



Land Reform (Scotland) Bill

Bill Number:	SP Bill 76
Introduced on:	22 June 2015
Introduced by:	Richard Lochhead MSP (Government Bill)
Passed:	16 March 2016
Royal Assent:	22 March 2016

Passage of the Bill

The [Land Reform \(Scotland\) Bill](#) was introduced in the Scottish Parliament on 22 June 2015. The Rural Affairs, Climate Change and Environment (RACCE) Committee, as lead committee, began taking Stage 1 evidence on the general principles of the Bill on 2 September 2015. The Stage 1 debate took place on 16 December 2015 and the Bill was passed following the Stage 3 parliamentary debate on 16 March 2016.

Purpose and objectives of the Bill

The aim of the Bill was to:

- ensure the development of an effective system of land governance and on-going commitment to land reform in Scotland;
- address barriers to furthering sustainable development in relation to land and improve the transparency and accountability of land ownership; and
- demonstrate commitment to effectively manage land and rights in land for the common good, through modernising and improving specific aspects of land ownership and rights over land.

Provisions of the Bill

The Bill was presented in ten parts and one schedule as follows—

Part 1 would require the Scottish Government to prepare a land rights and responsibilities statement and publish it within 12 months; Ministers must review this, and subsequent statements within five years.

Part 2 provides for the creation of a Scottish Land Commission whose functions include reviewing the impacts and effectiveness of land law or policy; as well as to gather evidence and conduct research. The Land Commission will consist of a total of 6 members – 5 Land Commissioners and a Tenant Farming Commissioner.

Part 3 provides for a right of access to information about persons in control of land for interested parties.

Part 4 will require Ministers to issue guidance about engaging communities in decisions relating to land which may affect communities.

Part 5 would create a right to buy land to further sustainable development for eligible Community Bodies (or a nominated third party purchaser).

Part 6 reintroduces “sporting rates” by ending business rate exemptions for shootings and deer forests by including them on the valuation roll so that they are identified and valued by the Assessors.

Part 7 would amend the Local Government (Scotland) Act 1973 so that local authorities can change the use of inalienable common good land with court approval, without the need to pass a private bill in the Scottish Parliament.

Part 8 seeks to make a number of amendments to the Deer (Scotland) Act 1996, the main one being to create a new power for SNH to require landowners and occupiers to prepare deer management plans.

Part 9 would make minor technical amendments to the Land Reform (Scotland) Act 2003 in relation to reviewing and amending core paths plans, and judicial determination of the existence and extent of access rights and rights of way.

Part 10 will make substantial amendments to both the Agricultural Holdings (Scotland) Act 1991, and the Agricultural Holdings (Scotland) Act 2003. These are: the creation of a modern limited duration tenancy; the removal of the requirement for a tenant to register their interest in purchasing their holding under existing right to buy provisions; enabling a tenant to apply to the Scottish Land Court to order the sale of their holding where the landlord persistently fails to meet their obligations; changing the process of rent reviews for farm tenancies; extending the classes of people to whom a tenant farmer can assign or bequeath their tenancy; providing for an amnesty period whereby certain tenants can serve a notice on their landlord detailing improvements that have been made that they would like compensation for on departure; and providing a right for tenants to object to certain improvements proposed by the landlord if they are considered unnecessary.

Parliamentary consideration

Stage 1: Stage 1 scrutiny of the Bill was undertaken by the RACCE Committee. The Committee took a wide variety of evidence. This included fact-finding visits to visits to Orkney, Skye, Islay, Jura, Fife, and the Scottish Borders. It also included extensive written and oral evidence, including at two meetings held outside Edinburgh, on Skye and in Dumfries.

In the Stage 1 report, the Committee supported many of the proposals and the general principles of the Bill. It made a several recommendations for strengthening the Bill in a number of areas, the main one being to improve transparency about who owns, controls and benefits from land. The Committee also expressed concerns over a lack of supporting information on the reintroduction of sporting rates, and called on the Government to explain more effectively why engagement between landowners, land managers and communities is demanded by the Bill.

Following the Stage 1 debate, the general principles of the Bill were agreed to with 100 votes in favour and 15 against.

Stage 2: The RACCE Committee considered the Bill at four meetings in January and February 2016, where the Committee considered over 300 amendments.

Significant amendments at this stage include a change in approach to Part 3 – Information About the Control of Land, where the Government is expected to bring forward broad regulation making powers at Stage 3 which will provide for the creation of a public register which requires the disclosure of information about persons who control land. A significant change was also made to Part 10 of the Bill in relation to farm tenancies. As introduced, the Bill provided a regulation making power for Scottish Ministers to allow 1991 Act tenancies to be converted into the new form of Minimum Limited Duration Tenancy, also created by Part 10. Government amendments passed during Stage 2 would now allow a 1991 Act tenant to sell or assign their tenancy to an individual who is either a “new entrant” or “progressing in farming”¹ having first given the landlord the opportunity to buy the lease back at a price fixed by an independent valuation. The tenancy would remain a 1991 Act tenancy, with the same rights e.g. of security of tenure.

Stage 3: The Bill was considered at Stage 3 on 16 March 2016.

The main amendments agreed to at Stage 3 were a package of Government amendments to Part 3 of the Bill on access to information about land. The regulation-making powers will enable Scottish Ministers to make provision requiring the disclosure of information about persons who have a controlling interest in landowners or tenants and for the publication of that information in a public register to be kept by the Keeper of the Registers of Scotland.

¹ These terms would be defined in subordinate legislation

After debate, the motion that the Bill be passed was agreed to by 102 votes to 14.

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