

Caledonia Centre for Social Development

## ***Common Land in Scotland: A Brief Overview***

Andy Wightman, Robin Callander & Graham Boyd

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*Commonweal = the common good, well-being (Scots).*

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## **Summary**

This paper traces the history of Scotland's once extensive and diverse forms of common land. It provides an insight into why very little of this common land is still in existence today. The paper shows how powerful landed interests were able to appropriate the bulk of these lands into their own substantial land holdings by the early nineteenth century.

A description of surviving common lands is provided together with a brief insight into current management arrangements and a summary of the key lessons from the Scottish experience. In the concluding part of the paper, a brief overview is given of the new patterns of community ownership which are now emerging and the new legislative and financial instruments that are being developed to assist this process. A set of references and Internet websites are provided for those wishing to further explore the topic.

This is a revised and extended version of a paper presented by Andy Wightman to the international conference on *'Promoting Common Property in Africa'*, Cape Town, South Africa, October 2003

Wightman, Callander and Boyd are independent authors who work together on occasion through the Caledonia Centre for Social Development ([www.caledonia.org.uk](http://www.caledonia.org.uk)). The Centre undertakes research and collaborative policy development in a number of fields both in Scotland and overseas. It has a particularly active programme on land issues and common property rights.

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# 1. INTRODUCTION

This paper provides a brief overview of the history, current status and future challenges relating to common land in Scotland, together with some lessons that can be drawn from this for promoting common property regimes.

Scotland is a small country of 5 million people on the north west fringe of Europe with its own distinctive history. It was an independent country for many centuries, but entered a political union with England in 1707. As part of that Treaty of Union, both countries retained their own independent systems of law, banking and trade, and institutions of local government, education and established religion. The Union still stands and Scotland remains part of the United Kingdom. In 1999, however, Scotland regained a substantial measure of self-government through the establishment of a Scottish Parliament.

The existence of the Parliament, with its ability to reform Scots law, has facilitated a new debate over longstanding and widespread concerns about the way land is owned and managed in Scotland. Two pieces of land reform legislation have already been passed by the new Parliament (HMSO, 2000, 2003) and an increasing number of civil society organisations, public agencies, local authorities and private landowners and their agents are becoming actively involved in the land debate.

One of these land reform Acts dealt with the abolition of feudal land tenure<sup>1</sup> in Scotland. The fact that this was the main way by which land was still owned in Scotland at the start of the 21<sup>st</sup> century and the fact that Scotland still has the most concentrated pattern of large scale private land ownership of any country in the world (Wightman, 1996), are symptomatic of the many issues related to land ownership which continue to have adverse impacts on sustainable development in Scotland.

This experience also reflects the fact that Scotland's history has been, to a large degree, a history of landed power. In 1814 Sir John Sinclair, the authoritative commentator responsible for the First Statistical Account of Scotland<sup>2</sup>, observed that

*"In no country in Europe are the rights of proprietors so well defined and so carefully protected."*  
(Sinclair, 1814)

This careful definition and assiduous protection of their interests by the landed establishment in Scotland, denied Scotland the kinds of land reforms enjoyed by our Western European neighbours (Denmark, Norway, Sweden, Ireland, etc) and which, as one consequence, led directly to the loss of nearly all of Scotland's common lands into the private estates of its major land owners (Johnston, 1920).

The political sensitivity surrounding land ownership and land reform in Scotland until recently, has been a major factor limiting research into related issues. As part of this,

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<sup>1</sup> Medieval European form of civil government based on the relationship of *vassal* and *superior* arising from the holding of land held for a fee (feus)

<sup>2</sup> An early form of countrywide social and economic status report.

there has been very little research carried out into common property regimes and the research that has been undertaken, has been conducted by individuals working in their own time with limited resources (e.g. Johnston, 1920, Callander, 1987). Academia and most policy makers are only now, within the new context provided by the Scottish Parliament, beginning to appreciate the significance of common property for sustainable rural development (e.g. Brown and Slee, 2003).

