

## Land Reform (Scotland) Bill — Stage 3

### Section 1

#### Edward Mountain

- 16 In section 1, page 2, line 2, at end insert—
- <(4A) In making regulations under this section, the Scottish Ministers must ensure the obligations imposed are proportionate with reference to—
- (a) the size of the land holding,
  - (b) the number of communities involved,
  - (c) the size of the communities involved,
  - (d) any other factor the Scottish Ministers consider to be relevant.>

#### Edward Mountain

- 17 In section 1, page 2, line 17, leave out <5> and insert <10>

#### Edward Mountain

- 18 In section 1, page 2, line 18, at end insert—
- <(1A) Regulations under section 44A must require the owner and the persons mentioned in subsection (1)(ba) to, so far as is reasonably practicable, work together in relation to the development of, and significant changes to, the plan.>

#### Edward Mountain

- 19 In section 1, page 2, leave out lines 39 and 40

#### Edward Mountain

- 20 In section 1, page 3, leave out lines 1 and 2

#### Edward Mountain

- 21 In section 1, page 3, leave out line 8

#### Edward Mountain

- 22 In section 1, page 3, line 22, at end insert—
- <44BZA Duty to establish database for land management plans**
- (1) The Scottish Ministers must establish an online database for the publication of land management plans as required by under regulations under section 44A.
  - (2) The Scottish Ministers may, by regulations, make further provision about the establishment of an online database under this section.>

**Edward Mountain**

- 23 In section 1, page 4, line 14, leave out <1,000> and insert <2,000>

**Mercedes Villalba**

- 24 In section 1, page 4, line 16 leave out <a contiguous area of> and insert <the>

**Mercedes Villalba**

- 25 In section 1, page 4, leave out lines 21 and 22

**Mercedes Villalba**

- 26 In section 1, page 4, line 25, leave out <with which holding A is contiguous>

**Mercedes Villalba**

- 27 In section 1, page 4, leave out lines 28 to 37

**Edward Mountain**

- 28 In section 1, page 6, line 23, after <must> insert <only>

**Edward Mountain**

- 29 In section 1, page 6, line 31, leave out <from the same person>

**Edward Mountain**

- 30 In section 1, page 6, line 31, after <person> insert <, and  
(c) that the report has been submitted by a person permitted to do so under section 44E(2)>

**Edward Mountain**

- 31 In section 1, page 6, line 36, after <specify> insert <(but which must not exceed 28 days)>

**Edward Mountain**

- 32 In section 1, page 6, line 36, at end insert—  
<(2A) The Commissioner must decline to investigate a report of an alleged breach by giving notice in writing to the person that submitted the report where the conditions in subsection (1) are not met.>

**Edward Mountain**

- 33 In section 1, page 6, line 39, after <(1)(b)> insert <or (1)(c)>

**Edward Mountain**

- 34 In section 1, page 7, line 14, at beginning insert <no later than 28 days after the day on which the Commissioner has decided to investigate the alleged breach,>

**Edward Mountain**

- 35 In section 1, page 7, line 17, after <Commissioner> insert <(but which must not exceed a period of 6 weeks)>

**Edward Mountain**

- 36 In section 1, page 7, line 31, at beginning insert <no later than 28 days after the day on which the Commissioner has decided to investigate the alleged breach,>

**Edward Mountain**

- 37 In section 1, page 8, line 26, leave out <£40,000> and insert <£20,000>

**Edward Mountain**

- 38 In section 1, page 9, line 32, after second <must> insert <be reasonable in all the circumstances and>

**Edward Mountain**

- 39 In section 1, page 12, line 17 after <section> insert <—
- (a) lay a copy of the draft regulations before the Scottish Parliament for a period of 90 days, of which no fewer than 30 days must be days which the Scottish Parliament is not dissolved or in recess,
  - (b) seek the views of a committee of the Scottish Parliament whose remit includes matters relating to land reform for the time being appointed by virtue of the standing orders, and
  - (c)>

**Edward Mountain**

- 40 In section 1, page 12, line 19, at end insert—
- <(baa) section 44BZA, >

**Section 2**

**Edward Mountain**

- 41 In section 2, page 14, line 32, leave out <Having received> and insert <As soon as reasonably practicable and not more than 14 days after receiving>

