

# The Poor Had No Lawyers

## Quarterly Update September 2011

This paper forms the first in a series of quarterly updates on matters discussed in my book, *The Poor Had No Lawyers* and coincides with the publication of the paperback edition. The update provides brief notifications of changes and developments in the topics discussed in the book.

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It is perhaps appropriate to begin by reproducing the foreword written for the paperback edition.

*“On 5 May 2011, the Scottish National Party won an unprecedented victory in the Scottish Parliamentary election. This historic win could lead to a resolution of many of the issues discussed in this book. That remains to be seen. However, with an overall majority in the Parliament, the Scottish Government can now look forward to a five-year term of office with the freedom to undertake quite radical reform of Scotland’s land and property regime if it chooses to do so.*

*The First Minister, Alex Salmond, has already indicated that he wishes to see the administration of the Crown property rights that comprise the Crown Estate in Scotland brought under the control of the Scottish Parliament. The SNP manifesto also contains commitments to review the Land Reform (Scotland) Act 2003 and to re-establish the Scottish Land Fund. Many of the topics discussed in this book, such as succession law, land registration, common good land and land value taxation could all now be tackled and deliver lasting public and private benefits – if the political will exists.*

*The issues explored in this book are of long standing and remain to be resolved. Since the book was first published in October 2010, however, some of the detailed discussion surrounding these issues has moved on. To keep up with developments in the various debates, please go to [www.andywightman.com/poor](http://www.andywightman.com/poor), where you will find quarterly updates. Many of the references can also be found there.*

*It is also worth saying something about the cover photograph, which is an allegory for the argument presented in this book. The image is of Ardoch farmhouse in Glen Gairn, Aberdeenshire. \* Ardoch was a clachan of some 14 houses with a shop and a school. It was also the home of my wife’s great-great-great grandfather’s brother, Father Lachlan McIntosh, the parish priest in Glen Gairn for 64 years until his death in 1845, aged 93. The reason that this Highland community was abandoned is directly attributable to the fact that Aberdeenshire was excluded from the provisions of the 1886 Crofting Act and therefore the residents of Ardoch were never more than a year away from eviction. The reason that the last remaining house lies empty today on a large privately owned estate is eloquent testimony to our continuing failure to challenge landed power.*

Andy Wightman  
Edinburgh  
May 2011

\* Further images of Ardoch Farmhouse can be seen at:  
[www.jamesdyasdavidson.com](http://www.jamesdyasdavidson.com)”

## **Chapters 1 - 9**

No updates

## **Chapter 10**

The Scottish Rural Property and Business Association and the Scottish Estates Business Group have now merged to form Scottish Land and Estates (www.scottishlandandestates.co.uk)

## **Chapter 11**

In August 2010, the Registers of Scotland launched a consultation on the Scottish Law Commission's draft Land Registration Bill. On 7 September 2011, Alex Salmond announced that the Bill would be introduced in 2011-2012 as I understand, probably in October or November 2011)

Consultation [www.ros.gov.uk/lrbillconsultation/index.html](http://www.ros.gov.uk/lrbillconsultation/index.html)

## **Chapters 12 - 13**

No updates

## **Chapter 14**

Since the May 2011 Scottish Election, the Scottish Government has been campaigning to devolve the administration and revenues of the Crown Estate in Scotland. In June it published a paper which can be found at [www.scotland.gov.uk/Resource/Doc/352275/0118354.pdf](http://www.scotland.gov.uk/Resource/Doc/352275/0118354.pdf)

In addition, the Scottish Affairs Committee in the UK Parliament is currently conducting an inquiry and the Scotland Bill Committee at Holyrood will also be examining the issue in Autumn 2011. In July 2011, the Treasury announced a new Coastal Communities Benefit Fund which will distribute the equivalent of 50% of the revenue raised by the Crown Estate Commission's marine revenues. [www.hm-treasury.gov.uk/press\\_86\\_11.htm](http://www.hm-treasury.gov.uk/press_86_11.htm).

My own blogs on topic can be found at [www.andywrightman.com/wordpress/?category\\_name=crown-estate](http://www.andywrightman.com/wordpress/?category_name=crown-estate)

For a recent discussion of the Lunga Evictions, see <http://forargyll.com/2011/08/philand-asks-for-tolerance-at-thursday-planning-meeting-lunga-hutters/>

## **Chapters 15 - 17**

No updates

## **Chapter 18**

The Scottish Government has removed from its website all data on farming subsidy payments. See my blog on farming topics at [www.andywrightman.com/wordpress/?category\\_name=farming](http://www.andywrightman.com/wordpress/?category_name=farming) and, in particular the post of 9 December 2010 which contains links to all the data.

## **Chapters 19 - 23**

No updates.

## **Chapter 24**

The Long Leases (Scotland) Bill was introduced on 10 November 2010 but fell on 23 March 2011 since it ran out of time. The bill, transcripts of debates and the oral and written evidence can be viewed here. The session on 18 January 2011 and 1 February 2011 contain interesting perspectives on the question of the Waverley Market.

[www.scottish.parliament.uk/s3/bills/61-LongLeases/index.htm](http://www.scottish.parliament.uk/s3/bills/61-LongLeases/index.htm)

## **Chapter 25 - 32**

No updates.