

SLP Rural Land Policy

A Discussion Paper

Danus Skene

Scottish Labour Party

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Caledonia Land Programme Introduction

In this 1970s ground breaking paper on Scottish land reform the author maps out a set of radical policy proposals for the then newly formed Scottish Labour Party (SLP). At the core lies a search for democratic land policy instruments that address the issues of *social justice, democracy and land use efficiency*. The paper makes the case that land in Scotland has become a commodity concentrated in the hands of a very small number of owners. Many control vast areas (particularly in the Highlands) in the form of non-economic sporting estates with seriously degrade environmental qualities.

Three reasons are given for this being bad for the development of a modern, pluralistic, and democratic society. First, by distorting fiscal policies and public plans it weakens democratic institutions and functions, at both the local and national levels. This undermines the role of elected representatives. Second, by severely restricting access to and use of land it distorts and stifles local economic development, community well-being and the conservation of nature. This establishes the landowner as the *de facto* local resource planner. And third, it creates a vehicle for class formation, inequality and the concentration of absolute property rights. This puts power in the hands of an unelected few.

The paper then spells out how to create a land reform programme aimed at returning the land to its people with not only access to land, but control over that access. This can be done by creating a country-wide pattern of family farms run as independent small businesses, within a system of overall public control and democratic allocation of *working lifetime* tenancies. The paper specifically rejects both the nationalisation of agriculture and the establishment of a centralised Land Commission run by bureaucrats. The paper also proposes that shooting and inland fisheries should be brought into public ownership without compensation and that it should be made available to the general public under a licensing system.

The paper is significant for a number of reasons.

- *First, it presents sophisticated and novel thinking on land reform* both within the 1970s Scottish debate and within the overall UK context.
- *Second, it presents a continuation of radical ideas on land nationalisation as a form of progressive redistribution of wealth.* It reconnects in particular with the thinking of John Stuart Mill and that era. It also symbolizes a fundamental

political break with the bureaucratic and statist land nationalisation ideas that dominated the British Labour party and its fellow travellers.

- ***Third, it considers that all land must be allocated and managed democratically and at the local level.*** (This has similarities to the Scottish National Party's (SNP) position.) It proposes a system of local Land Boards functioning under central policy guidance and involving elected representatives of farmers, farm-workers, local authorities, community councils and other civil society associations. And, as part of this wider democratisation of economic assets, it specifically encourages the development of cooperative and other communal land and associated member-controlled initiatives.
- ***Fourth, it addresses the issue of compensation by way of a novel pension mechanism.*** It proposes that compensation should be based on lost income from land-holding and not the full market value of land. The lost income would be paid as a pension which would be limited by a maximum and be taxable.

Comparing these ideas with those generated some 20-years later by the bureaucratically-led *Scottish Office Land Reform Policy Group*, one is immediately struck by its lack of vision, dullness and glossing over of the fundamental issues of ***power, social justice and democratic control***. In particular, when examining in detail the Land Reform (Scotland) Act 2003 community right-to-buy regulations and procedures, one is immediately struck by the ***over-elaborate, centralised and controlling hand*** of Scottish Ministers and their Edinburgh-based civil servants. Democratic local control and decision making on land, which should be a local matter, has been usurped by pawkie civil servants and their political masters.

Clearly it is time for a single decentralised network of local Natural Resources Agencies (NRAs). This would bring integrated control to and between the community right-to-buy functions and the powers and functions of the Forestry Commission, Scottish Natural Heritage, the Deer Commission, Agriculture Grant Services and the Crofters Commission. A common pool of central services would remain in Edinburgh providing Scottish, UK and European policy and parliamentary services. But each local Natural Resource Agency should be set up as a separate organisation similar to the current network of Local Enterprise Companies.

Democratic control and oversight of the NRAs should be exercised by establishing locally elected Land Boards. Membership of these Boards should be drawn from a broad range of local interests – agriculture, forestry, inland fisheries, environment, tourism, business associations, civil society, community councils and local authority representatives. The intention would be:

To return the land to those in each Scottish community who have an interest in it. This will involve not only access, but also control over that access and its associated public resources.

Graham Boyd, Geneva, June 2004

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Introduction

As the Highland Land League grew from the effects of the Clearances, so has Scotland's socialist consciousness been for very long rooted in the *Land Question*. The Labour movement in Scotland has repeatedly advocated a policy of public ownership of the land that will reverse the progressive devastation of the Highlands and also apply social justice to the matter of access to use of all Scotland's land.