The first two parts of this paper provide a brief historical account of the loss of most of Scotland's common land and a review of the extent to which such land still survives. More detailed descriptions of these topics can be found in two separate papers prepared in 2002 by Callander and Reid.<sup>3</sup>

The third and final part of the paper examines new patterns of community land ownership and management that have started to emerge in Scotland in recent years and reflects on how this new trend might develop in the future.

## 2. HISTORICAL BACKGROUND

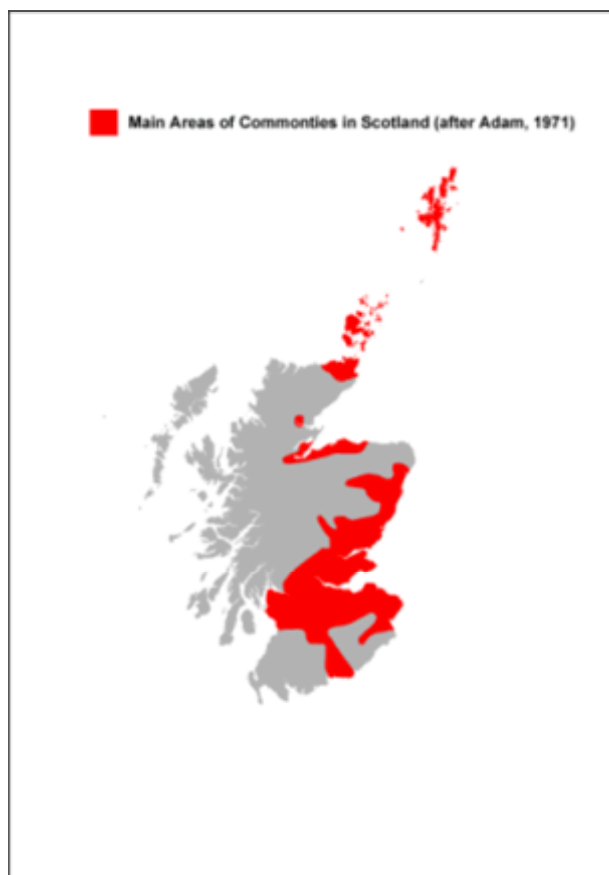


Fig 1. Commonlands in Scotland

The introduction of feudalism into Scotland from the 12<sup>th</sup> century onwards, was the start of the process by which Scotland's commons were appropriated by the country's major private land owners.

In the first centuries of feudalism, the aristocracy and their kinship groups added nearly all the land that had been held by the Crown to their estates. This was followed by the previously extensive lands of the Church, with the final Church lands being obtained by these major private land owners when the Reformation of 1560 abolished the old Catholic Church.

At the same time, the old Scots Parliament, which was overwhelmingly dominated by landed interests, devoted the bulk of its time to legislation designed to entrench and protect the property rights of land owners. One such Act in 1617 established the Register of Sasines (from the French *saisir* = *to seize*), which gave greater security to land titles. Another, the Law of Entail, was introduced in 1685 and prevented land from being lost even when a land owner went

<sup>3</sup> See the Caledonia Centre of Social Development's common property rights project at [www.caledonia.org.uk/commonweal](http://www.caledonia.org.uk/commonweal).

bankrupt.

By the end of the 17<sup>th</sup> century, two very extensive types of common land still survived in Scotland: commonlands and burgh (or town) commons. However landed interests during a period of around 140 years were able to effectively appropriate the last remnants of Scotland's common land through a combination of exercising their extensive law-making powers and their influence over the law courts.

There was a series of Commonland Acts, with the principal Act in 1695, which provided the legislation to divide and appropriate all common lands in the parishes outside the Highland area and not belonging to either the Royal Burghs or to the Crown. It is estimated that about half the land area of Scotland had still been common land in 1500, nearly all of it commonlands (Figure 1). However, in 1695, when the Scots Parliament passed the law for the division of the commonlands it provided a simple, quick and cheap process in comparison, for example, to the Acts of Enclosure required in England to take over common land, and by the early 19th century, virtually all this common land in Scotland had been divided out into the private property of neighbouring land owners. (Callander, 1987).

The commonlands were not, however, the final episode in the loss of Scotland's common lands and the second great channel down which the common lands disappeared was through embezzlement by some of the self-elected commercial and land-owning classes who administered the towns and Royal Burghs during the 'Corrupt Years' (1495 to 1832) and who were subject to no popular electoral supervision in any shape or form. (Johnston, 1920).

