

Land Reform (Scotland) Bill — Stage 3

After section 4

Ariane Burgess

15 After section 4, insert—

<Public interest test in relation to buyer of large land holding

- (1) The Land Reform (Scotland) Act 2003 is modified as follows.
- (2) After Part 2 insert—

“PART 2B

APPLYING A PUBLIC INTEREST TEST TO A PROPOSED NEW BUYER IN RELATION TO TRANSFERS OF LARGE LAND HOLDINGS

67Z Ministers to consider public interest considerations in relation to buyers of large land holdings

- (1) A purported transfer of land by the owner, or a creditor in a standard security having a right to sell the land, is of no effect if the Scottish Ministers consider that the purported transfer would not be in the public interest and—
 - (a) section 67G applies to the land, or
 - (b) a lotting decision under section 67N applies to the land.
- (2) In considering whether the purported transfer would be in the public interest, the Scottish Ministers must have regard to the identity and management proposals of the person to whom the land is proposed to be transferred, including—
 - (a) the extent and location of any other land in Scotland for which the person holds a controlling interest,
 - (b) where the person is resident for tax purposes,
 - (c) any plans or proposals the person has for—
 - (i) the future management of the land,
 - (ii) meeting any obligations imposed by regulations under section 44A, and
 - (d) any agreements the person has proposed or entered into in relation to the future sale of the land (in whole or in part).
- (3) The Scottish Ministers must conclude that the purported transfer is not in the public interest if—
 - (a) the person to whom the land is proposed to be transferred holds a controlling interest in land in Scotland that exceeds 500 hectares in area, and
 - (b) the Scottish Ministers do not consider that the purported transfer would be likely to—
 - (i) have an environmental benefit, or
 - (ii) make a community more sustainable than would be the case if the land was not transferred.

- (4) The Scottish Ministers must—
 - (a) prepare guidance on how the matters referred to in subsection (2) will be considered in exercising the duty under subsection (1), and
 - (b) publish and lay the guidance before the Scottish Parliament.
- (5) The Scottish Ministers may delegate the duty under subsection (4)(a) to the Scottish Land Commission.”.>