

BRIAN WILSON

writes



There is no great joy in being proved right when it takes 33 years to achieve that distinction. But at least, for those with long memories and esoteric interests, it is now firmly on the record that the **Free Press** was entirely correct when we denounced the Land Registration (Scotland) Act of 1979 as a near-useless piece of legislation and a failure of political will.

To recap. Back in these days, land reform was a live issue in Scotland and there was a persistent, specific demand for the establishment a Land Register, partly in response to the scandal of large tracts of land being bought and sold by faceless trusts and mysterious companies. The basic contention was that everyone had the right to know who owned the land on which they lived and worked.

The case for a Land Register was particularly associated with the name of John McEwen, the author of “Who Owns Scotland?” and a truly extraordinary man. In his late 80s and well into his 90s, John set about doing what the state refused to do — which was to compile a Land Register of Scotland, based on estate maps and his own researches. To this day, John’s work remains relevant and has rarely been contradicted.

John believed that a Land Register was the essential prerequisite for land reform. His work caused a great deal of political interest by highlighting just how few people owned so much land in Scotland. They still do. And while publicity tended to concentrate on estates changing hands, the vast majority of them had never changed hands. They were still held by same ignoble families who had claimed ownership for generations or indeed centuries.

Eventually, the Labour government of the day agreed to the creation of a Land Register. But the civil servants knew that they would soon be serving a new set of political masters who would have absolutely no interest in such an enterprise. So they adopted their two favourite weapons of delay and dilution. To anyone who read the legislation, it was clear that it was an almost complete waste of time.

Fast forward to the Scottish Parliament last week and a debate on the latest Land Registration (Scotland) Bill, the purpose of which is to update the 1979 Act. According to the Minister, Fergus Ewing, this was intended to create “a modern map-based land register that provided clear information about land ownership”. After 33 years, however, only 55 per cent of properties are covered by that Register and they account for just 21 per cent of the land of Scotland.

So after 33 years, has the penny dropped that maybe something a bit more radical is required — like a mandatory obligation to register ownership of land within a set period? Or an obligation to register not just nominal title but beneficial ownership? Or perhaps even a time

limit for the whole exercise to be concluded within, rather than allow it to drift on for another 33 years?

Does our great, reforming Scottish Parliament not agree with any of John McEwen’s objectives? Do the Bravehearts who now run it not think the Scottish people are entitled to know who owns the land on which they live and work? Apparently not. The committee which has considered the bill had put forward the whimper of a request that “aspirational targets for completion of the Land Register” should be set. But Fergus was having none of it. “I understand the importance of the aim,” he intoned. “But I do not favour the approach.”

And as for registering beneficial ownership as well as some name and address designed only to conceal who might own tens of thousands of acres of Scotland or their motives for doing so, Fergus was resolute. “That too goes beyond the province of the Bill,” he explained obliquely, “because the position of the Keeper (of the Register) is that the Keeper must register who owns the land of Scotland”. Which, roughly translated, must mean that it is the Keeper’s job to jot down the information he is offered (if any, for the principle remains voluntary), but not to ask any awkward questions.

But who, pray, defines “the province of the Bill”? The answer should be that it is Ministers in the Scottish Government. The truth is that none of them gives a toss about land reform or a Land Register so legislation like this is seen merely as a legalistic, tidying-up exercise, devoid of radical purpose. We have 132 extra politicians at Holyrood to achieve what a bunch of legal clerks could have produced in their spare time.

The sterling efforts of Andy Wightman notwithstanding, the Land Registration Bill is passing through the Scottish Parliament virtually unnoticed. Not because the scandal of Scotland having the most distorted land ownership structure in Europe has gone away. Neither is the need for a genuine, comprehensive Land Register any less than it was 40 years ago. But nobody cares because the deception is now near-complete that Scottish politics is about the constitution and nothing else. Never mind the people, far less the land.

It was against that background that the report from the House of Commons Scottish Affairs Committee came as such a breath of fresh air. Radical thought is still an option — even if not at Holyrood. The Committee’s conclusions on the future administration of the Crown Estate in Scotland were entirely in line with our own view that revenue and control should accrue to the adjacent coastal communities, bypassing Edinburgh which is every bit as remote from them as Whitehall.

The report recommends that the Scottish Government should act only as a conduit for revenues destined for the relevant communities and that the Secretary of State for Scotland should have to satisfy himself that this is actually going to happen before allowing the money to be handed over to Edinburgh. I very much hope that the UK government will accept these recommendations and act upon them to the letter.

Left to their own devices, what prospect is there of a Scottish Government which is hell-bent on centralising everything in Edinburgh, in order to control all funding from the centre, of honouring the formula which the Select Committee has proposed? There should be no fancy devices for distributing the Crown Estate revenues. They should go straight to the relevant local authorities, along with the powers currently held by the Crown Estate.