

Islands (Scotland) Bill

Response to Rural Economy and Connectivity Committee at Stage 1 from Community Land Scotland.

Introduction

Community Land Scotland has a number of members in the islands of Scotland which will be affected by this Bill.

The Bill is quite limited in its scope, although addressing matters seen as important within the islands.

We comment principally where we think the Bill could be strengthened. Our response follows the outline given by the Committee.

Detailed Responses

1. The Bill creates a duty to publish a national islands plan and lay it before the Scottish Parliament. What are your views on this provision?

We agree with this provision.

2. The Bill will require Scottish Ministers and certain Scottish public authorities, to prepare island impact assessments. Do you agree with this provision? How do you think it should work in practice?

We agree with this provision.

3. The Bill proposes to protect the Scottish Parliamentary constituency boundary of Na h-Eileanan an Iar (the Western Isles) from change. Do you agree with this?

We agree with this provision.

4. The Bill proposes to make an exception to the rules for local government electoral wards to allow areas with inhabited islands to return 1 or 2 members (instead of the usual 3 or 4). What are your views on this proposal?

We agree with this provision.

5. The Bill will provide a regulation-making power for the Scottish Ministers to create a marine licensing scheme for coastal waters. Do you agree with this power? Do you have any comments on how it should be used?

We agree this will be a useful power for Ministers to have to be able to respond to requests from island local authorities. We wonder however whether this power will be used as the Policy Memorandum and the Bill itself is heavily qualified on when the provision may be used. It would be more powerful if there was a provision for there to be a presumption in favour of Ministers using this regulation making power unless they could demonstrate through a written stated case that the granting of such regulation would not be in the interests of the islands concerned.

6. Does the Bill achieve its aims and are you in favour overall? Is there anything else that you feel should be included or excluded from the Bill?

Broadly, the Bill could be said to achieve its aims, though the aims themselves are quite limited.

Part of 'Island proofing' ought to require that when new policy and law is being considered, or policy is being reviewed, that a key question to be asked would be whether the devolution of more power to the Islands Councils or Councils with islands would be potentially advantageous to the governance and sustainability of those areas.

In this sense, the approach should be less one of identifying specific additional powers now, but of addressing this continuously over time. In this context, it would seem appropriate that in this legislation, Ministers should be

given powers to enact secondary legislation to devolve specific functions or responsibilities to Islands Councils and Councils with Islands, as appropriate, and without the need for specific amendments having to wait to be brought forward in changes to Primary legislation. This would facilitate an ongoing ability to enhance islands powers, as necessary and appropriate.

7. Do you have any comments on the bill in relation to human rights or equalities?

No comments.

Community Land Scotland
September 2017