*“Until the Burgh Reform Act of 1833 the landowners and the commercial bourgeois class controlled all burghal administration of the common lands, and controlled it in such a way that vast areas of common lands were quietly appropriated, trust funds wholly disappeared, and to such a length did the plunder and the corruption develop, that some ancient burghs with valuable patrimonies went bankrupt, some disappeared altogether from the map of Scotland, some had their charters confiscated, and those which survived to the middle of the nineteenth century were left mere miserable starved caricatures of their former greatness, their Common Good funds gone, their lands fenced in private ownership, and their treasurers faced often with crushing debts.”*

*“As late as 1800 there were great common properties extant; many burghs, towns and villages owned lands and mosses; Forres engaged in municipal timber-growing; Fortrose owned claypits; Glasgow owned quarries and coalfields; Hamilton owned a coal pit; Irvine had mills, farms and a loom shop .....*”  
(Johnston, 1920)

Such substantial losses occurred quite simply because the landowners made the law and because both they and the legal profession, with which they had strong kinship and commercial ties, saw the public interest as represented by their own prosperity. The ordinary citizen had neither a vote nor a voice in the matter.

Professor Cosmo Innes (1798-1874), the famous advocate and Professor of Constitutional Law and History, wrote in his *Scotch Legal Antiquities*,

*“Looking over our country, the land held in common was of vast extent. In truth, the arable - the cultivated land of Scotland, the land early appropriated and held by charter - is a narrow strip on the river bank or beside the sea. The inland, the upland, the moor, the mountain were really not occupied at all for agricultural purposes, or served only to keep the poor and their cattle from starving. They were not thought of when charters were made and lands feudalised. Now as cultivation increased, the tendency in the agricultural mind was to occupy these wide commons, and our lawyers lent themselves to appropriate the poor man’s grazing to the neighbouring baron. They pointed to his charter with its clause of parts and pertinents, with its general clause of mosses and moors - clauses taken from the style book, not with any reference to the territory conveyed in that charter; and although the charter was hundreds of years old, and the lord had never possessed any of the common, when it came to be divided, the lord got the whole that was allocated to the estate, and the poor cottar<sup>4</sup> none. The poor had no lawyers.”*

(Innes, 1872.)

In the late 19th century, however, some groups, notably crofters<sup>5</sup> in the Scottish Highlands, did fight back. Following the extension of the voting franchise in Britain, these smallholders formed their own party, the Crofters Party. This enabled them to campaign and secure many of their ancient common rights through two pieces of legislation - the 1886 Crofting Act and the 1891 Crofters Common Grazings Regulations. These pieces of legislation were little short of revolutionary by the standards of an age when landed property was regarded as sacrosanct (Hunter, 1976, Reid, 2002).

By the early 20th century, the momentum was building for further land reform. The Liberal Government of Lloyd George in 1909 had reforming ambitions, as did the rapidly growing labour movement as reflected in the quote below.

*Show the people that our Old Nobility is not noble that its lands are stolen lands - stolen either by force or fraud; show people that the title-deeds are rapine, murder, massacre, cheating, or court harlotry; dissolve the halo of divinity that surrounds the hereditary title; let the people clearly understand that our present House of Lords is composed largely of descendants of successful pirates and rogues; do these things and you shatter the Romance that keeps the nation numb and spellbound while privilege picks its pocket.*

(Johnston, 1909)

All the momentum for reform was, however, halted by the outbreak of the First World War (1914 – 18) and relatively little has happened since, other than an increase in publically

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<sup>4</sup> Landless peasants

<sup>5</sup> a class of peasant who held land on an annual rental basis

owned land and in the owner occupation of farms in some of the limited more fertile parts of Scotland (Callander, 1987).

Scotland thus has today, as shown below, the most concentrated pattern of private rural landownership of any known country (Wightman, 1996). The history of landed power in Scotland is a history of a class whose authority and hegemony have never been challenged effectively, whose possession of disproportionately large property holdings has never been broken, and whose influence on debates on landownership and use has been conspicuous by its formidable extent and discrete application. (Wightman, 1999).

