn a cho-thaobhadh ri crìochan HIE ag iarraidh na sgìrean a leanas ainmeachadh:

- Arainn
- Bòd
- Cumradh Mòr & Beag
- An sgìre riaghaltais ionadail den Ghaidhealtachd a tha air taobh a-muigh nan Siorrachdan Croitearachd
- Sgìre riaghaltais ionadail Mhoireibh

Thathas den bheachd gu bheil ceangal sònraichte eachdraidheil aig na sgìrean seo ri croitearachd agus gu bheil barrachd eisimpleirean de stiùireadh fearainn coltach ri croitearachd annta seach a' chuid as motha de sgìrean eile ann an Alba. A thuilleadh air sin, tha buannachd ann a bhith a' dèiligeadh ri sgìre na Gaidhealtachd 's nan Eilean air aon bhun-stèidh airson adhbharan còir fearainn, an àite a bhith gu tur an eisimeil air nas ciall do na Siorrachdan Croitearachd gu h-eachdraidheil. Faodar mapaichean de na sgìrean ùra seo (agus na Siorrachdan Croitearachd) a tharraing a-nuas bho làrach-lìn Riaghaltas na h-Alba aig <http://www.scotland.gov.uk/Topics/Rural/Crofting/17096/7492>

² http://www.opsi.gov.uk/acts/acts1993/Ukpga_19930044_en_1.htm

³ <http://www.opsi.gov.uk/legislation/scotland/acts2007/20070007.htm>

⁴ <http://www.opsi.gov.uk/legislation/scotland/ssi2001/20010126.htm>

MOLaidHEAN AIRSON SGIREAN ùRA AINMEACHADH AIRSON CROITEARACHD ANN AN ALBA

1. Tha am pàipear co-chomhairleachaidh seo a' sireadh bheachdan mu bhith ag ainmeachadh sgìrean air taobh a-muigh nan Siorrachdan Croitearachd far am bi coir-fearainn croitearachd a' buntainn. Tha e a' moladh gum bu chòir do chòir-fearainn croitearachd a bhith air a leudachadh chun na sgìrean sin a tha còmhdaichte le Iomairt na Gaidhealtachd 's nan Eilean ach nach eil anns na Siorrachdan Croitearachd.

Bun-fhiosrachadh

2. Tha pàirt làidir aig croitearachd ann a bhith a' cuideachadh gus coimhearsnachdan seasmhach a chumail suas ann an cuid de sgìrean na h-Alba a tha dùthchail no fad às, agus a' tairgsinn comas fàs as ùr a thoirt air na tha de shluagh annta. Tha croitearachd air a h-aithneachadh mar dhòigh-beatha a tha a' tairgse dhachannan do dhaoine aig a bheil uallaichean beaga àiteachais agus coilltearachd a tha càirdeil ri nàdar. Tha roghainn fharsaing de chleachdaidhean fearainn eile cuideachd aig a bheil croit mar bhunait.

3. Tha croitearachd mar sheòrsa de chòir fearainn air a cuingealachadh an-dràsta ris na Siorrachdan Croitearachd, ach tha Riaghaltas na h-Alba den bheachd gu bheil luach ann a bhith a' leudachadh nam buannachdan a dh'fhaodadh tighinn bho chòraichean-fearainn croitearachd gu pàirtean eile de dh'Alba. Mar sin, dh'fhoillsich Riaghaltas na h-Alba air 1 Dàmhair gun robh iad am beachd co-chomhairleachadh a chumail air moladh gus sgìrean ùra ainmeachadh ann an Alba far am faodar croitean a chruthachadh.

4. Tha an reachdas ùr croitearachd a chaidh a dhèanamh na lagh nas tràithe am-bliadhna a' tairgse an dòigh gus croitean ùra a chruthachadh air taobh a-staigh nan Siorrachdan Croitearachd. Tha an reachdas ùr cuideachd a' tairgse chumhachdan do Mhinistearan na h-Alba an comas seo gus croitean ùra a chruthachadh a shìneadh chun nan sgìrean ainmichte ùra, a bu chòir cothroman a thairgse mar an ceudna do luchd-seilbh air taobh a-muigh nan Siorrachdan Croitearachd gus tuathanasan beaga tòiseachaidh a chur air dòigh do luchd-inntrig. Ma chruthaichear croitean ùra dh'fhaoidte gum bi cothrom cuideachd air taigheadas fèin-togte (ma gheibhear cead planaidh) a dh'fhaodadh a bhith tarraingeach do luchd-obrach iomairteach a tha a' sireadh aonad fearainn bhon tèid aca air iomairt a leasachadh.

