

One page introduction to the consultation on Scotland's next Land Reform Bill

Background

The Scottish Government will present a new Land Reform Bill before the Holyrood parliament next year that seeks to build upon previous legislation enacted in 2003 and 2016. In advance of the launch of the *Land Reform in a Net Zero Nation* bill, a public consultation has been opened, running until 30 October 2022.

Note that there will be a separate Natural Environment Bill in 2024. Although there will be overlap, the Land Reform Bill is likely to focus on ownership diversification, community involvement in decision-making and land management protocols and processes. Detailed environmental policies fall within the remit of the Natural Environment Bill.

Aims

The three core aims of the Land Reform bill, as set out by Environment and Land Reform Minister Mairi McAllan in the foreword to the consultation paper, are to:

- Increase diversity of landownership
- Bring about changes in land use
- Create more opportunities for communities to engage in decision-making about local land and share in any benefits

More specific objectives of the Bill are to:

- Strengthen the existing Land Rights and Responsibilities Statement (published by the Scottish Government in 2017 and reviewed in 2021)
- Introduce compulsory management plans
- Ensure the public interest is considered in transfers of large-scale landholdings
- Introduce new requirements to access public funding for land-based activity
- Introduce a new Land Use Tenancy
- Modernise small landholders legislation
- Increase transparency in relation to land ownership and land use.

In addition, the Scottish Government wants to consider wider measures to ensure communities are neither displaced by the growth in markets for natural capital investment nor excluded from the economic benefits.

The consultation paper also opens up questions of potential fiscal measures and suggests that, depending on the responses, specific proposals may be included in the legislation. It does, however, add that “different procedures apply to passage of new taxation measures”.

The aims and objectives of the Bill are broadly in line with the values and principles of the Trust, through there are points of detail that we have to consider.

Consultation questions

The consultation asks for a response to 51 specific questions, broken down into a number of sections covering:

- Criteria for large-scale landownership
- Land Rights and Responsibilities
- Compulsory land management plans
- Large-scale transfers of ownership
- Prior notification of land sales
- New conditions for public subsidies
- New Land Use Tenancy
- Transparency
- Fiscal and taxation
- Community benefits from natural capital investment
- Assessing impact