**Edward Mountain**

- 42 In section 2, page 15, line 26, at end insert—
- <(3) Ministers must give notice under subsection (1) or, as the case may be, section 46F(2)(a), within the period of 28 days beginning with the day on which the period specified in subsection (1) expires.>

**Edward Mountain**

43 In section 2, page 17, line 18, at end insert—

<(1A) Ministers must disapply the prohibition under section 46B(1), or a prohibition imposed under section 46F(1), in relation to any area of land if they are satisfied that it would not be in the public interest to continue to apply the prohibition.>

**Edward Mountain**

44 In section 2, page 17, line 20 after <(1)> insert <or (1A)>

**Edward Mountain**

45 In section 2, page 17, line 24, after <(1)> insert <or (1A)>

**Edward Mountain**

46 In section 2, page 18, line 9, leave out <1,000> and insert <2,000>

**Mercedes Villalba**

47 In section 2, page 18, line 11, leave out <a contiguous area of> and insert <the>

**Mercedes Villalba**

48 In section 2, page 18, leave out lines 16 and 17

**Mercedes Villalba**

49 In section 2, page 18, line 20, leave out <with which holding A is contiguous>

**Mercedes Villalba**

50 In section 2, page 18, leave out lines 23 to 32

**Edward Mountain**

51 In section 2, page 19, line 32, after <section> insert <—

- (a) lay a copy of the draft regulations before the Scottish Parliament for a period of 90 days, of which no fewer than 30 days must be days which the Scottish Parliament is not dissolved or in recess,
- (b) seek the views of a committee of the Scottish Parliament whose remit includes matters relating to land reform for the time being appointed by virtue of the standing orders, and
- (c)>

**Section 4**

**Mercedes Villalba**

52 In section 4, page 22, line 23, after <(2)> insert <, (2A)>

**Mercedes Villalba**

- 53 In section 4, page 22, line 24 at end insert—
- <(2A) This subsection applies to land if—
- (a) it exceeds 500 hectares in area, and
  - (b) it forms part of a large holding of land.>

**Mercedes Villalba**

- 54 In section 4, page 23, line 2, leave out <67G(3)> and insert <67G(2A) and (3)>

**Mercedes Villalba**

- 55 In section 4, page 23, line 7, leave out <a contiguous area of> and insert <the>

**Mercedes Villalba**

- 56 In section 4, page 23, leave out lines 12 and 13

**Mercedes Villalba**

- 57 In section 4, page 23, line 16, leave out <with which holding A is contiguous>

**Mercedes Villalba**

- 58 In section 4, page 23, leave out lines 19 to 28

**Edward Mountain**

- 59 In section 4, page 24, line 28, at end insert—
- <(3) When making a valid application under this section, the applicant may include a plan setting out proposed lots in which the land could be transferred.>

**Edward Mountain**

- 60 In section 4, page 25, line 12, leave out <may> and insert <must>

**Edward Mountain**

- 61 In section 4, page 25, line 33, after <would> insert <—
- ( )>

**Edward Mountain**

- 62 In section 4, page 26, line 2, at end insert—
- <(2A) In specifying lots under subsection (2)(a), Ministers must have regard to any plan submitted under section 67K(3).>

**Edward Mountain**

- 63 In section 4, page 26, line 14, leave out <6> and insert <3>

**Edward Mountain**

- 64 In section 4, page 26, leave out lines 16 and 17

**Rhoda Grant**

- 65 In section 4, page 26, line 40, at end insert—

<(ab) how Ministers will take land being occupied as a croft or a tenancy for agricultural or cultivational purposes into consideration in making a lotting decision,>

**Edward Mountain**

- 66 In section 4, page 27, line 34, at end insert—

<(4) When making a valid application under this section, the applicant may include a plan setting out proposed lots in which the land could be transferred.>

**Edward Mountain**

- 67 In section 4, page 28, line 25, leave out <appears to them to be> and insert <is>

**Edward Mountain**

- 68 In section 4, page 28, line 26, after <independent> insert <, has knowledge of the land market in the local area,>

**Edward Mountain**

- 69 In section 4, page 28, line 26, leave out <to have> and insert <has>

**Edward Mountain**

- 70 In section 4, page 28, line 27, at end insert—

<(7A) Ministers may not make a lotting decision under this section without having regard to any plan submitted under section 67P(4).>