5. A thuilleadh air sin, tha cothrom ann cuideachd do luchd-gabhail ghabhaltasan-fearainn beaga air leth¹ làn aithne fhaighinn mar Chroitearan leis a' chòir an taigh agus am fearann aca a cheannach (fad's a dh'fhuiricheas am fearann fo chòir-fearainn croitearachd).

¹ Fearann umhail ri Achd Luchd-Fearainn Beaga 1886-1931

Beachdan agus gearanan

Ma tha beachdan no ceistean agaibh mun dòigh san deach an eacarsaich seo a chumail feuch gun cuir sibh iad gu Phil Burns, Riaghaltas na h-Alba: Buidheann-Stiùiridh Dhùthchail, Roinn Choimhearsnachdan Dùthchail: Còir Fearainn, Ath-Leasachaidh Fearainn, Raon 1D, Ciad Làr, Taigh Phentland, 47 Robb's Loan, DÙN ÈIDEANN EH14 1TY (fòn: 0131 244 6192) no le post-d gu phil.burns@scotland.gsi.gov.uk

Tapadh leibh airson bhur cuideachaidh.

Is mise le meas

GS Selkirk

Buidheann-Stiùiridh Dhùthchail: Roinn Choimhearsnachdan Dùthchail

Faodar a' cho-chomhairle seo agus co-chomhairlean Riaghaltas na h-Alba gu lèir a leughadh air-loidhne aig <http://www.scotland.gov.uk/consultations/current> Faodaidh tu fònadh an-asgaidh air Saor-Fòn 0800 77 1234 airson faighinn a-mach càit a bheil an goireas eadar-lìn poblach as fhaisge oirbh.

Tha siostam rabhaidh post-d aig Riaghaltas na h-Alba airson cho-chomhairlean (SEconsult: <http://www.scotland.gov.uk/consultations>). Tha an siostam seo a' leigeil le daoine fa leth aig a bheil ùidh clàradh agus post-d fhaighinn gach seachdain le fiosrachadh mu cho-chomhairlean ùra uile (a' toirt a-steach cheanglaichean lin). Tha SEconsult a' cur ri liostaichean sgaoileadh fiosrachaidh Riaghaltas na h-Alba gun tighinn idir 'nan àite, agus tha e air a dhealbh gus leigeil le daoine aig a bheil ùidh ann an cuspair cumail suas ris na tha a' tachairt leis gach co-chomhairle ach gum bi rabhadh aca cho tràth 's a ghabhas mun fheadhainn as inntinniche. Mholamaid dhuibh clàradh.

A' làimhseachadh do fhreagairt

Feumaidh fios a bhith againn ciamar a tha sibh ag iarraidh am freagairt agaibh a bhith air a làimhseachadh agus, gu sònraichte, co-dhiùbh a tha sibh toilichte am freagairt agaibh a bhith air fhoillseachadh. Feuch gun lion agus gun till sibh am **Foirm Fiosrachaidh Neach-Freagairt** a tha còmhla ris a' phàipear cho-chomhairleachaidh seo oir nì seo cinnteach gun dèilig sinn ris an fhreagairt agaibh gu h-iomchaidh. Ma dh'iarraas sibh gun am freagairt agaibh a bhith air fhoillseachadh measaidh sinn dìomhair e, agus làimhsichidh sinn e dha rèir.

Bu chòir luchd-freagairt uile a bhith mothachail gu bheil Riaghaltas na h-Alba umhail do sholarachaidhean Achd Saorsa Fiosrachaidh (Alba) 2002 agus mar sin dh'fheumadh iad beachdachadh air iarrtas sam bith fon Achd airson fiosrachadh a bhuineadh ri freagairtean a chaidh a dhèanamh ris an eacarsaich cho-chomhairleachaidh seo.

