

Land Reform (Scotland) Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Power of Keeper to request information: procedure for regulations

31, 32, 33, 34, 35

Guidance on engaging communities in decisions relating to land: purpose of engagement, content of guidance etc.

13, 37, 81, 38, 108, 39

Compliance with guidance on engaging communities in decisions relating to land

14, 82, 98

Ability to purchase shooting rights under Part 5

83

Period within which application to buy salmon fishing, mineral rights or tenant's interests may be made

40, 41, 42, 43

Types of community body permitted to buy land under Part 5

84, 90, 93

Creation of single register for exercise of rights to buy abandoned, neglected or detrimental land and to buy land to further sustainable development etc.

44, 45, 47, 48, 50, 51, 52, 64, 67, 70, 71

Part 5: minor amendments

46, 49, 53, 55, 56, 57, 58, 59, 61, 68

Right to buy under Part 5 exercisable by third party purchaser

85

Consideration of effect of exercise of right to buy on owner or occupier of land

54, 87, 88, 60

Period within which further application to buy same land under Part 5 may not be made

86, 86A

Sustainable development conditions etc. (including factors to be taken into account in determining significant benefit or harm)

6, 109, 89, 111, 112, 63, 62, 91, 92

Actions by owner to prevent sale of land

110

Exercise of right to buy under Part 5: compensation

65, 66, 113

Reversion of land bought under Part 5

114, 118

Protection of commonities and common land

115, 127

Compulsory sale orders

128, 132

Non-domestic rates: vacant and derelict, and unoccupied industrial, lands and heritages

129, 130, 131, 133

Non-domestic rates: shootings and deer forests

94, 122, 123, 124, 125, 126, 95, 99

Deer management

119, 1, 2, 120, 121, 3, 4

Functions of Tenant Farming Commissioner

116

Amendments already debated

Purpose, content and effect of land rights and responsibilities statement and key definitions

With 15 – 96, 97, 97A, 117

Transparency of information about control of land: completion of Land Register, information about persons with significant control, restriction of ownership to EU entities etc.

With 103 – 36, 69

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Power of Keeper to request information: procedure for regulations

Aileen McLeod

- 31 In section 36, page 18, line 21, leave out from beginning to <(1),> in line 24

Aileen McLeod

- 32 In section 36, page 18, line 24, leave out <the regulations> and insert <regulations under subsection (1)>

Aileen McLeod

- 33 In section 36, page 18, leave out lines 32 and 33

Aileen McLeod

- 34 In section 36, page 18, line 35, leave out <the first regulations under>

Aileen McLeod

- 35 In section 36, page 18, leave out lines 36 and 37

Guidance on engaging communities in decisions relating to land: purpose of engagement, content of guidance etc.

Sarah Boyack

- 13 In section 37, page 19, line 4, after <communities> insert <, with a view to seeking their agreement,>

Aileen McLeod

- 37 In section 37, page 19, line 7, after first <of> insert <—
- (a) promoting respect for, and observance of, relevant human rights,
 - (b) encouraging equal opportunities (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998),
 - (c) furthering the reduction of inequalities of outcome which result from socio-economic disadvantage, and
 - (d)>

Michael Russell

- 81 In section 37, page 19, line 8, at end insert—
- <() the achievement of equal opportunities,
 - () the realisation of human rights.>

Aileen McLeod

- 38 In section 37, page 19, line 8, at end insert—

THIS IS NOT THE MARSHALLED LIST

- <() In subsection (2)(a), “relevant human rights” means such human rights as the Scottish Ministers consider to be relevant to the preparation of the guidance.>

Sarah Boyack

- 108** In section 37, page 19, line 12, after <which> insert <all>

Aileen McLeod

- 39** In section 37, page 19, line 17, at end insert—

- <() The Scottish Ministers must lay the first guidance issued under subsection (1) before the Scottish Parliament.>

