

# Land Reform (Scotland) Bill

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## 1st Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 21	Sections 35 to 97
Sections 22 to 34	Sections 98 to 102
Schedule	Sections 103 and 104
Long title	

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

#### Aileen McLeod

- 15** In section 1, page 1, line 21, leave out <the Scottish Ministers’ objectives for land reform> and insert <principles for land rights and responsibilities in Scotland>

#### Aileen McLeod

- 16** In section 1, page 1, line 22, at end insert—
- <(2A) In preparing the statement, the Scottish Ministers must have regard to the desirability of—
- (a) promoting respect for, and observance of, relevant human rights,
  - 5 (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,
  - (d) increasing the diversity of land ownership, and
  - 10 (e) furthering the achievement of sustainable development in relation to land.
- (2B) In subsection (2A)(a), “relevant human rights” means such human rights as the Scottish Ministers consider to be relevant to the preparation of the statement.>

#### Sarah Boyack

- 16A** As an amendment to amendment 16, line 10, at end insert <and fostering community resilience.>

#### Michael Russell

- 72** In section 1, page 1, line 22, at end insert—
- <( ) In preparing a land rights and responsibilities statement, the Scottish Ministers must have regard to the desirability of furthering—
- (a) the achievement of sustainable development in relation to land in Scotland,

- (b) the achievement of equal opportunities,
- (c) the achievement of greater diversity in land ownership in Scotland, and
- (d) the realisation of human rights.>

**Graeme Dey**

**17** In section 1, page 1, line 22, at end insert—

- <( ) The Scottish Ministers must ensure that a land rights and responsibilities statement takes account of and is integrated with their other strategies, including in particular—
- (a) their economic strategy,
  - (b) the land use strategy prepared under section 57(1) of the Climate Change (Scotland) Act 2009,
  - (c) the Scottish Biodiversity Strategy designated under section 2(1) of the Nature Conservation (Scotland) Act 2004,
  - (d) the National Planning Framework prepared under section 3A of the Town and Country Planning (Scotland) Act 1997.>

**Aileen McLeod**

**18** In section 1, page 1, line 25, at end insert—

- <(3A) Before complying with subsection (3), the Scottish Ministers must publish a draft of the statement and consult such persons as they consider appropriate.
- (3B) The Scottish Ministers must lay before the Scottish Parliament a report setting out—
- (a) the consultation process undertaken in order to comply with subsection (3A), and
  - (b) the ways in which views expressed during that process have been taken account of in preparing the statement (or stating that no account has been taken of such views).>

**Aileen McLeod**

**19** In section 1, page 1, line 26, leave out <and each subsequent statement>

**Aileen McLeod**

**20** In section 1, page 1, line 28, leave out <last>

**Michael Russell**

**73** In section 1, page 1, line 28, at end insert—

- <( ) Without prejudice to the generality of subsection (4), the Scottish Ministers must, in reviewing a statement under that subsection, assess the extent to which the objectives set out in the statement have been achieved in the period since the statement was published.>

**Aileen McLeod**

**21** In section 1, page 1, line 29, leave out subsection (5) and insert—

- <(4A) In carrying out the review of the statement, the Scottish Ministers must consult such persons as they consider appropriate.
- (4B) If, following the review under subsection (4), the Scottish Ministers consider that it is not appropriate to prepare a revised statement, they must lay before the Scottish Parliament a report setting out—
  - (a) the consultation process undertaken in order to comply with subsection (4A), and
  - (b) the reasons why they consider that it is not appropriate to prepare a revised statement.
- (4C) If, following the review under subsection (4), the Scottish Ministers consider that it is appropriate to prepare a revised statement, they must—
  - (a) publish the revised statement and lay it before the Scottish Parliament, and
  - (b) lay before the Scottish Parliament a report setting out—
    - (i) the consultation process undertaken in order to comply with subsection (4A), and
    - (ii) the reasons why they consider that it is appropriate to prepare a revised statement.
- (4D) The Scottish Ministers must review the statement, or revised statement, before the end of each period of 5 years beginning with the day on which they last laid before the Scottish Parliament the report under subsection (4B) or, as the case may be, (4C)(b).
- (4E) Subsections (4A) to (4C) apply to the review of a statement, or revised statement, under subsection (4D) as they apply to the review of the first statement under subsection (4).>