Many people attracted to the Scottish Labour Party (SLP) are so out of frustration over the *Land Question*. A century of good intentions and many years of British Labour Governments have not brought meaningful results. It is of the utmost importance that the SLP formulate a coherent land policy that will allow our intentions, already repeatedly stated by our spokesmen, to be put into effect.

These intentions, succinctly put, are:

1. *To return the land to its people*, with not only access to the land, but control over that access being accorded to those in each Scottish community who live by the land.
2. *To ensure the most effective use of land*, requiring, in hill-farming areas at least, a revolution in land use.

It is fair to observe that the pursuit of such intentions is so complex in practise as to have constituted in the past a fair measure of excuse for in-action.

This paper is mainly concerned with the above-mentioned first intention. That is, I examine the mechanics of bringing about public ownership of Scotland's rural acres, and with the pattern of management which we should subsequently seek. The second intention is primarily a matter of an ongoing agricultural policy – something I do not discuss here – but land use policy cannot be specified without previously clarifying the relationship between occupancy and any comprehensive planning mechanism. On that, this paper does have some preliminary remarks to make.

Within the paper, I also take the opportunity to suggest a position for the SLP on crofting (as defined by present statute) and on shootings and inland fisheries.

In submitting this discussion paper, I would stress its preliminary nature. The topic is much more complex than it first appears to most people, and any eventual legislative programme would have to have been not only thoroughly well ironed out in the Party, but also discussed with the elected representatives of interested parties.

It is also as well to remember the necessary close inter-relationship of this paper's material with our views on housing, tourism and leisure, agriculture, fishing, small businesses and other topics.

I am assuming throughout that the area under discussion will come in its entirety within the competence of the Scottish Assembly. Insofar as this does not prove to be the case, it will not invalidate our policies, but will make them much more difficult to effect through the House of Commons that even under British Labour control has shelved the issue, which allots notoriously little time to such expressly Scottish matters, and which by definition cannot come under the SLP control.

What's the Problem?

Efficiency

Within the limits of the present pattern of demand and of factors of production as shaped by agricultural policy, Scottish lowland agriculture is impressively efficient. The problem is in the Highlands.

Here, most areas are held in very large estates, very many of which are in the hands of absentee landlords, and substantial areas of which are managed by criteria other than the strictly economic. It is this last point I want to stress here.

Heather, the staple food of the red grouse, can only be promoted at the expense of grass and trees. Although sporting estates are usually maintained for the pleasure of the owners, some of which are Companies using an estate as a tax write-off, grouse and deer shootings need not be uneconomic in an immediate sense. A large area and a small number of workers can produce substantial incomes from commercial letting. The profit to the owner may be quite substantial.

This disregards the possibility that the area in question might produce more in absolute terms if devoted to sheep, hill cattle and forestry. To do this, substantial capital investment might be required, in fencing or re-seeding for example, but the effect would be to produce more and employ more people, even if the per capita profitability could well not be as high as under sporting only management.

The question of the size of holdings and of absenteeism I will raise in a minute under the heading of social justice, but this is perhaps the place to point out that evidence from countries such as Scandinavia or the United States would seem to suggest that family unit holdings do in general serve to promote efficiency. Farms can be too small to allow effective deployment of machinery and labour, but equally so beyond a certain size there is a reduplication of resources and a lack of commitment that dissolves into problems of tenancy and labour relations.

It is possible however, that even lowland agriculture will have to come under a critical eye with regard to efficient use of resources. The balance of products and the degree of specialisation in Scottish agriculture are something that the SLP would do well to examine. More intensive and more *mixed* farming, possibly more labour intensive and certainly of higher per acre productivity could well be the future pattern that a forward-looking agricultural policy would wish to promote.

Social Justice

If all Scottish land were producing to maximum capacity, there would still be an overwhelming land tenure problem because of the grotesque inequalities implied. The work of John McEwen (*Who Owns Scotland*) among others has shown just how grotesque. I take almost at random from McEwen's work the figure that 0.1 percent (340) of the population of the Highlands and Islands Development (HIDB) counties plus Perthshire (375,688) own 64 percent of the land – and by no means the worst of the land at that.

Land is now an investors' commodity, not because of its annual rate of return (usually, I would hazard, below 5 percent) but because it maintains its capital value in real terms. This alone has made land speculation to hedge against inflation itself a major source of inflation.

The working farmer lucky enough to own his land is therefore sitting on a capital asset quite disproportionate to his earnings, while the would-be farmer who doesn't happen to have great wealth to spend has little chance of entering the industry on his own account.