Compliance with guidance on engaging communities in decisions relating to land

Sarah Boyack

- 14** In section 37, page 19, line 17, at end insert—

- <(5) The Scottish Ministers must prepare and lay before the Scottish Parliament reports assessing the extent to which guidance under subsection (1) is being followed.
- (6) The first report under subsection (5) is to be laid before the Scottish Parliament no later than 3 years after the date on which guidance under subsection (1) is first issued.
- (7) Subsequent reports under subsection (5) are to be laid before the Scottish Parliament no later than 3 years after the date on which the last such report was so laid.>

Michael Russell

- 82** After section 37, insert—

<Non-compliance with guidance under section 37

- <(1) Subsection (3) applies where the Scottish Ministers conclude that a person with control over a particular area of land has, in respect of that land—
- (a) failed to carry out community engagement in relation to a matter in respect of which guidance under section 37 recommends that such engagement should be carried out, or
- (b) carried out community engagement in relation to such a matter, but failed to do so in a way in which that guidance recommends that such engagement should be carried out.
- (2) Before reaching the conclusion mentioned in subsection (1), the Scottish Ministers must consult—
- (a) the person with control over the particular area of land in question, and
- (b) such other persons as they consider appropriate.
- (3) The Scottish Ministers may have regard to that conclusion in considering whether or not to grant any application by a Part 5 community body for the right to buy land which comprises or includes the land to which the conclusion relates under Part 5 to be exercised.

THIS IS NOT THE MARSHALLED LIST

- (4) The Scottish Ministers may by regulations make provision about circumstances in which they may have regard to a conclusion under subsection (1) in considering whether or not to make a grant or award out of public funds to the person with control over the land to which the conclusion relates for purposes associated with the use and development of that land (or land including that land).>

Michael Russell

- 98 In section 99, page 101, line 17, at end insert—
<() section (*Non-compliance with guidance under section 37*)(4),>

Ability to purchase shooting rights under Part 5

Claudia Beamish

- 83 In section 38, page 19, line 29, after <or> insert <shooting or>

Period within which application to buy salmon fishing, mineral rights or tenant's interests may be made

Aileen McLeod

- 40 In section 40, page 21, line 2, after <date> insert <—
()>

Aileen McLeod

- 41 In section 40, page 21, line 4, at end insert—
<() of its failure otherwise to complete the purchase, or>

Aileen McLeod

- 42 In section 41, page 22, line 2, after <date> insert <—
()>

Aileen McLeod

- 43 In section 41, page 22, line 4, at end insert—
<() of its failure otherwise to complete the purchase, or>

Types of community body permitted to buy land under Part 5

Claudia Beamish

- 84 In section 42, page 24, line 24, at end insert—

THIS IS NOT THE MARSHALLED LIST

<(9A) The Scottish Ministers may, in relation to any body they may specify, disapply the requirement in subsection (9) for a community to be defined with reference to postcode units or a type of area and instead permit the community to which the body relates to be defined with reference to other factors (for example, a community of interest).

(9B) The Scottish Ministers may only disapply the requirement in subsection (9) as mentioned in subsection (9A) if they think it in the public interest to do so.>

Claudia Beamish

- 90 In section 47, page 32, line 21, at end insert <, or
() as permitted to be defined by virtue of subsection (9A) of that section.>

Claudia Beamish

- 93 In section 48, page 32, line 33, after first <in> insert <, or as permitted to be defined by virtue of,>

Creation of single register for exercise of rights to buy abandoned, neglected or detrimental land and to buy land to further sustainable development etc.

Aileen McLeod

- 44 In section 44, page 25, line 22, leave out from <Land> to end of line 23 and insert <Applications by Community Bodies to Buy Land (the “New Register”).>

Aileen McLeod

- 45 In section 44, page 25, line 24, leave out <Part 5> and insert <New>

Aileen McLeod

- 47 In section 44, page 26, line 8, leave out <Part 5> and insert <New>

Aileen McLeod

- 48 In section 44, page 26, line 16, after <the> insert <New>

Aileen McLeod

- 50 In section 44, page 26, line 37, leave out <Part 5> and insert <New>

Aileen McLeod

- 51 In section 44, page 26, line 40, leave out <Part 5> and insert <New>

Aileen McLeod

- 52 After section 44, insert—

<Inclusion in New Register of applications for right to buy under section 97G of the Land Reform (Scotland) Act 2003