**Sarah Boyack**

**7** In section 1, page 1, line 30, at end insert—

- <( ) In preparing or reviewing a land rights and responsibilities statement, the Scottish Ministers must consult such persons as they consider appropriate.>

**Michael Russell**

**74** In section 1, page 1, line 30, at end insert—

- <( ) A revised land rights and responsibilities statement must be accompanied, when laid before the Scottish Parliament, by a report of the review of the previous land rights and responsibilities statement carried out under subsection (4).>

**Claudia Beamish**

**100** In section 1, page 1, line 30, at end insert—

- <(6) In preparing or reviewing a land rights and responsibilities statement under this section, the Scottish Ministers must—
  - (a) publish a draft of the proposed statement,
  - (b) consult such persons as they consider appropriate on that draft statement, and
  - (c) lay a copy of the draft statement before the Scottish Parliament.
- (7) The Scottish Ministers must not complete their preparation or revision of the statement until the period for Parliamentary consideration has expired.

- (8) When laying the first statement before the Scottish Parliament under subsection (3) or laying a revised statement before the Scottish Parliament under subsection (5), the Scottish Ministers must also lay before the Scottish Parliament a report setting out—
- (a) the consultation process undertaken in order to comply with subsection (6)(b), and
  - (b) the ways in which—
    - (i) any views expressed during that process, and
    - (ii) any resolution or report of, or of any committee of, the Scottish Parliament made during the period for Parliamentary consideration as regards the draft statement,have been taken account of in completing the preparation or revision of the statement.
- (9) In this section, the “period for Parliamentary consideration” means the period of 60 days beginning on the day on which the draft statement is laid before the Scottish Parliament under subsection (6)(c); and in calculating that period no account is to be taken of any time during which the Scottish Parliament is dissolved or in recess for more than 4 days.>

**Michael Russell**

- 75** In section 1, page 1, line 30, at end insert—

<( ) The Scottish Ministers must, in exercising their functions and so far as practicable, further the objectives set out in the land rights and responsibilities statement.>

**Section 2**

**Sarah Boyack**

- 101** In section 2, page 2, line 7, leave out <Commission (in Gaelic, Coimisean> and insert <Reform Commission (in Gaelic, Coimisean Ath-leasachaidh>

**Section 6**

**Sarah Boyack**

- 8** In section 6, page 3, line 35, at end insert—

<( ) Before submitting a strategic plan under subsection (3), the Commission must consult such persons as it thinks appropriate.>

**Section 7**

**Sarah Boyack**

- 9** In section 7, page 4, line 20, at end insert—

<( ) Before submitting a programme of work under subsection (2), the Commission must consult such persons as it thinks appropriate.>

**Aileen McLeod**

**22** In section 7, page 4, line 23, at end insert—

- <( ) The Commission may from time to time submit a revised programme of work.
- ( ) Subsection (3) applies to a revised programme of work as it applies to a programme of work.>

**Section 8**

**Jim Hume**

**5** In section 8, page 4, line 35, at end insert—

- <( ) A person may be reappointed under subsection (5) only once.>

**Alex Fergusson**

**76** In section 8, page 4, line 35, at end insert—

- <( ) Subsections (2) and (3) apply to a reappointment under subsection (5) as they apply to an appointment under subsection (1).>

**Section 9**

**Aileen McLeod**

**23** In section 9, page 5, line 9, at end insert—

- <( ) land management,
- ( ) community empowerment,>

**Michael Russell**

**77** In section 9, page 5, line 10, after <issues,> insert—

- <( ) human rights,
- ( ) equal opportunities,
- ( ) social and community development,
- ( ) sustainable development,
- ( ) community engagement,
- ( ) land management,>

**Aileen McLeod**

**24** In section 9, page 5, line 12, at end insert—

- <( ) In appointing the Land Commissioners, the Scottish Ministers must take reasonable steps to ensure that one of the Commissioners is a speaker of the Gaelic language.>

**Angus MacDonald**

- 24A** As an amendment to amendment 24, line 2, leave out <reasonable steps> and insert <every reasonable step>

**Aileen McLeod**

- 25** In section 9, page 5, line 17, leave out <and> and insert <to>

**Michael Russell**

- 78** In section 9, page 5, line 18, leave out subsection (4)

**Section 18**

**Aileen McLeod**

- 26** In section 18, page 8, line 24, leave out <its most recently approved strategic plan> and insert <any strategic plan having effect during that year>

**Aileen McLeod**

- 27** In section 18, page 8, line 25, leave out <their most recently published programme of work> and insert <any programme of work having effect during that year>

**Johann Lamont**

- 102** In section 18, page 8, line 27, at end insert—  
<( ) A report under subsection (1) must also include a review of progress, during the year to which the report relates, in the promotion of community benefit societies as a form of land ownership.>

**Section 20**

**Sarah Boyack**

- 10** In section 20, page 9, line 22, at end insert—  
<(aa) to review the effect which any lack of law or of policy has had or is having,>

**Sarah Boyack**

- 11** In section 20, page 9, line 27, at end insert <,  
( ) to assist and approve the provision of information and guidance by others.>

**Sarah Boyack**

- 12** In section 20, page 9, line 29—  
<(2A) The Land Commissioners must submit to the Scottish Ministers any—  
(a) review undertaken under subsection (1)(a) or (aa),  
(b) recommendations made under subsection (1)(b),

- (c) report prepared under subsection (1)(e),
  - (d) information or guidance provided under subsection (1)(f).
- (2B) The Land Commissioners must publish anything submitted to the Scottish Ministers under subsection (2A) in such form as they consider appropriate.>

**Michael Russell**

**79** In section 20, page 9, line 34, at end insert—

<( ) international rights and obligations in respect of any matter relating to land,>

**Michael Russell**

**80** In section 20, page 10, line 3, at end insert—

<( ) The Land Commissioners may, for the purpose of carrying out a function in relation to a matter relating to land in Scotland, undertake such work as they consider appropriate in relation to matters relating to land outwith Scotland (for example, reviewing the impact and effectiveness of a law or policy adopted by another country).>

**Graeme Dey**

**28** In section 20, page 10, line 7, at end insert—

<( ) the implementation and monitoring of the land use strategy prepared under section 57(1) of the Climate Change (Scotland) Act 2009.>

**Before section 35**

**Sarah Boyack**

**103** Before section 35, insert—

**<Completion of Land Register of Scotland**

The Keeper of the Registers of Scotland must ensure that—

- (a) all publicly-owned land in Scotland is entered in the Land Register of Scotland by 2019, and
- (b) all other land in Scotland is so entered by 2024.>

**Section 35**

**Alex Fergusson**

**104** In section 35, page 17, line 12, at end insert—

<( ) Regulations under subsection (1) that include provision of the sort mentioned in paragraphs (c) and (d) of subsection (2) must require requesters to give reasons for such requests.>

**Graeme Dey**

**29** Leave out section 35

## After section 35

**Graeme Dey**

**30** After section 35, insert—

### <Land Register of Scotland: information to be included in title sheet

(1) The Land Registration etc. (Scotland) Act 2012 is amended as follows.

(2) In section 7—

5 (a) in subsection (1), after paragraph (a), insert—

“(aa) where a person of significant control exists in relation to a proprietor who—

(i) is a legal entity within the meaning given by subsection (3), or

10 (ii) not being such a legal entity nor an entity mentioned in paragraph (b) of that subsection, owns the land in a special capacity and not in the proprietor’s own name,

the name and designation of the person of significant control,”

(b) after subsection (2), insert—

“(3) For the purposes of subsection (1)(aa), a “legal entity”—

15 (a) is an entity (other than a natural person) able to hold property in its own name (including, without prejudice to the generality of the expression, a company, firm or partnership which is a legal entity under the law by which it is governed), but

(b) does not include—

20 (i) a corporation sole,

(ii) a government, or government department, of any country or territory or of any part of a country or territory,

(iii) an international organisation whose members include two or more countries or territories (or their governments),

25 (iv) a local authority or local government body in the United Kingdom or elsewhere,

(v) a church,

(vi) the Scottish Ministers (or any member of the Scottish Government), or

30 (vii) the Scottish Parliamentary Corporate Body.

(4) The Scottish Ministers may by regulations define for the purposes of subsection (1)(aa) what is meant by “a person of significant control” in relation to a proprietor.

35 (5) The Scottish Ministers may by regulations specify circumstances in which information of the type mentioned in subsection (1)(aa) must be provided to the Keeper but need not be entered in the proprietorship section of the title sheet (and may not be made publicly available otherwise).



- 40 (6) Subsection (8) applies where, subsequent to the proprietor's name and designation being entered in the proprietorship section of the title sheet, the name and designation of a person of significant control in relation to the proprietor (or of a further such person) falls to be entered in that section (or that information falls to be provided to the Keeper by virtue of regulations under subsection (5)).
- 45 (7) Subsection (6) applies regardless of whether the proprietor's name and designation is entered in the proprietorship section of the title sheet before the date on which section (*Land Register of Scotland: information to be included in title sheet*)(2) of the Land Reform (Scotland) Act 2016 comes into force or after that date.
- 50 (8) The proprietor must, within such period of time as the Scottish Ministers may by regulations specify, notify the Keeper of the name and designation of the person of significant control in relation to the proprietor.
- 55 (9) On receipt of notification under subsection (8), the Keeper must, without delay, enter the name and designation of the person of significant control in relation to the proprietor in the proprietorship section of the title sheet and record in that section the date the information was entered.
- (10) Where there is a change in a name or designation of a person of significant control in relation to a proprietor, the proprietor must, within such period of time as the Scottish Ministers may by regulations specify, notify the Keeper of that change.
- 60 (11) On receipt of notification under subsection (10), the Keeper must, without delay, enter the change in the name or designation of the person of significant control in relation to the proprietor in the proprietorship section of the title sheet and record in that section the date the information was entered.
- 65 (12) The duties in subsections (9) and (11) do not apply in any case where regulations under subsection (5) provide that information about the person of significant control need not be entered in the proprietorship section of the title sheet; but regulations under subsection (5) may provide for how the Keeper is to record notifications under subsections (9) and (11) in such cases.
- 70 (13) A registered proprietor who fails to comply timeously with subsection (8) or (10) is guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum.”.

(3) In section 116(3), before paragraph (a) insert—

“(za) section 7(4), (5), (8) or (10).”>

**Sarah Boyack**

**30A** As an amendment to amendment 30, line 34, after <specify> insert <exceptional>

**Patrick Harvie**

**105** After section 35, insert—

**<Registration of registrable deeds: non-EU entities**

- (1) The Land Registration etc. (Scotland) Act 2012 is amended as follows.
- (2) In section 21 (applications for registration of deed), in subsection (2)—

- (a) for the words “the general application conditions are met and” substitute “—
  - (a) the EU proprietorship condition is met,
  - (b) the general application conditions are met, and
  - (c) in addition—”, and
- (b) paragraphs (a) to (c) become, respectively, sub-paragraphs (i) to (iii) of paragraph (c) as inserted by paragraph (a) above.
- (3) After that section, insert—
 

**“21A EU proprietorship condition**

  - (1) The EU proprietorship condition is that registration of the deed will not have the effect of—
    - (a) transferring ownership of land to, or
    - (b) conferring a real right in respect of a lease over land, with a duration of over 20 years, on,
 an entity of the kind mentioned in subsection (2).
  - (2) That is an entity that is incorporated or otherwise established outwith a member state of the EU.”.>