**Edward Mountain**

- 71 In section 4, page 28, line 34, leave out <may> and insert <must>

**Edward Mountain**

- 72 In section 4, page 28, line 35, leave out <only>

**Edward Mountain**

- 73 In section 4, page 30, line 11, at end insert—

<(2A) In determining what is unreasonable for the purposes of subsection (2)(c), the Court must have regard to all circumstances, including whether any lotting plan submitted by the appellant in connection with an application under 67K(2) would have provided a reasonable alternative to the lotting decision made by Ministers.>

### **Edward Mountain**

74 In section 4, page 30, line 16, at end insert—

- <(aa) if a plan setting out proposed lots has been included in an application in accordance with section 67K(3) or section 67P(4), replace the lotting decision with a decision that the land be transferred in those lots,>

### **Edward Mountain**

75 In section 4, page 31, line 26, after <section> insert <—

- (a) lay a copy of the draft regulations before the Scottish Parliament for a period of 90 days, of which no fewer than 30 days must be days which the Scottish Parliament is not dissolved or in recess,
- (b) seek the views of a committee of the Scottish Parliament whose remit includes matters relating to land reform for the time being appointed by virtue of the standing orders, and
- (c)>

### **After section 4**

### **Mercedes Villalba**

76 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—

5

#### **“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**

- 10 (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.
- 15 (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 they hold a controlling interest,
  - 20 (b) any plans or proposals they have for—
    - (i) the future management of the land,

(ii) meeting any obligations imposed by regulations under section 44A,  
and

25

(c) any agreements they have proposed or entered into in relation to the future  
sale of the land (in whole or in part).

(3) 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.

30

(4) The Scottish Ministers may delegate duties under subsection (3)(a) to the Scottish  
Land Commission.”>

### **Mercedes Villalba**

**76A** As an amendment to amendment 76, line 25, insert—

<( ) 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,

(ii) make a community more sustainable than would be the case if the land was  
not transferred,

(iii) otherwise promote the public interest.>

## **Section 5**

### **Edward Mountain**

**77** In section 5, page 31, line 31, after <insert> insert <“67N(3A)(b)>

## **Section 6**

### **Edward Mountain**

**78** In section 6, page 32, line 33, after <applies.> insert—

<(2B) A person may not be appointed as the Land and Communities Commissioner if that  
person is or, within the two years preceding the date on which the appointment is to  
take effect, has been a tenant or occupier of one or more agricultural holdings together  
exceeding 1,000 hectares in area.>

### **Edward Mountain**

**79** In section 6, page 32, line 33, after <applies.> insert—

<(2B) A person may not be appointed as the Land and Communities Commissioner if that  
person is or, within the two years preceding the date on which the appointment is to

take effect, has been a crofter whose croft or crofts (including apportionments of common grazings), as defined by section 3 of the Crofters (Scotland) Act 1993, together exceeds 1,000 hectares in area.>

**Edward Mountain**

**80** In section 6, page 32, line 33, after <applies.> insert <—

<(2B) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the two years preceding the date on which the appointment is to take effect, has been a Scottish Minister.>

**Edward Mountain**

**81** In section 6, page 32, line 33, after <applies.> insert—

<(2B) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the two years preceding the date on which the appointment is to take effect, has been a board member of Scottish Land & Estates Limited (registered company number SC257726).>

**Edward Mountain**

**82** In section 6, page 32, line 33, after <applies.> insert—

<(2B) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the two years preceding the date on which the appointment is to take effect, has been a board member of Community Land Scotland (registered company number SC385572 and registered Scottish charity number SC041864).>

**Edward Mountain**

**83** In section 6, page 32, line 33, after <applies.> insert—

<(2B) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the two years preceding the date on which the appointment is to take effect, has been a board member of Scottish Natural Heritage.>

**Edward Mountain**

**84** In section 6, page 32, line 33, after <applies.> insert <—

<(2B) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the two years preceding the date on which the appointment is to take effect, has been a special adviser, as defined by section 15 of the Constitutional Reform and Governance Act 2010.>

