



The Scottish Parliament  
Pàrlamaid na h-Alba

## **RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE**

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Dear Trudi

### **Land Reform (Scotland) Bill**

Thank you for attending the Rural Affairs, Climate Change and Environment Committee on Wednesday 2 September to give evidence on the Land Reform (Scotland) Bill. As we mentioned to you and your colleagues at that meeting, unfortunately the time available did not allow the members of the Committee to ask all of the questions we intended to ask, so I have attached them in the Annexe to this letter, along with a note of the items which you said you would provide the Committee with further information on during the meeting.

I would be grateful for a response from you to all of the points listed in the Annexe by **Thursday 10 September** so that we can reflect on the response before our evidence session on Part 10 of the Bill on Wednesday 16 September 2015.

Yours sincerely

Rob Gibson MSP  
Convener

**List of additional/follow-up questions/issues for Scottish Government officials**

1. A list of clarifications on the Bill which have been sought and provided to stakeholders since the introduction of the Bill;
2. Clarification of why the proposal in the consultation to make it incompetent for non-EU registered entities to register title to land in Scotland is not in the Bill and any analysis that the Scottish Government conducted in this area;
3. How much land the Scottish Government understands is held in tax havens, and whether it accepts the figure of 750,000 acres as reported by Private Eye magazine  
([http://www.andywrightman.com/docs/privateeye\\_1395\\_26Jun2015.jpg](http://www.andywrightman.com/docs/privateeye_1395_26Jun2015.jpg));
4. Why has the Scottish Government chosen to include the particular provision relating to Common Good in the Bill rather than either those included in the consultation or any other changes that are thought to be needed to modernise Common Good legislation;
5. Send the Committee a commentary on the human rights aspects of each Chapter of Part 10 of the Bill, highlighting possible triggers of specific articles and provisions of the ECHR;
6. Send the Committee a map showing the locations of any small holdings across Scotland;
7. A list of all the possible agricultural tenancy arrangements that are (or will be if the Bill becomes law) available with a note as to how they differ from each other;
8. Provide a breakdown of the numbers of each tenancy type, and commentary on changes in number of each type in recent years (and in particular whether such changes are a reflection of actual changes or result from the Scottish Government having improved information as a result of the surveys and research it has commissioned);
9. Information setting out the Scottish Government's reasoning and evidence base for introducing rents based on the productive capacity of a holding together with information on modelling for the use of this basis for farms of different types, along with any evidence from study of the rent system used in England;
10. Confirmation of the Scottish Government's view on whether a landlord would be able to take on an assigned lease for value and whether the Bill would allow this to happen;
11. Why the provisions in Section 36 only allow the Keeper to "request" information; can land owned by "beneficial interests" be identified; what action can be taken if there is a refusal to cooperate?

12. Why there is no requirement in S47(3) to offer market value for the land, or to engage more constructively with the landowner in the first instance?
13. How the process set out in S47(3) will work in practice; in particular, is it sufficient for a CB simply to have identified and written to the owner without registering an interest in the land under existing community right to buy provisions?
14. Whether the Part 3 provisions relating to access to information on persons in control of land are sufficient to ensure that the landowner can be identified for the purposes of this right to buy; is it possible that the landowner might still be able to hide behind a trust or shell companies and not be identified?
15. Overall, how the tests set out in S47(2) & (3) will operate in practice to ensure that a fair balance is struck between the rights of the landowner and the general public interest in furthering sustainable development?
16. How the Government arrived at a figure of £40,000 for the maximum penalty for non-compliance with a deer control scheme.
17. Re the sale where a landlord is in breach in Part 10, what consideration has been given to parity between landlord and tenant, in the light of evidence to the Committee that forced sale is not reciprocal to the landlord's right to obtain a certificate of bad husbandry which results in removal of tenant.
18. To provide an update on the agricultural holdings rent-review modelling work that has been carried out on since the Bill was introduced.
19. What consideration has been given to other possible changes to the process for waygo, such as agreeing the value of tenants' improvements before the tenant gave a notice to quit?
20. What consideration was given to equipping the TFC with stronger powers, and whether they considered having more than one Tenant Farming Commissioner?