- (1) Section 97F of the Land Reform (Scotland) Act 2003 (as inserted by section 74 of the Community Empowerment (Scotland) Act 2015) is amended as follows.
- (2) For subsection (1) substitute—

THIS IS NOT THE MARSHALLED LIST

“(1) The Keeper must keep the Register of Applications by Community Bodies to Buy Land (the “New Register”), established under section 44 of the Land Reform (Scotland) Act 2016, so that there is contained in it a part for registering information and documents relating to applications for the right to buy in accordance with section 97G.”.

- (3) In subsection (2), for “Part 3A Register” substitute “New Register”.
- (4) In subsection (3), for “Part 3A” substitute “New”.
- (5) In subsection (4), before “Register” insert “New”.
- (6) Subsections (10) and (11) are repealed.
- (7) The title of the section becomes “**Inclusion of applications for right to buy in Register of Applications by Community Bodies to Buy Land**”.>

Aileen McLeod

- 64** In section 52, page 35, line 23, leave out <Part 5> and insert <New>

Aileen McLeod

- 67** In section 60, page 46, line 18, leave out <Part 5> and insert <New>

Aileen McLeod

- 70** In section 102, page 102, line 8, at end insert—

<(1) Schedule (*Right to buy land to further sustainable development: minor and consequential modifications*), which contains minor amendments and amendments consequential upon the provisions of Part 5, has effect.

(2)>

Aileen McLeod

- 71** Before the schedule, insert—

<SCHEDULE (introduced by section 102(1))

RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT: MINOR AND CONSEQUENTIAL MODIFICATIONS

Land Reform (Scotland) Act 2003

- 1 (1) The Land Reform (Scotland) Act 2003 is amended as follows.
- (2) In section 52 (ballot procedure), for subsection (4) substitute—
 - “(4) The period referred to in subsection (3) above is—
 - (a) the period of 12 weeks beginning with the date on which a valuer is appointed under section 59(1) in respect of the land in relation to which the community body has confirmed it will exercise its right to buy, or
 - (b) where—
 - (i) the ballotter receives notification under section 60(3C), and
 - (ii) the date notified under paragraph (c) of that subsection is after the end of the 12 week period beginning with the date on which a valuer is appointed under section 59(1),

THIS IS NOT THE MARSHALLED LIST

the period beginning with the date on which a valuer is appointed under section 59(1) and ending with the day after the date notified to the ballotter under section 60(3C).”.

- (3) In section 97N (effect of Ministers’ decision on right to buy), in subsection (2)(b), for “Register of Community Rights in Abandoned, Neglected or Detrimental Land” substitute “New Register”.
- (4) In section 97V (appeals), in subsection (9)(a), for “Register of Community Interests in Abandoned, Neglected or Detrimental Land” substitute “New Register”.>

Part 5: minor amendments

Aileen McLeod

- 46** In section 44, page 25, line 32, after first <the> insert <name and>

Aileen McLeod

- 49** In section 44, page 26, line 33, at end insert—

<() a Part 5 community body which is constituted by a body corporate having a written constitution changes its address.>

Aileen McLeod

- 53** In section 45, page 27, line 38, at end insert <(or, where the application is to buy a tenant’s interest, those conditions as modified by section 47(5)(a)),>

Aileen McLeod

- 55** In section 46, page 29, line 33, leave out <this section> and insert <section 45>

Aileen McLeod

- 56** In section 47, page 31, line 6, at end insert <or, as the case may be, the third party purchaser,>

Aileen McLeod

- 57** In section 47, page 32, line 16, leave out <such requests> and insert <requests referred to in subsection (3)(a)>

Aileen McLeod

- 58** In section 47, page 32, line 17, leave out <or, as the case may be, tenants>

Aileen McLeod

- 59** In section 47, page 32, line 18, leave out <such requests> and insert <requests referred to in subsection (3)(a)>