Table 1: Summary of Landownership Patterns in Scotland

Of the 7,771,969 ha of land in Scotland: -

- 3% is urban
- 97% is rural

Of the rural land, 12.3% is in public ownership. Of the remaining 6,558,979 ha of privately-owned rural land: -

- 25% is owned by 66 landowners
- 33% is owned by 120 landowners
- 50% is owned by 343 landowners
- 67% is owned by 1252 landowners

*After Wightman, 1996 and 1999.*

### 3. SURVIVING COMMONS

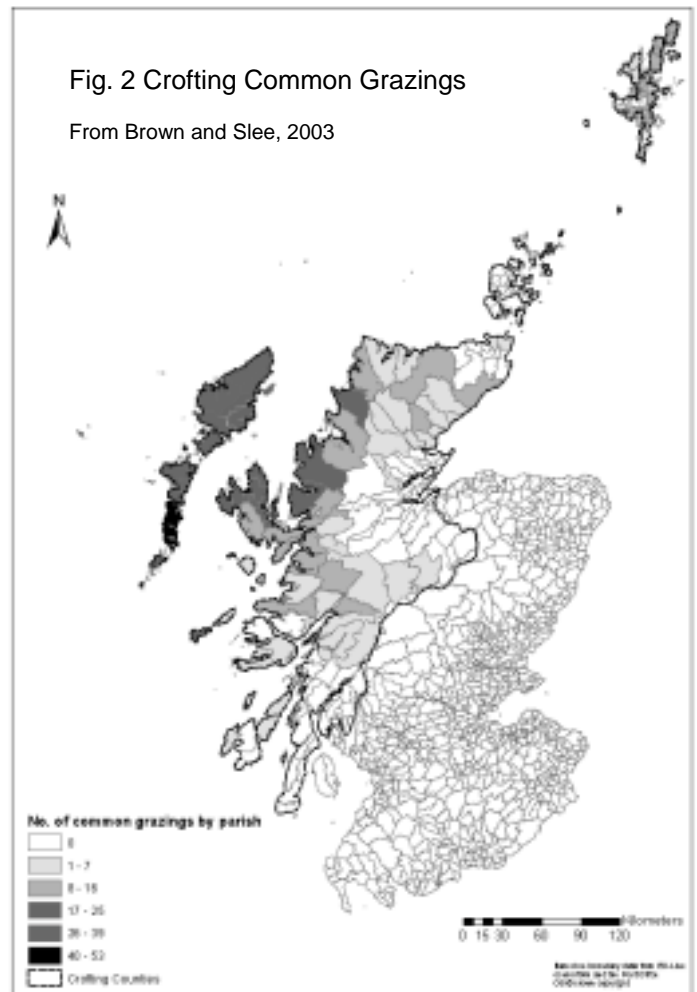
The history of common land in Scotland and the extraordinary degree, to which it was successfully incorporated into private estates, means that very little remains of the once extensive commons.

The one major exception is Crofting Common Grazings. While the land involved is mostly owned by private land owners, the local crofting communities have secure legal rights of occupation and use. This is as a result of the Crofting legislation of 1886 and 1891 that followed a period of riots, rent strikes, political agitation, land raids and government commissions of inquiry in the aftermath of the Highland Clearances. This was when land owners cleared whole communities off their traditional lands, so that the land owners could make more profitable use of the land for large scale commercial sheep farms and the creation of sporting estates (large hunting reserves).

Due to the unique tenure system under, which crofters hold their land, crofting areas are home to some of the highest densities of rural population anywhere in the UK. This has, to some extent, ensured that crofting common grazings still cover a substantial part of the Highlands and Islands - 541,750 hectares or around 7% of Scotland's total land area (Fig.2).

The management of common grazings is governed by regulations which are administered by local committees appointed by the grazings shareholders. There are some 853 registered grazing committees and a further 200 unregulated grazings. The main functions of these committees has until recently been to administer, manage and improve the grazings primarily for livestock production (Reid, 2002).