The system of tenancy is no solution to this block. In a time of acute agricultural depression such as the 1930s, estates were all too glad to find tenants. The situation now, ironically reinforced by the provisions introduced in the 1940s to give tenants

greater security, is that estates are very reluctant to lease farms to new tenants. Tenancies that *'fall in'* are mostly gobbled up into the very large-scale farming operations of the big estates.

There is, then, a desperate need, varying in severity in different parts of Scotland, to introduce measures that give professional farmers a means of access to farming land of their own, such measures simultaneously ending land's role as a speculator's commodity.

Along with educational elitism, land ownership is still probably the most significant vehicle of class formation in Scotland. Any party serious about promoting freedom of classlessness in Scotland must concern itself with eliminating the stranglehold on our land of a very few. No international agricultural aid programme in a developing country would contemplate investment or change without land reform as a prior condition if they were faced with a land tenure pattern as elitist as Scotland's.

Development

Highland society has never been idyllic. We should not romanticise the poverty and over population of the centuries before the Clearances. Yet the immediate challenge is to overcome the devastation, involving deterioration of the land and depopulation, of modern times. A revolution in land use will allow a measure of repopulation. This in turn will make Highland rural communities socially *'viable'* once again, will increase domestic agricultural production, and help to redress the imbalance between the Central Belt and rural Scotland that is a potentially destructive aspect of our society.

This necessary revolution in land use in turn depends on changes in the system of tenure. This is true even where land is already in the hands of bodies such as the Forestry Commission, nominally under public control in the public interest. Land use planning must provide an intelligent mixture of use patterns promoted by a body which does not itself necessarily play a direct role on any given piece of ground. There must be less power for single-interest landlords, whether private or public, and more of role for overall planners such as those to be found with the Hill Farming Research organisation.

Democracy

The problem posed by the social injustice of our present system of land tenure bears most urgently on the agricultural community itself. There is a wider argument from the national perspective that it is intolerable that such a small minority of landowners effectively control so much of that scarce and vital resource, Scotland's land.

There are competing demands for the use of land that can only fairly be settled by public democratic procedures.

Nobody fully knows ***who owns Scotland***, and while a register is a necessary prerequisite to any policy of public control, its absence is indicative of the secrecy that can surround land deals that may be of the greatest importance for many people. The people of Scotland as a whole can no longer tolerate a situation where their land is secretly bargained over with effects beyond their control.

Past Failures

Various schemes and institutions have in the past been established in order to assert the public interest in overcoming some of the problems suggested above. That they have failed verges on the self-evident. One thorough investigation showed that the only significant difference between the pattern of ownership in Perthshire in 1870 and in 1970 was that a higher proportion of the large owners today are absentees.

But behind the efforts of recent decades has always lain the assumption that ownership is not critical, that the public interest can be adequately asserted through indirect controls. In fact planning controls and their like provide a totally insufficient means of public control. A determined landowner can quite legally obstruct a publicly authorised programme in the community's interest – witness Tweedbank or Raasay. More importantly, such controls do not have any meaningful influence on the actual use of land.

Indirect financial inducements embodied in agricultural and fiscal policy have undoubtedly had a major influence on land use, but in the Highlands this has not been enough to ensure a productive or socially responsible use of land. As argued earlier, many Highland landlords are in large measure not operating in response to the economic rationality in managing their land that indirect inducements assume.

Some Government agencies, notably the HIDB, have been accorded powers of compulsory purchase over agricultural and other land. The [HIDB](#) has all but never exercised this power, and where the Hydro Board, local authorities or others have purchased rural land for their various purposes, a distinct weakness of the system has been the delays that landowners have been able to inflict on the procedures and the partly consequent enormous compensations that have been inflicted on the public purse.

The weaknesses of 'one off' compulsory purchase are becoming very dangerous in parts of Scotland with the effects of the oil boom. Artificially inflated prices operate against the public interest and make forms of land speculation more attractive.

The Community Land Act may well prove an adequate tool for dealing with such cases involving new developments, which may well be in rural areas. But any successes the Act may have will not affect the basic problem of control over allocation and use of agricultural and hill areas.

For the community, local or national, effectively to control the disposition of rural land will undoubtedly require a system of public ownership. Anything short of such ownership is inadequate to achieve the SLP's socialist objectives in land policy.

- How to effect the actual takeover?
- How to strike a balance between democratically expressed local and national interests?
- How to tackle the demand for compensation?

These are complex aspects of any SLP land policy to which we must now turn.

The Desired Final Outcome

Dissatisfaction with the present distribution of land in Scotland does not of itself dictate the pattern of distribution we would like to see. What would be best?