Aileen McLeod

- 61** In section 47, page 32, line 20, leave out second <subsection> and insert <section>

Aileen McLeod

- 68** Move section 65 to after section 43

THIS IS NOT THE MARSHALLED LIST

Right to buy under Part 5 exercisable by third party purchaser

Jim Hume

- 85** In section 45, page 27, line 12, leave out from <, or> to end of line 14

Consideration of effect of exercise of right to buy on owner or occupier of land

Aileen McLeod

- 54** In section 46, page 29, line 13, at end insert—

<(za) the owner's or tenant's views on the likely impact on the owner or tenant of the proposals for the land or tenant's interest, including on the current use of the land or tenant's interest (and any intended use),>

Michael Russell

- 87** In section 47, page 30, line 18, at end insert <, and

() the land to which the application relates is neither—

- (i) an essential part of a viable agricultural unit, nor
- (ii) in productive agricultural use.>

Alex Fergusson

- 88** In section 47, page 30, line 28, at end insert <, and

() the transfer would not result in significant harm to the owner or tenant of the land.>

Aileen McLeod

- 60** In section 47, page 32, line 18, at end insert—

<() In determining for the purposes of subsection (2)(b) whether a transfer of land is in the public interest, the Scottish Ministers must—

- (a) take into account, in particular, any information given under section 46(2)(za),
- (b) consider the likely effect of granting (or not granting) consent to the transfer of land or tenant's interest on land use in Scotland.>

Period within which further application to buy same land under Part 5 may not be made

Michael Russell

- 86** In section 47, page 30, line 18, at end insert <, and

() no application to purchase the land to which the application relates has been made in the 5 years preceding the date on which the Scottish Ministers received the application.>

THIS IS NOT THE MARSHALLED LIST

Sarah Boyack

- 86A** As an amendment to amendment 86, line 2, leave out <made> and insert <refused consent under this section>

Sustainable development conditions etc. (including factors to be taken into account in determining significant benefit or harm)

Rob Gibson

- 6** In section 47, page 30, line 26, after <practicable> insert <, or the most practicable,>

Dave Thompson

- 109** In section 47, page 30, line 28, at end insert <or to that community's sustainable development objectives.>

Michael Russell

- 89** In section 47, page 31, line 15, at end insert—
<() In considering an application to buy land under section 45, the Scottish Ministers must have regard to the International Covenant on Economic, Social and Cultural Rights (as cited in section 98(5A) of the Land Reform (Scotland) Act 2003 and qualified by the amendments, reservations, objections or interpretative declarations mentioned in that section).>

Dave Thompson

- 111** In section 47, page 32, line 22, leave out <or significant harm>

Dave Thompson

- 112** In section 47, page 32, line 23, leave out <(d),> and insert <significant harm to the community or to the community's sustainable development objectives for the purposes of subsection (2)(d),>

Claudia Beamish

- 63** In section 47, page 32, line 29, at end insert—
<() health inequalities,>

Claudia Beamish

- 62** In section 47, page 32, line 29, at end insert—
<() the protected characteristics listed in section 4 of the Equality Act 2010,>

Claudia Beamish

- 91** In section 47, page 32, line 29, at end insert—
<() cooperative development,>

Michael Russell

- 92** In section 47, page 32, line 29, at end insert—
<() furthering and giving effect to equal opportunities,

THIS IS NOT THE MARSHALLED LIST

() the realisation of human rights,>

Actions by owner to prevent sale of land

Dave Thompson

- 110** In section 47, page 31, line 3, after <land> insert <(unless it is shown that the owner is only prevented from selling the land by virtue of something done deliberately by the owner with the aim of defeating the application),>

Exercise of right to buy under Part 5: compensation

Aileen McLeod

- 65** In section 58, page 43, line 6, at end insert—
 <() in complying with the requirements of this Part following the making of the application by the Part 5 community body,>

Aileen McLeod

- 66** In section 58, page 43, leave out lines 16 and 17

Alex Fergusson

- 113** In section 58, page 43, line 21, at end insert—
 <() In this section, references to “an owner or former owner of land” include, in particular—
 (a) the owner or former owner of the land that is the subject of the application made under section 45, and
 (b) the owner or former owner of any land adjacent to that land.>