However due to food overproduction in Europe, livestock health concerns and changes in agricultural markets, there has in recent times been a need to examine other potential uses for common grazings – forestry, nature conservation, renewable energy installations and in a small number of situations, large scale aggregate quarrying. Up until 1991 when a Crofter Forestry Act was passed, crofters did not have a legal right to establish or manage trees or woodlands on their common grazings. More recently with the government's desire to see greater use made of renewable energy sources, common grazings have become a focus for large scale commercial wind farms and micro-hydro installations.





Paralleling these evolving new uses of common grazings, there has been some attention given to how the financial benefits of these diversification ventures should be apportioned between the land owner, grazing shareholders and the local community. Both forestry and renewable energy undertakings receive significant levels of public subsidies and are the subject of on-going public debate with regard to how much of the financial return should be allocated as community benefit (The Highland Council, 2003).

Many of the common grazings have extensive areas of peat land. New greenhouse gas emission research has revealed that peat land is almost as effective as tropical rainforests in acting as a carbon reservoir through taking the carbon from the atmosphere and storing it in the land. Such research begins to reveal the potential for common grazings and other ancient common moorlands to become involved in the growing global carbon credits trade (Guardian Weekly, 2003).

Outwith crofting areas, however, only relics survive of the various other traditional forms of common ground that used to exist (Callander, 2002). Most of these relic areas are relatively small and may only come to light when properties are changing hands, as their status as common land may have become 'forgotten' when traditional uses lapsed due to changes in the ways in which people earned a livelihood and or improvements in standards of living (for example, communal drying greens or mosses where communities used to cut peat for fuel).

Local people are themselves often confused or ignorant of the nature and extent of land over which they have rights. In some cases, they are unaware that they collectively own land and think it is held by a local landowner. In other cases their understanding is that they do own certain assets, when in fact they are merely leased or else owned by, for example, the local authority. In one recent example, the Chairman of one local community organisation recently claimed that they did not own an area of land and that it was still owned by the local aristocratic landowner. This was despite the fact that the community has had good title to the ownership of that land since 1787!

As interest grows and understanding develops about the various former types of common land, so more and more examples are coming to wider notice. For example, in the parish of Birse in North-east Scotland, Birse Community Trust has managed to revive ancient shared rights over 4000 hectares of land. This achievement involved a substantial and sustained effort in gathering local historical evidence, understanding obscure aspects of Scots Law and then negotiating with the two large private estates who "owned" the area involved and considered that the ancient rights had long since disappeared.

The success of Birse Community Trust in securing these rights, has allowed it to take over the management of the native pine forest that still survives there. This has, in turn, provided an important asset base from which the Trust has been able to develop into a successful local community enterprise. It now owns and manages other local land and buildings on behalf of the community, while also delivering an increasing wide range of social and economic services to benefit the local population.

This example shows the value that can come from community access to common property resources. However, the challenge that Birse Community Trust had to restore the rights in its case, also illustrates a wider challenge. Much of the evidence of former

commons is hard to find or held by private land owners with no interest in promoting wider awareness of them. Commons are also governed by ancient legal tracts, the interpretation of which can be obscure even for lawyers.

There is some hope, however, that this situation is improving due to the heightened awareness of land issues, easier access to legal services, improved indexing and access to historical documents and the existence of the Scottish Parliament. Broadly speaking, there are six lessons to be drawn from Scotland's experience to date with its relic pattern of common land:-

- Do not alienate or otherwise weaken existing common property resources. Ensure that any transfer or alteration in their status secures their communal basis at the same time as modernising the legal framework and governance arrangements.
- Work hard to research and understand the relevant laws and local knowledge of common resources. Document the findings and share them widely.
- Improve public awareness of the extent and status of common property rights.
- Build awareness and capacity in the academic and policy sectors on common property resources with a view to identifying and promoting new sustainable livelihood opportunities and or natural heritage benefits.
- Develop visual, map-based (preferably GIS) systems for recording, analysing and communicating commons regimes.
- Place the value of common resources within the wider context of local social, economic and environmental development with a view to retaining any benefits both existing and future within in the local economy.

However, while relic commons may prove to be important for a few communities, most communities in rural Scotland have no such legacy and are unlikely to discover one that has been forgotten. For these communities, communal ownership and or management of local resources will require other solutions.

