ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

AGENDA

27th Meeting, 2018 (Session 5)

Tuesday 2 October 2018

The Committee will meet at 9.30 am in the Robert Burns Room (CR1).

1. **Decision on taking business in private:** The Committee will decide whether to take items 3, 4 and 5 in private.

2. **Subordinate legislation:** The Committee will take evidence on the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) (Scotland) Regulations 2021 [draft] from—

   Jennifer Henderson, Keeper of the Registers of Scotland.

3. **Subordinate legislation:** The Committee will consider evidence heard earlier in the meeting on the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) (Scotland) Regulations 2021 [draft].

4. **Work programme:** The Committee will consider its work programme.

5. **Pre-Budget Scrutiny:** The Committee will consider a draft report on its Pre-Budget Scrutiny.

Lynn Tullis

Clerk to the Environment, Climate Change and Land Reform Committee

Room T3.40

The Scottish Parliament

Edinburgh

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The papers for this meeting are as follows—

**Agenda item 2**

Register of Persons Holding a Controlled Interest in Land Regulations 202
PRIVATE PAPER

**Agenda item 4**

PRIVATE PAPER

**Agenda item 5**

PRIVATE PAPER
Environment, Climate Change and Land Reform Committee

27th Meeting, 2018 (Session 5)

Tuesday 2 October 2018

Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) (Scotland) Regulations 2021

Introduction

1. The Committee agreed to take evidence on the proposed draft Regulations on the Register of Persons Holding a Controlled Interest in Land. The Committee heard from stakeholders on 25 September and will hear from the Keeper of the Registers of Scotland on Tuesday 2 October.

Background

2. Section 39 of the Land Reform (Scotland) Act 2016 requires Scottish Ministers to make regulations requiring information to be provided about persons holding a controlled interest in owners and tenants of land, and for that information to be recorded in a public register, kept by the Keeper of the Registers of Scotland.

3. In September 2016, to inform the creation of the proposed draft Regulations, the Scottish Government published a consultation on Improving Transparency in Land Ownership in Scotland. An analysis of responses received is available here.

4. The proposed draft Regulations and a related Explanatory Note were laid in Parliament on 20 June. In its work programme discussion of 5 June the Committee agreed to consider the regulations, once laid.

5. The Scottish Government is currently carrying out a wider consultation on the draft regulations, with a closing date of 8 November 2018.

Enhanced Affirmative Procedure

6. The proposed Regulations are subject to an enhanced affirmative procedure. This requires a ‘pre-legislative scrutiny’ period, involving formal consultation on a draft, followed by approval by a vote in the Chamber of the Scottish Parliament.

7. The consultation period is 60 days (not including days when the Scottish Parliament is dissolved or in recess for a period of more than 4 days). This means that the deadline for responses is in early November 2018.

8. Section 41 of the Land Reform (Scotland) Act 2016 requires the Scottish Ministers, before laying a draft of the first regulations, to consult with the Keeper of the Registers of Scotland and ‘such other persons as they consider appropriate’.

9. The Scottish Government will lay the final proposed Regulations following conclusion of its consultation (anticipated 2019/20). The Committee will consider the
proposed Regulations once laid and if they are passed by the Scottish Parliament, it is anticipated they will come into force on 1 April 2021.

**Timetable**

10. The Committee heard from Scottish Government officials on the regulations and considered its approach at its meeting on 26 June.

11. The Committee then agreed its timetable for consideration of the draft Regulations.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>29 June 2018</td>
<td>Call for views issued</td>
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<tr>
<td>17 August 2018</td>
<td>Call for views closed</td>
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<tr>
<td>4 September 2018</td>
<td>Review of Evidence received</td>
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<tr>
<td>25 September 2018</td>
<td>Evidence Session with stakeholders</td>
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<tr>
<td>2 October 2018</td>
<td>Evidence Session with the Registers of Scotland</td>
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<td>23 October 2018</td>
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<tr>
<td>30 October 2018</td>
<td>Consideration of Draft Report</td>
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<td>6 November 2018</td>
<td>Consideration of Draft Report</td>
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**Call for Views**

12. The Committee hosted a call for views on the regulations from 29 June to 17 August 2018 and received a total of 12 responses:

- 001 Simon Brooke
- 002 Registers of Scotland
- 003 Shepherd and Wedderburn
- 004 Global Witness
- 005 Pinsent Masons
- 006 Gordon A Hay
- 007 Malcolm Combe
- 008 Community Land Scotland
- 009 Scottish Land and Estates
- 010 Scottish Property Federation
- 011 Andy Wightman MSP
- 012 Law Society of Scotland

**Clerks/SPICe**

Environment, Climate Change and Land Reform