Reversion of land bought under Part 5

Alex Fergusson

- 114** After section 64, insert—

<Reversion of land to further sustainable development

Reversion of land to further sustainable development

- (1) Where a Part 5 community body or third party purchaser exercises a right to buy under this Part and the Scottish Ministers consent to the application, the former owner of the land may, after the expiry of a period of 3 years beginning with the date that consent was given to the application, apply for ownership of the land to revert to the former owner.
- (2) The Scottish Ministers must not consent to an application under subsection (1) unless they are satisfied that—
 - (a) the sustainable development conditions mentioned in subsection (3) are met, and

THIS IS NOT THE MARSHALLED LIST

- (b) the procedural requirements mentioned in subsection (4) have been complied with.
- (3) The sustainable development conditions are met if—
 - (a) the use or management of the land is inconsistent with the purpose of the original acquisition by the Part 5 community body or third party purchaser,
 - (b) reversion of the land to the former owner is more likely to further the achievement of sustainable development in relation to the land,
 - (c) the reversion of the land to the former owner is likely to result in significant benefit to the relevant community (within the meaning given in section 47(9)), and
 - (d) not granting consent to the reversion of the land to the former owner is likely to result in significant harm to that community.
- (4) The procedural requirements are met if—
 - (a) the Part 5 community body is accurately identified in the application,
 - (b) where a third party purchaser was nominated, that purchaser is accurately identified in the application,
 - (c) any creditor in a standard security over the land or any part of it is accurately identified in the application,
 - (d) the area of land identified in the application is the same as that originally acquired by the Part 5 community body,
 - (e) the Part 5 community body is not prevented from selling the land, and
 - (f) the former owner complies with such other procedural requirements as the Scottish Ministers may by regulations specify.
- (5) In this section, “former owner”—
 - (a) means the owner of the land immediately prior to the purchase of that land by a Part 5 community body or third party purchaser, and
 - (b) includes the successors of the former owner.
- (6) Where two or more successors of the former owner make an application under subsection (1), the Scottish Ministers must decide which application is to proceed.
- (7) The Scottish Ministers may by regulations make provision setting out how such other provisions of this Part as they consider appropriate, with such modifications as they consider appropriate, are to apply to an application under this section.>

Alex Fergusson

118 In section 99, page 101, line 27, at end insert—

- <() section (*Reversion of land to further sustainable development*)(4)(f),
- () section (*Reversion of land to further sustainable development*)(7),>

THIS IS NOT THE MARSHALLED LIST

Protection of commonities and common land

Patrick Harvie

115 After section 65, insert—

<PART

COMMON LAND

Repeal of Division of Commonities Act 1695

The Division of Commonities Act 1695 is repealed.>

Patrick Harvie

127 After section 65, insert—

<Common land protection orders

- (1) The Land Registration etc. (Scotland) Act 2012 is amended as follows.
- (2) After section 85, insert—

“PART 8A

COMMON LAND PROTECTION ORDERS

85A Common land protection order

- (1) A person may apply to the Keeper for an order to be made under this section in respect of an area of land which is not registered in either the register or the Register of Sasines (a “common land protection order”).
- (2) Before making a common land protection order, the Keeper must consult—
 - (a) the public in the area where the land is located, and
 - (b) such other persons as the Keeper considers appropriate.
- (3) If subsection (4) applies, the Keeper must make a common land protection order in respect of the land specified in the application.
- (4) This subsection applies if, after consulting as required by subsection (2) and taking such other steps as the Keeper considers appropriate to establish whether the land is owned, the Keeper is satisfied that the land is not owned.
- (5) If the Keeper is satisfied as mentioned in subsection (4) only in relation to part of the land specified in the application, the Keeper must make a common land protection order in respect of the part of the land in relation to which the Keeper is so satisfied.
- (6) A common land protection order has effect until revoked (in whole or part) by the Keeper.