## **4. COMMUNITY LAND OWNERSHIP**

In the history of Scotland's common land, relatively few of the areas were unrestricted common in the sense of being open for anyone to use. Common land was normally only common to the local community in that locality. Now, a new pattern of local community land has started to emerge in rural Scotland. This phenomenon can trace its roots back to earlier efforts by socially active groups and movements who also sought to find ways of owning and managing land for common benefit (Boyd, 1998).

During the last 10-15 years, an increasing number of rural communities mostly in the Highlands and Islands have become directly involved in the ownership and management of land within their locality through purchasing, leasing or some form of management arrangement. It is estimated that over 94 community land trusts control around 130,242 hectares which amounts to some 1.98 percent of rural land (Table 2). Many of the early instances of this were remote rural communities whose members were largely the

tenants of a single large private estate and who set up a collective body which bought the property on the open market, preferring to be their own landlord than have another new private landlord. In a number of celebrated cases (Assynt, Eigg and Knoydart), community purchases took place when the private land owner had gone bankrupt or run into financial difficulties and the community was able to negotiate with the main creditors or the financial receivers.

These high profile buyouts received wide newspaper coverage and raised awareness which helped other communities to understand the potential benefits of gaining access to land, property and other natural resources. Now, however, rather than just estate purchases, the pattern has become much more varied with communities buying a range of different types of local assets in cases where their sale either might pose a threat to some community interest or else where the purchase would make a positive contribution to local community development. In some instances, communities have been able to agree such purchases with the land owners without the need for the property to go on the open market (Wightman and Boyd, 2001).

To purchase properties, local communities form a democratic body with an appropriate legal structure to represent the whole community or make use of an existing one. The most popular form of legal incorporation is a company limited by guarantee. In certain circumstances where the objectives of the company meet the tax authority's test of 'public benefit' it is granted charitable status. This body then owns the property on behalf of the community and manages it for their common good. The land is thus common property, but only through the constitution of the owner rather than the form of tenure by which the land is held. This position in some ways mimics the traditional solution to common land where there was a resource that could not be readily exploited by the individuals with the common rights (for example, a mineral deposit). In those cases, they formed a body to act on their collective behalf and then shared out the returns.

Within this new movement, not all the purchases are by entire communities. In crofting areas, for example, it may only be the crofting tenants who make a purchase when there are other residents in their local community – Crofting trusts. There are also instances where the community, while initiating a purchase, may not end up with full control over the land as the control is shared with partners, usually conservation organisations or public agencies that have provided a proportion of the funding – Community partnerships.

In the new pattern, communities are just a different type of owner amongst other types of individuals and organisations that own land. This gives the community all the security and rights that go with conventional land ownership under Scots law. This includes the right to sell the land, should the community so decide at some time. However in the case where a body owning the land has charitable status there are restrictions on the way in which assets are disposed of. These properties thus give rural communities their own asset base, thereby reconnecting them to the land, usually for the first time in many centuries.

**Table 2: Summary of Rural Community Landownership<sup>6</sup>**

Types of Community Ownership	Number of Trusts	Land owned (ha)	Land leased (ha)	Land Managed by Agreement	Grand Totals (ha)
<b>Community Trusts</b>	77	43,675ha	3,427ha	15,013ha	<b>62,115ha</b>
<b>Community Partnerships</b>	4	34,236ha			<b>34,236ha</b>
<b>Crofting Trusts</b>	10	22,803ha			<b>22,803ha</b>
<b>Club Farms &amp; Sheep Stock Clubs</b>	3	50ha	11,038ha		<b>11,088ha</b>
<b>Totals</b>	<b>94</b>	<b>100,764ha</b>	<b>14,465ha</b>	<b>15,013ha</b>	<b>130,242ha</b>

Whole estate purchases by communities are still occurring, but the growing number of community purchases involves an increasingly diverse pattern of acquisitions. In some instances, it may involve a single building or a specific piece of land that might only be a hectare or less in size, but which the community considers of particular value and importance to its future for some reason.