Public ownership of the land is not the same as nationalisation of agriculture. There is no constructive purpose in nationalising the actual agricultural process. The SLP is in no way interested in building a system of bureaucratic and alienating collective farms.

A farm is a small business. We feel that whereas there is an unanswerable case for public control of large-scale industry and of primary and capital resources, small businesses have a vital part to play in the new Scotland in such areas of activity as agriculture, fishing, distribution, retail and small-scale specialist manufacture. In suggesting that farms be operated as independent small businesses, we are not of course resigning public responsibility for the economic framework within which farms operate. As it is, the agricultural market is an artificially controlled one, and so it should be in the interest of both farmer and consumer.

What we are insisting upon is that farms should be maintained upon land that is allocated to farmers according to criteria under public control and that is subject to overall land use planning. A pattern of family farms maintained under an egalitarian system of access to the tenancy is what the SLP want. We notice that the SNP advocate such a pattern but that in confirming occupancy rights to all existing owners and tenants they deny themselves the means of achieving the desired end. Security and equality in agrarian society is a matter for socialism if you start from a structure of privilege.

The SLP is, then, involved in dismantling estates that are larger than '*family farms*' and in finding an acceptable democratic mechanism for allocating the resulting farms to intending farmers. Such a procedure has been undertaken to different degrees under non-revolutionary circumstances (Denmark, Ireland, etc). An interesting case that I have recently had occasion to learn about concerns the compulsory levy of large farms made in Finland to accommodate farming refugees after the '*Winter war*' with Russia.

Bring about Public Ownership

In most of Scotland, it is mercifully obvious what each unit farm consists of. The answer varies from the large rolling farms of the East coast or South-west, units that probably involve the employment of subordinate labour in small numbers, and the small units in the crofting areas or some of the concentrations of small-holding units to be found throughout Scotland.

The point is that variations in the quality of land throughout Scotland together with the historical differences that have produced differing average sizes of unit in different areas makes it silly to play a numbers game with acreages. 4,000 acres of Strathearn would be the sort of monumental holding to which our attention should first be turned. A 4,000 acre sheep-walk in parts of the North-west is a suitable size for an economic 1-person operation.

The only way to determine the appropriate units is with a map and the advice of the local farming community itself, with appeal to the Scottish Land Court or some specially established body. Difficult cases will arise, especially where larger farms and estates have run pre-existing units together in recent years. Professional opinion, as from the Colleges of Agriculture, as well as local farming opinion would have to be brought into discussion about the advisability of establishing particular unit farms.

Having established a network of unit family farms throughout Scotland on paper, starting with areas of large estates as a matter of priority, the procedure should then be to transfer all of those estates except the central '*home farm*' to public ownership. Any farm tenants in situ would be confirmed in their tenancies as public tenants. A fair number of farms would be released for re-allocation on the break-up of larger holdings, and to these we will turn later under the section - *Management of Public Land*.

In parts of Scotland – Fife would be an example – there is a pattern of relatively modest estates, with one or two tenants only in addition to a home farm, and large numbers of owner-occupied single farms. In such places, the immediate effect of the takeover outlined above would be relatively limited, with less drastic re-allocations involved, and a high proportion of farm land remaining in private owner occupancy. For this reason, public ownership should be brought about in two stages in rather different ways.

Stage 1: Transfer of Estates and Large Farms into Public Ownership

There would be a massive and complex set of land transfers as outlined above accounting for the majority of Highland land, but perhaps only a minority of some Lowland areas. Dispossession would be involved, and therefore the question of compensation arises (see below). Argument concerning the units to be transferred, the level of compensation, etc. would require an acceptable appeals and adjudication procedure.

Stage 2: Transferring the Remaining Land into Public Ownership

For land not taken into public ownership by the above procedure, the system of gradual transfer suggested by the *Campaign for the Nationalisation of Land* (Prof. Robert Neild, et al) is attractive. This involves legislation that all land of a particular category is transferred from private freehold to 99-year Crown Lease. The length of the lease obviates a compensation problem, and although slow-acting, the system ensures that over time all land becomes available for publicly sanctioned allocation. Meanwhile there is immediate overall public control of land, and land is removed from the speculative market that makes possession of capital a necessary prerequisite of access to land. Neild suggests in his discussion of the leasehold system arising that the incumbent should have certain rights of transfer which are probably correct, but we should amalgamate management of such leases with the management of land taken over under Stage 1 procedures, and criteria of access to Scottish farms would be considered under a unified policy (see below).