85B Revocation of common land protection order

- (1) Where subsection (2) applies, a person (“A”) may apply to the Keeper for a common land protection order to be revoked (in whole or part).
- (2) This subsection applies if A believes that A holds a valid title to the land (or part of the land) in respect of which the common land protection order has effect.

THIS IS NOT THE MARSHALLED LIST

- (3) If subsection (4) applies, the Keeper must revoke the common land protection order.
- (4) This subsection applies if, after taking such steps as the Keeper considers appropriate to establish whether A holds a valid title to the land specified in the application, the Keeper is satisfied that A holds such a title.
- (5) If the Keeper is satisfied as mentioned in subsection (4) only in relation to part of the land specified in the application, the Keeper must revoke the common land protection order only in respect of the land in relation to which the Keeper is so satisfied.

85C Further provision in relation to making and revocation of common land protection orders

The Scottish Ministers may by regulations make such further provision in relation to the making and revocation of common land protection orders as they consider appropriate.”.

- (3) In section 22(1) (general application conditions), after paragraph (a), insert—
 - “(aa) the application does not relate to land in respect of which a common land protection order has effect.”.
- (4) In section 29 (Keeper-induced registration), after subsection (1), insert—
 - “(1A) The Keeper must not register under subsection (1) any land in respect of which a common land protection order has effect.”.
- (5) In section 113(1) (interpretation), after the definition of “cadastral unit”, insert—
 - ““common land protection order” means an order made under section 85A.”.
- (6) In section 116(3) (subordinate legislation), after paragraph (h), insert—
 - “(ha) section 85C.”.>

Compulsory sale orders

Sarah Boyack

128 After section 65, insert—

<PART

COMPULSORY SALE ORDERS

Compulsory sale orders

- (1) A local authority may, in relation to land within the authority’s area which falls within subsection (2), make an order requiring the owner of land specified in the order to offer the land for sale by such method and within such period as is so specified (a “compulsory sale order”).
- (2) That land is land which—
 - (a) has been vacant or derelict for a continuous period of at least three years prior to the date on which the compulsory sale order is made, and

THIS IS NOT THE MARSHALLED LIST

- (b) is—
 - (i) of such type as may be specified, and
 - (ii) no greater in area than the maximum area specified,for the purposes of this section by the Scottish Ministers by regulations.
- (3) A compulsory sale order may be made—
 - (a) on the authority's own initiative, or
 - (b) on an application by a community body.
- (4) The Scottish Ministers may by regulations make further provision in connection with compulsory sale orders.
- (5) Regulations under subsection (4) may in particular include provision about—
 - (a) circumstances in which a compulsory sale order may not be made,
 - (b) any consultation and notification that is to take place before a compulsory sale order may be made,
 - (c) information that is to be contained in a compulsory sale order,
 - (d) the ability of local authorities to require the giving of commitments by prospective purchasers as to the future use of land which is subject to a compulsory sale order,
 - (e) whether the owner may refuse to accept offers for land which is subject to a compulsory sale order,
 - (f) circumstances in which a local authority may, following the making of a compulsory sale order, make its own arrangements for the land subject to the order to be sold at public auction,
 - (g) a procedure for any community body which has had a request to a local authority to make a compulsory sale order refused to appeal against that decision,
 - (h) the maintenance by local authorities of registers of vacant or derelict land for the purposes of identifying land which may be made subject to a compulsory sale order.
- (6) In this section—
 - “community body” means a body, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (however described) present in the area in which the vacant or derelict land is situated,
 - “land” includes buildings (including residential properties and individual properties within tenements).>

Sarah Boyack

132 In section 99, page 101, line 27, at end insert—

<() section (*Compulsory sale orders*)(2) and (4),>

THIS IS NOT THE MARSHALLED LIST

Non-domestic rates: vacant and derelict, and unoccupied industrial, lands and heritages

Patrick Harvie

129 Before section 66, insert—

<Entry in valuation roll of vacant and derelict land

Entry in valuation roll of vacant and derelict land

- (1) The Local Government (Scotland) Act 1975 is amended as follows.
- (2) After section 1, insert—