While Scotland's original areas of common land were vital to the subsistence agriculture and rural economy of the times when such commons were still widespread, the new community purchases tend to be important to communities in the much broader terms. As part of this, while most community purchases are still a response to some threat (for example, the loss of access to a resource due to a change in its ownership), the purchase of certain resources by communities is more often becoming part of a positive local strategy for community development.

The range of properties now being acquired other than whole estates can be seen as consisting of three main types:

- **Community facilities** that are important to local community life, such as village halls, a building for a local community office or small areas of ground for purposes as diverse as a football pitch, affordable local housing or a burial ground.
- **Heritage assets** that make an important contribution to the local community's sense of identity or well-being, whether historic local buildings or land or other local areas of high amenity or natural heritage value, such as community woodlands.

<sup>6</sup> **Sources:** *Sector Review – Not-for-Profit Landowning Organisations in the Highlands and Islands of Scotland*, A. Wightman & G. Boyd, Caledonia Centre for Social Development, April 2001; *A Review of Community Woodlands in Scotland*, Reforesting Scotland, May 2003; *Scottish Land Fund Approvals up until January 2003*, Scottish Land Fund.

- **Economic resources** that meet particular local needs, such as a shop, post office, petrol station, pier and slipway, building for business start up units, or else areas of land that have the potential to generate income for the community, for example, a forestry plantation, community supported agriculture, part of a river fishery or a wind farm.

These categories are not mutually exclusive so that, for example, a community may acquire an historic local building to safeguard its future and re-develop it so that it provides both a community office and also space for start-up units to encourage local business development. Some communities have already acquired through separate purchases a number of different properties locally, both buildings and areas of land, to address different needs. In this way, such communities are building up what might be seen as a '*dispersed estate*', consisting of key properties distributed across their local area that are considered important properties for the community to control as part of ensuring sustainable local community development.

This emerging pattern is now going to be supported by new legislation passed by the Scottish Parliament. The Land Reform (Scotland) Act 2003 allows appropriately constituted, representative community bodies in rural areas (*i.e.* outwith settlements of 10,000 people or more) to register an interest in particular land or buildings. As a result, these communities will then have a legal right to buy any such registered land or buildings at an independent market value if and when the current owner of the property decides to sell it. Funding through the National Lottery has also been made available to assist rural communities with such purchases in the form of the Scottish Land Fund.

An important part of this Land Reform Act also related specifically to crofting common grazings. It enables crofting communities to buy these common grazings from the current owner by right, without having to wait for the owner to decide to sell and at a price that reflects the existing grazing and related rights of the crofters over the land. As a result, the individual crofters would become tenants of a landlord that represented the collective interests of all of them as tenants. In addition, the crofters would be able to collectively carry out a wider range of land use activities over the common grazings than previously, as they will have acquired the normal suite of rights that go with ownership.

## 5. CLOSING REMARKS

Scotland's distinctive history of land ownership, so dominated by large scale private estates, has meant that very little traditional common land has survived. Relics of the former extensive pattern of local commons that still survive in a few areas may be important for some communities. However, for nearly all communities in Scotland, traditional common lands are confined to the history books.

It is against this background that the new movement towards increased community ownership of local land and buildings is of such significance. It represents a major development in the capacity of these communities to meet local needs and influence their own futures.

## REFERENCES

- Adam, I. 1971. *Directory of Former Scottish Commonities*. Scottish Record Society, Edinburgh.
- Boyd, G. 1998 *To Restore the Land to the People and the People to the Land*, Scottish Journal of Community Work and Development, Vol. 3, Spring, Edinburgh.
- Brown, KM & Slee, B. 2002 *Salience and its implications for Common-Pool Resource management in Scotland: a tragedy of a different kind?* International Association for the Study of Common Property Conference, 17-21 June, Victoria Falls, Zimbabwe.
- Brown, KM & Slee, B. 2003. *Exploring the Relationship between common property, natural resources and rural development: the case of crofting common grazings*. Aberdeen Working Paper Series (in press).
- Callander, RF. 1987. *A Pattern of Landownership in Scotland*. Haughend Publications, Finzean.
- Callander, RF. 2000. *How Scotland is Owned*. Canongate, Edinburgh.
- Callander, RF. 2002. *The History of Common Land in Scotland*. Common Property Rights Working Paper No.1 Caledonia Centre for Social Development, Inverness.
- Clark, G. 1981. *Public Ownership of Land in Scotland*, Scottish Geographical Magazine, Vol 97, pp140-146.
- Guardian Weekly 2003. *Peat Potential – Bogs could ease climate carbon levels*, 28 August – 3 September 2003.
- HMSO, 2000. *Abolition of Feudal Tenure etc. (Scotland) Act 2000 asp 5*.
- HMSO, 2003. *Land Reform (Scotland) Act 2003 asp 2*.
- Hunter, J. 1976. *The Making of the Crofting Community*. John Donald, Edinburgh.
- Innes, C. 1872. *Lectures in Scotch Legal Antiquities*. Edmonston and Douglas, Edinburgh. p.154.
- Johnston, T. 1909. *Our Scots Noble Families*, Forward Publishing Co., Glasgow. (reprinted by Argyll Publishing, 1999).
- Johnston, T. 1920. *The History of the Working Classes in Scotland*. pp 154-181. Forward Publishing Co., Glasgow.

- Reid, D. 2002. *Crofters Common Grazings*, Common Property Rights Working Paper No2, Caledonia Centre for Social Development, Inverness.
- Sinclair, 1814. *General Report of the Agricultural State and Political Circumstances of Scotland*, Edinburgh.
- The Highland Council, 2003 *Community Benefit from Renewable Energy Projects*, Policy Paper, Chief Executive's Office,(10 April).
- Wightman, A. 1996. *Who Owns Scotland*. Canongate, Edinburgh.
- Wightman, A. 1999. *Scotland: Land and Power. The agenda for land reform*. Luath Press. Edinburgh.
- Wightman, A. & Boyd, G. 2001. *Not-for-Profit Landowning Organisations in the Highlands and Islands of Scotland*. Caledonia Centre for Social Development, Inverness.

## Internet Website References

### **Caledonia Centre for Social Development**

The centre runs two sites with relevant materials – briefing papers, case studies and organisational profiles – on common property resources and community ownership. The majority of the materials are Scotland specific but there are a number of documents that relate to community ownership in the rest of the UK, Canada, the United States and South Africa.

[www.caledonia.org.uk/commonweal](http://www.caledonia.org.uk/commonweal)

[www.caledonia.org.uk/socialland](http://www.caledonia.org.uk/socialland)

### **Who Owns Scotland**

This site documents rural landownership in Scotland and has a section which provides information and maps on non-profit landowners.

[www.whoownsscotland.org.uk/nfp/index](http://www.whoownsscotland.org.uk/nfp/index)

### **International Institute for Environment and Development**

The Institute's website provides a wide range of research papers, case studies and reports on natural resources, land and common property rights primarily in Sub-Saharan Africa.

[www.iied.org](http://www.iied.org)

### **The Land Trust Alliance and The Trust for Public Land**

These are two apex organisations which support the local and regional land trust movements in the US. The land trust movement in the US began in 1891 and has grown to over 1,200 non-profits which protect more than 6.2 million acres of green space and open land across America.

[www.lta.org](http://www.lta.org)

[www.tpl.org](http://www.tpl.org)

### **Cooperative Land Ownership & Use**

A series of Canadian web pages introducing: cooperative ownership of land; legal systems for community land cooperatives and case study examples.

<http://web.uvic.ca/bcics/research/index.htm>

### **International Association for the Study of Common Property**

This is a global association of scholars and researchers with an interest in all forms of common property both traditional and "new" commons. It has a *Digital Library of the Commons* from which documents can be downloaded.

[www.indiana.edu/~iascp](http://www.indiana.edu/~iascp)



The contaminated land regime, commonly referred to as Part IIA, provides a risk-based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. Regulations were made and statutory guidance issued in Scotland in 2000; these were amended in 2005 and 2006 respectively following the introduction of the Water Environment and Water Services (Scotland) Act 2003. Section 2 of this report provides an overview of Part IIA. Table 1 lists some substances frequently associated with the most common historic industries in Scotland. Table 1: Common historic industries and frequently associated contaminants\*. Industry Steel making and rolling.