

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

RESPONSE OF HIGHLANDS AND ISLANDS ENTERPRISE

Q1. Do you agree that new areas should be designated for Crofting?

Yes. Crofting tenure has a key role to play in providing a basis for the (re)population and thus sustainable growth of rural communities "at the Edge", and therefore should be extended to new areas facing similar challenges. We note, however, that the form of crofting tenure (and associated support) being proposed for new areas falls considerably short of what is currently available in the Crofting Counties, and is therefore unlikely to yield the full potential benefits of the crofting system to the new areas.

Q2. Do you agree the new areas should align with those of Highland and Islands Enterprise? If not, Why?

While we would welcome the extension of the crofting areas to include the whole of the Highlands and Islands Enterprise area, we do not consider there to be a strong argument to restrict the designation of new crofting areas to the HIE area.

Q4. Do you agree that Crofting Community Right to Buy should not be extended to the new areas?

No; we believe the provisions of Part 3 of the Land Reform (Scotland) Act 2003 should be made available to the new crofting areas. We consider the inability to create new common crofting land to be a significant omission in the provisions of the Crofting Reform etc (Scotland) 2007 Act, and would like to see this addressed at the next legislative opportunity. We see this as the preferred option to ensure the provisions of the 2003 Act are available in the new crofting areas, rather than simply revising the definition of a crofting community within the 2003 Act.

Q5. Any other comments?

Many have been surprised to discover, through this consultation exercise, the limitations - and associated implications - of the Crofting Reform etc (Scotland) 2007 Act with respect to the extension of crofting tenure beyond the Crofting Counties. By not providing for the extension of the Crofting Counties, but rather the creation of an entirely new type of crofting tenure in these areas, the 2007 Act severely limits the potential benefit of the current proposals to create new crofting areas and crofting communities.

The deficits within these proposals (with respect to common grazings, crofting support measures - most particularly the Croft House Grant Scheme - and the Crofting Community Right to Buy) would, in our opinion, not only severely limit the potential benefits, but would also further complicate what is an already overly complicated crofting regulatory framework.

We therefore recommend that the Scottish Government does not pursue the designation of additional crofting areas, without first considering the options available to simplify and equalise crofting tenure across all of Scotland. We feel that these issues must be considered fully in the context of the imminent recommendations of the Committee of Inquiry on Crofting. While this may entail an element of further delay, we believe such an important and fundamental change to crofting land tenure in Scotland must not be considered in isolation or be rushed.

Q6. What is your background? (please tick)

Crofter

Small landholder

Agricultural tenant

Landowner

Other