“1ZA Entry in valuation roll of vacant and derelict lands and heritages

- (1) The assessor for each valuation area must, in making up the valuation roll in respect of the first year of revaluation which follows the date on which section (*Entry in valuation roll of vacant and derelict land*) of the Land Reform (Scotland) Act 2016 first comes into force and subsequent valuation rolls, comply with subsection (2).
- (2) The valuation roll must include—
 - (a) all vacant and derelict lands and heritages within the valuation area (including lands on which there is no building), and
 - (b) a rateable value for all such lands and heritages based on such method prescribed by virtue of section 6(1) as the assessor considers appropriate.”.>

Patrick Harvie

130 In section 67, page 50, line 5, leave out <1> and insert <1ZA (as inserted by section (*Entry in valuation roll of vacant and derelict land*)>

Patrick Harvie

131 After section 67, insert—

<Unoccupied industrial lands and heritages

Rating of unoccupied industrial lands and heritages

In Part 1 of the schedule of the Non-Domestic Rating (Unoccupied Property) (Scotland) Regulations 1994, paragraph (a)(iii) (which refers to industrial lands and heritages) is revoked.>

Patrick Harvie

133 In section 103, page 102, line 12, after <sections> insert <(Entry in valuation roll of vacant and derelict land),>

Non-domestic rates: shootings and deer forests

Alex Fergusson

94 Leave out section 66

THIS IS NOT THE MARSHALLED LIST

Aileen McLeod

- 122 In section 67, page 50, line 8, leave out <the yearly value of>

Aileen McLeod

- 123 In section 67, page 50, line 9, at end insert <relating to,>

Aileen McLeod

- 124 In section 67, page 50, line 10, at end insert <, in so far as situated in,>

Aileen McLeod

- 125 In section 67, page 50, line 11, leave out <in so far as exercisable or, as the case may be, situated in>

Michael Russell

- 126 In section 67, page 50, line 11, at end insert—

<() In determining the rateable value of any shootings or deer forests, the assessor may make such deduction from the net annual value as the assessor considers appropriate to reflect good management in the public interest of the shootings or deer forests.”.>

Alex Fergusson

- 95 Leave out section 67

Alex Fergusson

- 99 In the long title, page 1, line 6, leave out from first <to> to <forests;> in line 7

Deer management

Claudia Beamish

- 119 In section 70, page 51, line 4, at end insert—

<() After section 5A insert—

“5B Requirement to comply with code of practice

- (1) SNH may, for the purposes of any of its deer functions, by notice served on an owner or occupier of land, give notice that, in the opinion of SNH, that owner or occupier is not complying with a code of practice on deer management drawn up and approved under section 5A.
- (2) A notice served under subsection (1) must—
 - (a) be in writing,
 - (b) specify the manner in which the owner or occupier has failed to comply with the code of practice,
 - (c) specify the steps that must be taken by the owner or occupier to comply with the code of practice, and
 - (d) specify the period of time by the end of which the steps must be taken.

THIS IS NOT THE MARSHALLED LIST

- (3) An owner or occupier may appeal to the Scottish Land Court against—
 - (a) the decision by SNH to give notice under subsection (1),
 - (b) any of the matters specified in the notice under paragraphs (b) to (d) of subsection (2).
- (4) An appeal under subsection (3) must be made not later than 28 days after the date on which the notice was served.
- (5) The Scottish Land Court—
 - (a) must determine an appeal under subsection (3) on its merits rather than by way of review,
 - (b) may dispose of the appeal by—
 - (i) affirming the notice,
 - (ii) directing SNH to amend the notice in such manner as the Court thinks fit,
 - (iii) directing SNH to revoke the notice, or
 - (iv) making such other order as the Court thinks fit.
- (6) An owner or occupier on whom a notice under subsection (1) is served commits an offence where—
 - (a) the owner or occupier has failed to carry out the steps specified under subsection (2)(c) within the period of time specified under subsection (2)(d), and
 - (b) subsection (7) applies.
- (7) This subsection applies where—
 - (a) the owner or occupier has not appealed under subsection (3) within the time specified in subsection (4), or
 - (b) where an appeal has been made, the Scottish Land Court has affirmed the notice either in full or in part such that the steps specified under subsection (2)(c) to be taken within the period of time specified under subsection (2)(d) continue to apply.”.>