Far a bheil luchd-freagairt air cead a thoirt seachad am freagairt aca fhoillseachadh, thèid iad seo fhoillseachadh ann an Leabharlann Riaghaltas na h-Alba agus air duilleagan làraich-lìn Riaghaltas na h-Alba ro dheireadh a' **Ghiblin 2008**. Thèid sgrùdadh a dhèanamh air na freagairtean nach eil air an comharrachadh dìomhair airson stuth a dh'fhaodadh a bhith mì-chliùteach mus tèid an clàradh san Leabharlainn no an cur air an làraich-lìn. Faodaidh sibh cur air dòigh airson na freagairtean fhaicinn le bhith a' cur fios chun na Leabharlainne air 0131 244 4565. Faodar lethbhreac a dhèanamh air freagairtean agus an cur thugaibh, ach 's dòcha gum bi agaibh ri pàigheadh airson na seirbheis seo.

Na h-Ath Cheumannan

As dèidh a' cheann-là dùnaidh, thèid sgrùdadh agus beachdachadh a dhèanamh air na freagairtean uile còmhla ris na molaidhean aig a' Chomataidh Rannsachaidh air Croitearachd ris a bheil dùil sa Ghiblin 2008. Ma cho-dhùineas Ministearan as dèidh sin sgìrean croite ùra ainmeachadh, feumar reachdas iomchaidh a chur fa chomhair na Pàrlamaid.

A' Charaid/Neach-Ùidh chòir

ACHD CHROITEARAN (ALBA) 1993 agus ACHD ATH-LEASACHAIDH CROITEARACHD ETC. 2007: CO-CHOMHAIRLE MU AINMEACHADH ÀITEACHAN ÙRA AIRSON CROITEARACHD

Tha mi a' sgrìobhadh a dh'fhiathachadh bhur beachdan air an sgrìobhainn cho-chomhairleachaidh a tha an cois na litreach seo, a tha a' cur a-mach molaidhean airson sgìrean ùra ainmeachadh ann an Alba, air taobh a-muigh nan Siorrachdan Croitearachd, far am faodar croitean a chruthachadh. Thèid beachdachadh air builean na co-chomhairle seo còmhla ri builean aithisg na Comataidh Rannsachaidh air Croitearachd, ris a bheil dùil sa Ghiblein 2008.

Tha earrann 3A de dh'Achd nan Croitearan (Alba), a chaidh a chur a-steach le earrann 6 de dh'Achd Ath-Leasachaidh Croitearachd etc. 2007, a' toirt cumhachd do Mhinistearan na h-Alba sgìrean ùra ainmeachadh le Òrdugh. Tha a' cho-chomhairle seo a' sireadh bheachdan air a' mholadh gus co-thaobhadh a dhèanamh air sgìrean far a bheil còir-fearainn croitearachd a' buntainn ris an sgìre a tha air a còmhdach le Iomairt na Gaidhealtachd 's nan Eilean. Bhiodh seo a' ciallachadh gun rachadh eileanan Arainn, Bhòid, Chumraidh Mhòir agus Bhig, an sgìre riaghaltais ionadail den Ghaidhealtachd nach eil an-dràsta air taobh a-staigh nan Siorrachdan Croitearachd; agus sgìre riaghaltais ionadail Mhoireibh ainmeachadh mar sgìrean croite ùra.

Faodar barrachd fiosrachaidh fhaotainn mu chroitearachd agus mu sgìrean croitearachd air làrach-lìn Riaghaltas na h-Alba aig <http://www.scotland.gov.uk/Topics/Rural/Crofting> Tha mapaichean de na sgìrean ùra rim faotainn anns an earrainn 'Tar-Shealladh air Croitearachd' den làraich-lìn seo.

Mar dhòigh air taic a chumail ris a' cho-chomhairle seo, cumaidh Riaghaltas na h-Alba coinneamhan poblach ann an Arainn agus ann an sgìre Bhaile nan Granddach. Thèid tuilleadh fiosrachaidh mu na tachartasan sin, agus fiosrachadh clàraidh, fhoillseachadh gu h-ionadail an ceann greis.

Tha freagairtean air am fiathachadh **fo 12 Màrt 2008** le post-d gu NewCroftAreas@scotland.gsi.gov.uk neo gu

Phil Burns
Riaghaltas na h-Alba: Buidheann-Stiùiridh Dhùthchail
Roinn nan Coimhearsnachdan Dùthchail: Còir Fearainn, Ath-Leasachadh Fearainn
Raon 1D
Ciad Làr
Taigh Phentland
47 Robb's Loan
DÙN ÈIDEANN EH14 1TY