

# Irreversible shift in public policy on land ownership

*Brian Wilson, MP*

**West Highland Free Press, Friday 23 June 2000**

*Last Thursday, Scotland Office Minister Brian Wilson addressed the London Committee of the Scottish Landowners' Federation in Brooks' Club. The following is the text of his speech.*

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## **Good to talk**

It was kind of you to invite me along to meet you. When I told my driver that we were heading for Brooks' Club, he observed that it would be just like old times. I suspect that this was a more familiar venue for Ministers in the previous administration than this one.

I doubt if there's going to be a great meeting of minds this evening but it is certainly good to talk. There has, I believe, been an irreversible shift in public policy towards the issue of land ownership in Scotland. That is a reality, which the Scottish Landowners' Federation should recognise and adapt to.

## **The process and the baton**

The process of Scottish land reform was put in motion by the Labour Government, prior to devolution. We brought forward the timescale for feudal abolition. We established a working group under John Sewel, which consulted and then provided the report and recommendations on which the forthcoming legislation will be based. We established the Community Land Unit project at Highlands and Islands Enterprise, since extended to cover the whole of Scotland.

The baton has now been passed by and large, to the Scottish Executive and the Parliament to which it is answerable. It is up to them to maintain the momentum. This is a distinctly Scottish issue requiring uniquely Scottish legislation. For many people in Scotland – quite rightly, in my view – it is a litmus test by which the Parliament and Executive will be judged in both the short and long terms.

Land reform is not something that can be done in one Act or in one year. Just as, in the past, the House of Lords usually saw at least one piece of pro-landlord legislation introduced each

session, so it may be that the Scottish Parliament will wish to engage in at least one piece of normalisation per session. That will be for them to decide.

### **Legacy of brutal historical circumstances**

I use the word *normalisation* because, by any reasonable standard, the pattern of land ownership in Scotland is both abnormal and undesirable. To an extraordinary degree, over much of Scotland, it remains the legacy of brutal historical circumstances which have frozen in aspic the depopulation and degradation of huge areas of our natural environment. That is now widely recognised as unacceptable.

*The pattern of land ownership in Scotland is both abnormal and undesirable.*

You will appreciate that it would not be appropriate for me to comment on what might or might not be in the forthcoming legislation. That is now a devolved matter, which I am content to leave to the good sense and political instincts of the Scottish Parliament and Executive.

### **Opportunities for crofting ownership**

However, I want to welcome the declared intention of the Scottish Executive to bring the crofting community right to buy into the first tranche of legislation. This offers the most rapid opportunity for progress towards *normalisation* since, in contrast to the more general right to buy, it will be pro-active rather than reactive. That simply means that communities can get on with the business of planning their own destinies without awaiting a death, bankruptcy, playboy-fatigue or the other vagaries of the Scottish land market.

Crofting areas are of particular importance since, by definition, they are places where there are living communities. The Crofting Acts went a long way towards marginalising the role of crofting landlords. Many of them are virtually unknown and certainly make no positive input into the development of these communities. Others, it must be said, are significant nuisances while there are, as always, honourable exceptions, which prove these rules.

### **Transforming relationships**

The crofting community right to buy will transform these relationships. It will mean that what has been done in places like Assynt and Bhaltois will be achievable in every crofting area, if the people so wish. The record of community-owned estates is already impressive and they are growing in confidence rapidly. I hope that in the months ahead, every crofting community, which believes that its potential is under developed, will start preparing to exercise that pro-active right to buy. Some of them may, in time, even join the Scottish Landowners' Federation – though it is unlikely to be the London branch!

Elsewhere in Scotland, progress towards *normalisation* will be slower. In many areas, where the land is properly used, there is unlikely to be a great deal of interest in the legislation though tenant farmers will doubtless study closely any new rights, which are bestowed upon them. But again, it is best to plan for the unexpected and – where the ownership and stewardship of land is a matter of local concern – there is every reason why the community should register its interest in future ownership.

Feudal abolition is certainly an important step towards *normalisation*. We only have to look at today's story about the actions of the feudal superior in the community of Pennan in Buchan

to be reminded just how capriciously these absurd powers can be exercised. In democracies, we elect local authorities and community councillors to determine what is good and what is bad for their localities. We do not elect feudal superiors for that purpose and they have no legitimate function to perform. The Scottish feudal system is, and always has been, a racket and I am delighted that this Government and now the Scottish Executive have lost no time in dismantling it.

*The record of community-owned estates is already impressive and they are growing in confidence*

### **John MacLeod's claim to the Cuillins**

Finally, I have been asked to say a word about the Cuillins. As you will know, I asked the Crown Estate Commission to investigate the claim to title by Mr John MacLeod of this magnificent landscape. I am delighted that they are now doing so. This is a landmark decision. It is the first time that the mere assertion of ownership has been subjected to this kind of scrutiny. It will not, I feel sure, be the last.

The Scottish Landowners' Federation works very hard to improve the reputation of landowners in Scotland and must realise the extent to which that work is negated by a single case of this kind. No sane, rational person in Scotland believes that anybody owns the Cuillins, any more than that they own the Alps or Himalayas, far less that they should be paid £10 million in return for transferring that alleged ownership. That is the philosophical dead-end which the claims of landlordism inevitably run into.

I suspect that, in the future, the more audaciously such claims are made the more determinedly the Scottish body politic will seek to counter them.

### **Further information**

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