

Written submission from North Harris Trust

Written submission to Scottish Government regarding proposed revisions to Part 3 of the Land Reform (Scotland) Act 2003 via the Community Empowerment Bill

Background

The North Harris Trust is a community organisation and registered charity which now owns and manages 27,000 hectares of North Harris, Western Isles. It aims to:

- Increase employment and housing opportunities for our young people and reverse population decline
- To keep North Harris wild and beautiful by safeguarding and enhancing natural heritage
- To work with partners to meet the needs, hopes and aspirations of the community
- Promote enjoyment, understanding and appreciation of North Harris' outstanding natural and cultural heritage

The community of approx. 700 people seized a unique opportunity when the 22,900ha. North Harris Estate was placed on the market in April 2002. After much hard work and effort, on the 21st March 2003 the North Harris Estate came into community ownership. Subsequently in February 2006 the Trust bought the adjoining 3,125ha. Seaforth Estate. In 2012 the residents of the adjacent Isle of Scalpay voted to join the North Harris Trust after they were offered free ownership of the 710ha. Island.

The Trust is now managed by a Board of 14 locally-elected volunteer Directors and employs 9 staff.

The community buy-out of the North Harris Estate was carried out prior to the Land Reform (Scotland) Act 2003, but the established Trust has provided a model for other buy-outs, with the Directors and staff continuing to advise and support other community groups.

For more information on the Trust and its activities visit:

www.north-harris.org

Comments on Specific Amendments- Part 4 of Community Empowerment Bill

The North Harris Trust is grateful for the opportunity to provide written evidence and agrees with all of the amendments with only minor comments as detailed below.

Section 71 and 72- Legal structure of community body

The proposal to broaden the range of legal organisations that can be a crofting community body (CCB) and allowing Ministers to provide for further types of bodies to be eligible seems sensible and fair. Our only point would be that Ministers need to continue to show real diligence when appointing CB's. As the range of eligible Community groups broadens, there must not be an opportunity for non-community landlords to abuse the system.

Section 71- Removal of provision for auditing of accounts

The NHT agrees with this amendment

Section 71- Amend Definition of Crofting Community

The NHT agrees with this amendment.

Section 73- Croft Land Mapping

The NHT agrees with this proposed amendment. Whilst the CCB should make every effort to map the assets when registering its interest, providing the level of detail originally required could be a major task. As the buy-out proceeds, the burden needs to be on the landowner to provide full titles and not to conceal assets or liabilities associated with the property.

Section 73- Public Notice of Application

The NHT agrees with this amendment. Local newspapers often have a very limited readership which may be biased. Alternative forms of posting Public Notices should be acceptable with the approval of the Ministers and the interested stakeholders.

Section 74(1) and 97B- Identification of owner, tenants and certain creditors

The NHT agrees that it is important to identify the owner, tenant, person entitled to sporting interests, or creditors relating to the land interests involved in an application. However, as long as the CCB has made sensible efforts to identify these stakeholders, failure to provide a complete list should not prevent the Ministers from accepting an application.

Section 75- Ballot Procedure

The NHT agrees with this amendment.

Section 76- Right to buy exercisable by only one crofting community

The NHT agrees with this amendment.

Section 81- Reference to Land Court

The NHT agrees that this amendment seems fair.

Section 88- Valuation

The NHT agrees with these amendments.

Section 89 - Compensation

The NHT agrees with these amendments.

Section 92- Outcome of Appeal to Land Court

The NHT agrees with these amendments.