Michael Russell

1 In section 70, page 51, line 7, at end insert—

<“**6ZA Public register of deer management plans**

- (1) This section applies to owners and occupiers of land who, in the form of a deer management group, produce a deer management plan.
- (2) Such owners and occupiers of land must upon production of a deer management plan—
 - (a) give notice via a public register, managed by Scottish Natural Heritage, that a new deer management plan is proposed,
 - (b) specify in the notice the period within which, and the manner in which, representations or objections with respect to the proposed deer management plan may be made,
 - (c) specify in the notice details of—

THIS IS NOT THE MARSHALLED LIST

- (i) where and how such representations or objections (if any are made) may be viewed, and
 - (ii) how copies of any such representations or objections that are made may be obtained,
 - (d) consult persons who, so far as they can reasonably ascertain, have an interest in, or may be affected by, the proposed plan, and
 - (e) specify the period (being not less than 28 days beginning with the date of consultation) within which, and the manner in which, representations or objections with respect to the proposed deer management plan may be made by such persons.
- (3) In producing the final deer management plan, the deer management group must take into account any representations and objections made in respect of it.
- (4) Having decided whether or not to make the proposed changes made by representations to the deer management plan consultation, and following agreement by Scottish Natural Heritage that no amendments are required, the applicant must—
- (a) publish in a newspaper (which may be a local newspaper) circulating in the district or districts affected by the proposed plan a notice containing—
 - (i) a summary of the reasons for the decision,
 - (ii) details of where and how a written statement of such reasons may be viewed, and
 - (iii) details of how copies of such a written statement may be obtained, and
 - (b) send a copy of such a written statement to any person who made representations or objections to the proposed deer management plan under this section.
- (5) The costs of complying with this section are to be met by the owners and occupiers of the land to which the plan applies.>

Michael Russell

- 2 In section 70, page 52, line 2, before <without> insert <with or>

Claudia Beamish

- 120 In section 70, page 52, line 16, at end insert—

<() After section 16 insert—

“Power to impose further sustainable deer management requirements

16A Amendments to deer management provisions

- (1) The Scottish Ministers may by regulations modify this Act to impose further requirements on owners and occupiers of land in respect of the sustainable management (within the meaning given by a code of practice drawn up and approved under section 5A) of deer populations.
- (2) Regulations under this section are subject to the affirmative procedure.”.

THIS IS NOT THE MARSHALLED LIST

- () In section 47 (orders, regulations etc.), in subsection (1), for “section” substitute “sections 16A(2) and”.>

Claudia Beamish

121 In section 70, page 52, line 16, at end insert—

<() In schedule 3 (penalties)—

- (a) after the entry relating to section 5(5), in column 1, insert “5B(6)”,
- (b) in column 2, opposite the entry inserted by paragraph (a), insert “Failure to comply with notice issued in relation to code of practice”,
- (c) in column 3, opposite the entry inserted by paragraph (b), insert “a fine of level 4 on the standard scale or 6 months imprisonment or both”.>

Michael Russell

3 After section 70, insert—

<Power to require return on number of deer planned to be killed

- (1) Section 40 of the Deer (Scotland) Act 1996 (power of SNH to require return of number of deer killed) is amended as follows.
- (2) In subsection (1), at the end insert “or how many deer of each species and of each sex are planned to be taken or killed in the following year.”.
- (3) In subsection (2)(b), after “preceding” insert “or, as the case may be, following”.
- (4) In subsection (3), after “above” insert “, where it precedes the notice,”.
- (5) After subsection (3), insert—
 - “(3A) A period specified by virtue of subsection (2)(b) above, where it follows the notice, shall not exceed one year.”.>

Michael Russell

4 In section 103, page 102, line 12, after <sections> insert <69 to 71,>

© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website -
www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000.

Published in Scotland by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk
