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Graeme Dey MSP  
Convener  
Environment, Climate Change and Land Reform  
Committee  
Scottish Parliament  
Edinburgh

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Dear Graeme,

### **Land Reform – Implementation**

Further to my letter of 23 June, I am writing to update you on progress in implementing land reform measures and to advise you of some necessary revisions to our timetable to establish a Register of Controlling Interests and bring in the Right to Buy Abandoned, Neglected or Detrimental Land.

### **Progress**

We have continued to make good progress implementing land reform policy measures. On 28 September, as the Committee will be aware, we published and laid in the Parliament the Scottish Land Rights and Responsibilities Statement, and the Scottish Land Commission published and laid in the Parliament its first Strategic Plan and published its Work Programme on 28 September.

We have laid two SSIs in the Parliament to enable the Commission to appoint the Auditor General for Scotland to conduct their external audit and to ensure that future appointments to the Commission will be regulated by the Commissioner for Ethical Standards in Public Life.

We have completed a consultation on draft Guidance for Engaging Communities in Decisions Relating to Land and will publish the factual analysis of the responses shortly. We intend publishing the final Guidance early in 2018.

### **Register of Controlling Interests**

Work to establish a Register of Controlling Interests is continuing and we published the factual analysis of responses to our consultation on 28 June 2017.

My officials have continued to liaise with their UK Government counterparts in relation to their related proposals to establish a register of the beneficial ownership of overseas entities who own land in the UK. When I last wrote to the Committee, I emphasised the importance

of taking account of these proposals in developing our Register in order to avoid imposing requirements on companies and other legal entities that could result in double reporting.

I committed to provide the Committee with an update once more detail of the scope and detail of the UK Government's proposals was known. Unfortunately, the UK Government are not yet in a position to confirm when they will bring their legislative proposals forward.

I have decided, therefore, that we will develop and bring forward draft regulations that can stand alone should the UK Government not bring forward their legislative proposals in this area dealing with overseas entities. The procedure for making our regulations provides that we must lay in the Parliament proposed draft regulations before laying the final regulations. Should the UK Government bring forward their proposals before our final laying, we will be able to amend our draft regulations at that stage should it be desirable.

Developing this alternative approach has impacted our timetable for bringing forward the draft regulations, which we now intend to lay in Spring 2018. This, of course, is subject to the proviso I have discussed with the Committee about the considerable uncertainty, and impact on resources, caused by the work to assess the implications of Brexit. My officials will continue to liaise with the Committee Clerks to assist in the scheduling of scrutiny of our proposals.

### **Right to Buy Abandoned, Neglected or Detrimental Land**

We have continued to develop the regulations necessary to establish the Right to Buy Abandoned, Neglected or Detrimental Land (Part 3A of the Land Reform (Scotland) Act 2003).

This remains a challenging and technical area of policy, the implementation of which has been, as I raised with you in June, vulnerable to pressures on resources. As a result, the proposed timeline for laying the regulations has had to be amended. It is now our intention to lay all the required regulations in the Parliament before the close of this Parliamentary year.

That work will be preceded by a programme of stakeholder engagement planned for the coming months, to inform the content and form of the regulations.

It remains our intention to give this right to buy time to settle in before we bring forward regulations establishing the Right to Buy Land to Further Sustainable Development.

I look forward to continuing to engage with the Committee on the implementation of our land reform agenda, and I will keep the Committee informed on further progress.

Yours,



**Roseanna Cunningham**