Written submission from Gill Steele

PART 1 LAND RIGHTS AND RESPONSIBILITIES STATEMENT

The statement should be a high level statement of principles governing land rights and responsibilities and incorporating international norms, not what is currently proposed. It should clearly define land governance, policy and land reform and is an opportunity for Scotland to endorse international agreements and adopt them in Scottish law.

It is vital that the Parliament should be given the opportunity of debating and endorsing or adopting the statement. This would widen the democratic engagement with the principles, build cross-party support for them and embed them more firmly in public policy. The Bill provides no requirement that the Statement should be endorsed by Parliament. It should.

PART 2 THE SCOTTISH LAND COMMISSION

I think that the Commission should be given the explicit statutory responsibility to formulate and draft a National Land Policy taking account of international obligations and best practice.

There have been moves to suggest that the commission should have some people with practical land management skills. I am deeply unhappy with this I think that, “land management” is often used as a code for representing the interests of the landed class, which as a vested interest, it would not be appropriate to have represented. Even where it could be used literally, there is such a wide range of land management expertise from forestry to commercial property, from fisheries to housing, transport, recreation and water management. It would be impossible for all land management expertise to be reflected.

The Commission a body charged with keeping under review laws and policies relating to land. This demands expertise in public policy in relation to land covering topics as wide as common good law, compulsory purchase, land registration, nature conservation etc. The Commission will no doubt engage with a wide range of interested parties (including land management interests) in undertaking its statutory functions but it is a body principally concerned with the law and public policy and requires well developed skills in those areas.

PART 3 INFORMATION ABOUT CONTROL OF LAND

In the December Consultation, the Scottish Government proposed that it should be incompetent in law for anyone wishing to own land in Scotland via a corporate entity (most typically a company) to do so via any such entity that was not registered in an EU member state. In other words, should anyone acquire land and seek to register their title in the Land Register in the name of a Bahamas company or a company in Grand Cayman, the Keeper of the Registers of Scotland would be legally bound to reject it. The person concerned would be required to resubmit the application in the name of a company that was registered in an EU member state. I strongly endorsed this stance.
I am deeply unhappy that this proposal has been dropped from the Bill. The explanation given is thoroughly unconvincing. By abandoning the proposal, Scottish Ministers are now proposing measures far less radical than those being promoted by the UK Government. This was not the case in December 2014.

PART 4 ENGAGING COMMUNITIES IN DECISIONS RELATING TO LAND

This proposal is welcome, but the measure is very much at the voluntary end of the scale of intervention

PART 5 RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

This part of the Bill represents a significant new power of intervention in the land market and I welcome it.

PART 6 ENTRY IN VALUATION ROLL OF SHOOTINGS AND DEER FORESTS

The re-establishment of a local tax liability on land devoted to shooting and deer forests ends the indefensible abolition of this element of non-domestic rating.

It is wrong that as things currently stand the village shop, pub and garage are subject to rating, deer forests and shooting pay nothing.

I would support as an alternative approach to take estates as a whole, assess the rental value of the land and levy rates at the same rate (47p) as all other non-domestic subjects. Such an approach would be simpler and more equitable. It would also (since the abolition of rates has been capitalised into land values) reduce the price of land, which would make it more available to a wider range of people.

PART 7 COMMON GOOD LAND

This is a welcome reform that remedies the illogical position that a Council can potentially obtain court approval to sell inalienable land but has no powers at all to do something less drastic in the form of appropriating for another use.

The wider question of reform in the law governing the status, ownership and management of Scotland’s oldest form of community ownership of land remains unresolved. The Community Empowerment (Scotland) Act 2015 provides for a statutory register of common good land and consultation with communities over plans to sell but the underpinning legal framework remains archaic and complex. A fundamental review of this legal framework is still urgently needed as a growing number of cases across Scotland demonstrate.