Meanwhile it is to be emphasised that the SLP proposals give all existing owner-occupiers of single farms and all existing tenants a cast iron guarantee of security of tenure.

Compensation

Compensation is in many respects a dishonest word. To give exact market-determined capital value compensation for all land taken into public ownership is exactly what we do not propose. Bringing land into public ownership is intended as an exercise in the progressive redistribution of wealth. To compensate full market value would be to put a huge charge on the public purse of inflationary proportions in order to provide the already wealthy with very large injections of liquid capital.

We also reject completely unrecompensed dispossession. In a democratic society the freely determined public interest must be dominant, but where it collides with the existing interests of an individual, that individual must receive fair treatment from authority.

What is fair compensation?

The wealth of Scottish landowners varies considerably. Some are among the richest men in the world. Many others, although quite wealthy in terms of their capital asset, are in genuinely quite reduced circumstances so far as cash flow is concerned, when measured against their responsibility for property.

Land provides income, granted that that income is modest as a percentage of the capital value of the land on the present market. We believe that compensation should be based upon income that those landowners without other income depend, and not directly upon the capital value of their inheritance.

It is difficult to judge whether there ought to be a minimum compensatory pension, given that some of the takeovers under Stage 1 procedures might be of very small tenanted units.

There should certainly be a maximum compensatory pension – we have no intention of paying the Duke of Buccleugh a couple of hundred hefty pensions simultaneously.

Pensions could be on a sliding scale depending on the declared taxable income from the land in question in the three previous years until the maxima are reached. Pension allowance would be made for the individual compensated, the spouse, and for elderly and juvenile dependent relatives.

Suggested maxima might be:

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| • Individual owner | £6,000 |
| • Spouse | £1,500 |
| • Elderly dependant relative | £2,000 |
| • Juvenile dependant relative
(<i>up to 18-years old</i>) | £1,000 |

Such scales could be upgraded periodically to maintain their real value. A pension would cease on the death of both the owner and spouse except that any young dependent relatives still under 18-years would continue to receive a pension until they reached that age. Other dependent relatives could continue to receive pensions at the

discretion of the Rural Land Compensation Board that would have to be set up to administer the system.

Pensions under the system would be taxable, thereby ensuring that whilst they generously benefited those genuinely dependent upon their landowning income, those wealthy on other account would in effect return a large part of their pension to the public purse.

Managing Public Land

Individual farmers will be responsible for running their own farms, and the overall national question of land use planning we will examine later. This section concerns management of the tenure system, and in particular the matter of allocating land for use by farmers.

Most previously expressed proposals for public ownership of rural land have suggested the establishment of a central Commission of some sort which would be the factor for all public land.

The SLP rejects this bureaucratic solution which would very probably put the agricultural community from the frying pan into the fire so far as freedom of action, security or help with capital resources is concerned. Whatever the difficulties, we would like to apply to agricultural management the same principles of participant democracy that we advocate in other spheres of economic activity. We think that Scotland should be divided into areas roughly commensurate with local government districts (out with the urban areas) for the purpose of land management. Other possible unit areas would be the old counties or the areas within which the Scottish National Union of Farmers (SNFU) organises itself.

In each such designated area an elected board should be established composed of representatives of farmers, farm-workers (see below) and the local authority. Representatives from the working agricultural community would be in the majority and would provide the chairperson. The modest administrative support required could come either from the local authority or from the Scottish level agricultural officialdom.

Farmer's representatives could be provided by the SNFU. The SNFU, like any agrarian body, has in its time appeared as a churlish and objectionable organisation to socialists. In fairness, so it also has to Tory Governments. The fact is that the SNFU is a democratic body representing farmers. The many farmers, mostly small, who do not participate on the grounds that the SNFU is an elitist body, must be taken account of. They could be helped by the legal establishment of compulsory membership. More importantly, the changes in land tenure which our measures would bring about would in themselves alter the balance of power within the farming community. In any case, if the SNFU wanted, within the law, to take steps through a local Land Board that seemed objectionable to the SLP's intentions, that would be their democratic privilege. We are doing our part by taking the necessary national measures to alter the framework within which farming operates.

Farm-workers pose a problem. Under our changes, many would we hope become farmers in their own right. Any farm-workers under the basically family farm system we propose would be employees of a small business that would very rarely have more than 2 or 3 regular employees. To ensure representation of farm-workers on Land Boards would require their organisation into a Union. This is notoriously difficult with employees of very small businesses of any kind. I suggest that it will require Government legislation advocating a closed shop to ensure a comprehensive farm-workers union that will, among other things, provide their representatives on Land Boards.

In suggesting that local authority representatives be present on the Land Boards, I am trying to establish the right of local representatives from out-with the strictly agricultural community to play their part. It might well be preferable to make this representation in a more complex manner by brining in representatives of Chamber of Commerce, unions or others. In particular, the significance in rural areas of Community Councils might make them a better source of general representation than the larger local authorities.

The suggested local Land Boards should allocate tenancies in accordance with centrally established criteria. This is not a new idea in a democratic country – the allocation of Crown Lands in Western Canada is a case in point. One fair method is to devise a points system. Points could be accumulated by an intending farmer for such characteristics as being a farmer's son, having worked on farms, having attained academic qualifications in agriculture, being from a particular area, and so on. The function of the Land Boards would be to allocate particular farms as they became available in view of the competing claims of differently qualified applicants.

Farms would certainly normally be allocated for the working lifetime of the individual. We might want to reflect on whether there is need for a mechanism to allow eviction in the event of such matters as bankruptcy or incompetent farming – personally I doubt the need for a special system – and on the matter of whether a tenancy should be heritable. Should a farmer's son have an automatic prior right to take a tenancy over on his father's death or retirement, or should a son simply be accorded a heavy points loading.

The management system will have to allow for the possibility of communal tenure. Whilst we do not want to enforce collective tenure anywhere, the SLP should encourage agricultural initiatives by voluntarily communal groups, of which there are already several in Scotland.

Capital for Farmers

Apart from the land itself, there is much more capital tied up in a modern farm than most laymen realise. The more complex, but nonetheless essential, machines such as a combine harvester now costs upwards of £15,000. To stock even a 300 acre mixed farm with cattle would cost a five figure sum.

Owner-occupiers have the advantage of being able to raise loans against their land held. This would be no longer possible. We suggest the establishment of a Land Bank for the special purpose of financing farmers. Such a bank specially established could

make arrangements for special forms of security, such as the right of tenancy itself in co-operation with the local Land Board.

More importantly, our tenure changes should provide an impetus for the extension within agriculture of the cooperative principle. Relative social and economic equality among farmers should facilitate the establishment of cooperative marketing of farm produce and also of cooperative purchase and distribution of factors of production. Scandinavian practice to-day provides encouraging models with respect to both efficiency and social justice. SLP policy should be prepared to channel public financing of tertiary industries and many processing industries through cooperative organisations.

Changing Land Use and Land Use Planning

It was earlier argued that in the Highlands there would have to be a substantial revolution in land use implying a greater density of rural population and the re-establishment of farms perhaps long abandoned. In other words, the process described in the section on *Bringing about Public Ownership* of defining individual working farms in terms of present or recent use will be inadequate where grouse moors and sheep-walks have obliterated the workable farms that we want to see re-established.

The initial takeover of estate land in relevant areas will have to be tied in with a plan of potential use prepared by expertise drawn from organisations such as the Hill Farming Research organisation or the North of Scotland College of Agriculture. We will, in effect, be delineating unit farms on the basis of an agronomic appreciation of where they could be made to work.

Be warned that this process will not be easy either politically, if we assume resistance from landlords, or theoretically. What has in practice happened in some areas, for example, is that various small farms along a glen will have been run together, but the resulting larger unit will have been denied free access to hill grazings above the hill-head dyke that would once have been available. If the grazing is available, it will probably be on terms subordinated to the sporting interest that will manage the hill on a different basis to the management of the low ground. To unscramble such situations and re-establish farms that display an appropriate integration and balance of high and low ground will be a very complex process.

Likewise, the resuscitation of Highland agriculture will require a capital injection of a very special order. Reseeding is itself only a preliminary, and is very costly on the scale envisaged. Special funds for Highland agricultural development must be made available through the Highlands and Islands Development Board (HIDB) or some similar body. Local Land Boards in the Highland area will assume a greater importance than further south if the democratic element is adequately brought into account in considering priorities as development programmes proceed.

Land Use Planning

The process of drawing up a network of unit farms in the Highlands will amount to a comprehensive plan of how the land should be used. This must take into account the present and projected state of the forestry industry, with the Forestry Commission's planting programme subordinated to the overall Highland Land Use Plan.

As farms in the area are allocated to new tenants, or as existing holdings are confirmed, the tenancy agreements should contain clauses whereby both tenant and the public authorities undertake to do their part in bringing about changes in land use. The Ministry of Agriculture, distributing investment capital through the Land Boards and in accordance with the Land Use Plan would pay the public authority's part in providing 100 percent of the capital required to effect the change in use.

It should be noted that any plan drawn up is going to have to tackle the thorny question of the relation between forestry and stock-rearing. Farmers may well be recommended to plant trees on proportions of their farms, and the Forestry Commission's subordination to the Land Use Plan may well see its role change. In particular, of course, any unplanted land that it holds and which is presently factored by the Department of Agriculture should be handed over for management to the Land Boards.

A comprehensive land use plan for the lowland areas is by no means irrelevant, but is not of the same urgency except perhaps in the Border hills. We defer for the time being the formulation of any such plan. It is possible that the combination of public ownership and a strong indirectly applied agricultural policy will be sufficient to achieve such changes in land use as are desired.

In all land use planning, it is of utmost importance that locally based representatives of the agricultural community (the proposed Land Boards) are not just fully consulted but are brought into the drafting process. Planning necessarily involves a measure of centralised decision-making, but must also be a thoroughly democratic process.

Shootings and Inland Fisheries

For some reason that astonishes even American visitors, the pursuit of wild creatures in Scotland is subject to the laws of private property. The SLP should end this farce directly and without '*compensation*'.

Shootings should in no case outside special conservation areas constitute an interest that over rules agricultural priorities. Shootings could be managed on the basis of letting guns to individuals on a '*first come, first served*' basis for any organised game shoot. Shooting in woodland areas and deer stalking could be allocated on the basis of '*per carcase*' licenses as in North America or most of Europe. Such a system, incidentally, ensures a more accurate control of game populations in the ecological interest than does the present system of absolute ownership of game rights in a particular area.

Inland fisheries should be brought into public control and managed by professional bailiffs. Licenses would be accorded to individuals either on '*a per day or a per fish*' basis as recommended by experts in particular cases. Block licenses could be accorded to angling clubs.

Crofting

The effect of the recent deplorable British Labour legislation on crofting is to make this unique system of tenure much more similar to ordinary freehold. Crofters may – and many will – exercise a right to purchase their own houses and ‘*in-bye*’ land from the landlord. Meanwhile, although communal arrangements for managing such common grazings as are not becoming enclosed remain, the private landlords retain ownership of the grazings.

The effect of the SLP’s land policy, if it follows anything resembling what I have suggested in the paper, would be to produce a system throughout Scotland similar to that which could so easily have been achieved by a socialist reform of crofting under the present Government. All in all the distinctive nature of crofting tenure is becoming less marked, and that trend is likely to continue.

There remains the unique feature of the communally controlled common grazings. The SLP welcomes this feature of crofting tenure, with all its social and economic implications. In the context of this paper, I would suggest that whilst the crofting areas, like all others, be ascribed to local Land Boards, we should also, maintain the even more local system of control embodied in the Grazings Committees, which should continue to exist as local components of the Land Boards.

The role presently exercised by the Crofters’ Commission would become redundant under the proposed system of public ownership and the existence of a Highland Land Use Plan. Clearly, the social and agricultural expertise contained within the Commission should not be dismissed so much as redeployed within the new and more purposeful institutions that we propose.

Leisure

The use of rural areas for recreational and allied purposes is increasingly important. This general interest of the Scottish public would be represented in large by the place of local authority representatives on the Land Boards. However, expert advice must also be taken into consideration.

Exactly how this should be done may at this stage remain a matter for open consideration, but it would seem that the Countryside Commission ought to be a body of greater importance, with a firm statutory role to play in conjunction with land management and planning structures. Such bodies as the Nature Conservancy Council, the Sports Council, and the leisure concerns of the Forestry Commission – not to mention the Scottish Tourist Board – should be considered as candidates for actual amalgamation with the Countryside Commission, but even if such amalgamation is not undertaken, their respective interests could be represented in land management through the agency of a stronger Commission.

The SLP should oppose the concept of National Parks. A Parks system puts not only the flora and fauna of an area into a glass case surrounded by litter bins, but also anaesthetises human society in an area. No part of Scotland should be fossilised, but all our land should be developed in a full awareness of the richness of its total ecology, human economy and society included.

Conclusion

As stated at the outset, the legislative complexity of any democratically conducted process of land reform should never be underestimated. Apart from recognising the difficulty of attaining clear legal definitions of the intentions spelt out in this paper, I am very aware of the loose threads that have not been tackled here.

The most significant of these is probably the matter of rural housing. The SLP will have to make a basic decision on whether our probable acceptance of freehold home ownership should be extended to the agricultural sector in view of the acute difficulties involved in possibly separating ground from its associated housing.

There are areas of detail where we will have to say more later. As an example, I would cite the need to decide on allowing different systems of communal or cooperative tenure within the overall pattern of public leases from Land Boards suggested. Communal (kibbutzim) and cooperative (moshav otdim) farming systems are something the SLP would very likely wish to promote strongly.

There are also areas of policy to consider that are not so much questions of detail within the tenure question as logical follow-ups of these matters. We must, for instance, have a detailed look at the forestry industry that includes an examination of how to get adequate democratic control of the wood marketing and processing industries.

My uncompromising insistence upon a pattern of '*family farms*' within a legal framework of public ownership is likely to earn for this paper critics from both right and left, including within the SLP. I am personally ready to argue the case in depth with anybody, but in the last analysis would ask any such critics to draw up their own schemes involving, for example, communal farms under centralised management. Such schemes, in my view, are very unlikely to satisfy the principles of democratic ends and means for which, above all else, the SLP stands.

Summary of Main Points

In order of occurrence in the main text, the principle arguments and recommendations put forward in this discussion paper were:

1. The SLP is committed to a radical land policy in the interests of social justice, democracy, and land use efficiency. (*Introduction*)
2. Our intentions will be legislatively complex and closely related to other areas of policy. (*Introduction*)
3. Land policy should be within the jurisdiction of the Scottish Assembly. (*Introduction*)
4. Efficiency of land use is mainly a problem in the Highlands where the sporting interest is so great and inequalities so severe. (*Introduction*)
5. The distribution of rural land in Scotland is unacceptably inequitable. Land is now an investors' commodity. (*Social Justice*)

6. There is a need to drastically improve channels of access to land for ordinary working farmers. (*Social Justice*)
7. Redevelopment of the Highlands will require land reform and overall land use planning. (*Development*)
8. Democracy requires an end to secrecy in land deals and management. A register is necessary. (*Democracy*)
9. Indirect planning controls, financial inducements and present powers of compulsory purchase do not meet the problems (*Past Failures*)
10. Adequate progress towards our objectives will require a system of public ownership of land. (*Desired Final Outcome*)
11. We should aim for a pattern of family farms run as independent small businesses within a system of overall public control and democratic allocation of tenancies. (*Desired Final Outcome*)
12. The unit farms should not be artificially defined in terms of acreage, but in terms of actual practice and farm size in different areas. (*Bring About Public Ownership*)
13. All holdings bigger than one unit should be transferred to public ownership for re-allocation, the home farm of large estates to be kept by the owner where appropriate. (*Bring About Public Ownership*)
14. All rural land not thus taken over would be transferred to public ownership gradually under a system of changing freehold to Crown Lease. (*Bring About Public Ownership*)
15. All existing owner-occupiers of single farms and all single-farm tenants should be confirmed in their present holdings under the new tenure arrangements. (*Bringing About Public Ownership*)
16. Compensation for land taken over under land reform should be on the basis of a pension to replace lost income from land-holding. Such pensions should be limited by a maximum and be taxable. (*Compensation*)
17. Public land must be allocated and managed democratically and at local level. (*Management of Public Land*)
18. This should be done by a system of local Land Boards made up of elected representative of farmers, farm-workers and local authorities. (*Management of Public Land*)
19. National criteria to guide the Land Boards' allocations of tenancies should be considered. Tenancies should be for a working lifetime. (*Management of Public Land*)

20. A Land Bank should be established to take account of the special capital requirement of farmers as small business enterprises. (*Capital for Farmers*)
21. The government should encourage cooperative structures in the fields of agricultural supply, marketing and processing. (*Capital for Farmers*)
22. The particular need to change some land use in the Highlands dramatically will require special research and planning efforts to establish appropriate units and to fund the changes envisaged. (*Changing Land Use*)
23. A Highland Land Use Plan should be drawn up and put into effect with public funds in conjunction with the Land Boards' tenure and management efforts. (*Land Use Planning*)
24. Such a plan would take forestry, etc. into account. The need for an overall land Use Plan elsewhere in Scotland is not so urgent. (*Land Use Planning*)
25. Shooting and inland fisheries should be brought into public ownership and management without compensation and made available under professional management to the general public under a licensing system (*Shooting and Inland Fisheries*)
26. The SLP deplores the recent crofting legislation. Our general proposals should apply to crofting, with the special instance of the common grazings system preserved in relevant areas as part of the local Land Boards. (*Crofting*)
27. The leisure interest in land use should be statutorily recognised through a stronger Countryside Commission. We oppose any National Park system. (*Leisure*)