**Edward Mountain**

**85** In section 6, page 32, line 33, after <applies.> insert—

<(2B) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the two years preceding the date on which the appointment is to take effect, has been a member of the Crofting Commission appointed under paragraph 3 of schedule 1 of the Crofters (Scotland) Act 1993.>

**Edward Mountain**

- 86 In section 6, page 32, line 33, after <applies.> insert <—
- <(2B) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the two years preceding the date on which the appointment is to take effect, has been a member of, or has held a senior position in, a non-departmental public body.>

**Edward Mountain**

- 87 In section 6, page 32, line 33, after <applies.> insert—
- <(2B) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the two years preceding the date on which the appointment is to take effect, has been a member of the Scottish Crofting Federation (registered Scottish Charity number SC031919).>

**Edward Mountain**

- 88 In section 6, page 33, leave out lines 27 and 28

**After section 6**

**Martin Whitfield**

- 89 After section 6, insert—
- <Review of Part**
- (1) The Land Commissioners must, in pursuance of their function under section 22(1)(a) of the Land Reform (Scotland) Act 2016, review the impact and effectiveness of this Part.
  - (2) The review must be completed no later than 5 years after the day on which this section comes into force.
  - (3) As soon as reasonably practicable after completing the review, the Land Commissioners must—
    - (a) prepare a report of the review’s findings,
    - (b) lay a copy of the report before the Scottish Parliament, and
    - (c) make the report publicly available.
  - (4) Within 1 year of a report being laid before the Parliament in accordance with subsection (3)(b), the Scottish Ministers must—
    - (a) prepare a response to the report which includes—
      - (i) a statement of any action the Scottish Ministers intend to take as a result of the review’s findings, and
      - (ii) where the Scottish Ministers do not intend to take any action, a statement of their reasons for that,
    - (b) lay a copy of the response before the Parliament, and
    - (c) make the response publicly available.>

## **Before section 10**

### **Edward Mountain**

- 90 Before section 10, insert—

*<Application of chapter to existing tenancies*

### **Application of chapter to existing tenancies**

The modifications made by this Chapter have no effect where, in respect of a tenancy of an agricultural holding, the lease is entered into before the day of Royal Assent.>

## **Section 10A**

### **Edward Mountain**

- 91 Leave out section 10A

## **Section 10B**

### **Edward Mountain**

- 92 Leave out section 10B

## **Section 10C**

### **Edward Mountain**

- 93 Leave out section 10C

## **Section 10D**

### **Edward Mountain**

- 94 Leave out section 10D

## **Section 11**

### **Edward Mountain**

- 95 Leave out section 11

## **Section 12**

### **Edward Mountain**

- 96 In section 12, page 50, line 20, leave out <appears to the landlord to meet the requirements to be a valuer mentioned in paragraph 1(4) of schedule 2> and insert <is qualified to determine the open market value as defined by the Royal Institute of Chartered Surveyors>

**Edward Mountain**

97 Leave out section 12

**Section 13**

**Edward Mountain**

98 Leave out section 13

**Section 14**

**Edward Mountain**

99 In section 14, page 61, line 36, leave out <may> and insert <must>

**Edward Mountain**

100 Leave out section 14

**Section 15**

**Edward Mountain**

101 Leave out section 15

**Section 16**

**Edward Mountain**

102 Leave out section 16

**Section 17**

**Edward Mountain**

103 Leave out section 17

**Section 18**

**Edward Mountain**

104 Leave out section 18

**Section 20**

**Edward Mountain**

105 In section 20, page 67, leave out line 25

### **Section 23**

#### **Edward Mountain**

**106** Leave out section 23

### **Section 24**

#### **Edward Mountain**

**107** Leave out section 24

### **Section 25**

#### **Edward Mountain**

**108** Leave out section 25

### **Section 27A**

#### **Edward Mountain**

**109** Leave out section 27A

### **Section 27B**

#### **Edward Mountain**

**110** Leave out section 27B

### **Section 27C**

#### **Edward Mountain**

**111** Leave out section 27C

### **Section 27D**

#### **Edward Mountain**

**112** Leave out section 27D

### **Section 29**

#### **Edward Mountain**

**113** In section 29, page 84, line 33, after <procedure:> insert <section 28, and>

#### **Edward Mountain**

**114** In section 29, page 85, line 1, leave out subsection (4)