**Patrick Harvie**

**106** After section 35, insert—

**<Registered land: non-EU proprietors**

- (1) The Land Registration etc. (Scotland) Act 2012 is amended as follows.
- (2) After section 48, insert—

**“PART 2A**

**NON-EU PROPRIETORS**

**48A Non-EU proprietors**

- (1) This section applies where the proprietor entered in the proprietorship section of a title sheet is an entity of the kind mentioned in subsection (2).
- 10 (2) That is an entity that is incorporated or otherwise established outwith a member state of the EU.
- (3) The proprietor must take such steps as are necessary to ensure that, no later than five years after whichever of the dates mentioned in subsection (4) is latest, the proprietor entered in the proprietorship section of the title sheet is no longer a proprietor of the kind mentioned in subsection (2).
- 15 (4) The dates are—
  - (a) the date on which this section first came into force,
  - (b) the date on which the proprietor of the kind mentioned in subsection (2) was first entered in the proprietorship section of the title sheet.
- 20 (5) The Scottish Ministers—
  - (a) must by regulations make provision about the effect of a proprietor of the kind mentioned in subsection (2) failing to comply with subsection (3),

- 25 (b) may by regulations make such further provision (including incidental, supplementary, consequential, transitory, transitional or saving provision) as is necessary for the purposes of, in consequence of, or for giving full effect to, the provisions of this section or of regulations under paragraph (a).
- (6) Regulations under subsection (5) may modify any enactment, including this Act.
- 30 (7) The Scottish Ministers must, before making regulations under subsection (5), consult such persons as they consider appropriate.”.
- (3) In section 116(3), after paragraph (c), insert—  
“(ca) section 48A(5),”.>

**Sarah Boyack**

- 106A As an amendment to amendment 106, line 21, leave out <effect of> and insert <legal and financial penalties that are to result from>

**Sarah Boyack**

- 107 After section 35, insert—

**<Information to be included in proprietorship section of title sheet**

In section 7 (the proprietorship section of the title sheet) of the Land Registration etc. (Scotland) Act 2012, after subsection (1), insert—

- “(1A) Subsection (1B) applies where the proprietor entered in the proprietorship section of the title sheet is an entity incorporated or otherwise established outwith the United Kingdom.
- (1B) The Keeper must also enter in the proprietorship section of the title sheet the name of the proprietor’s legal point of contact in the United Kingdom.”.>

**Section 36**

**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

**Graeme Dey**

- 36 Leave out section 36

**Section 37**

**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—
- <( ) 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.>

**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.>

### **After section 37**

**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.
- (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).>

### **Section 38**

**Claudia Beamish**

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

### **Section 40**

**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>

#### **Section 41**

**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>

#### **Section 42**

**Claudia Beamish**

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

<(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.>

#### **Section 44**

**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**

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

**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**

- 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**

- 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>

#### **After section 44**

**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—
  - “(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**”.>

#### **Section 45**

**Jim Hume**

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

**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)),>

**Section 46**

**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),>

**Aileen McLeod**

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

**Section 47**

**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.>

**Sarah Boyack**

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

**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.>

**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.>

**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.>

**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),>

**Aileen McLeod**

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

**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).>

**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**

- 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.>

**Aileen McLeod**

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

**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.>

**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,  
( ) the realisation of human rights,>

**Section 48**

**Claudia Beamish**

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

**Section 52**

**Aileen McLeod**

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

**Section 58**

**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.>

## **Section 60**

**Aileen McLeod**

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

## **After section 64**

**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
  - (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.>

## **Section 65**

**Aileen McLeod**

**68** Move section 65 to after section 43

## **After section 65**

**Patrick Harvie**

**115** After section 65, insert—

**<PART**

**COMMON LAND**

### **Repeal of Division of Commonties Act 1695**

The Division of Commonties Act 1695 is repealed.>

## **Section 66**

**Alex Fergusson**

**94** Leave out section 66

## Section 67

Alex Fergusson

95 Leave out section 67

## Section 70

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—
    - (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>

### **After section 70**

**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 or 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.”.

### **Section 22**

**Alex Fergusson**

- 116** In section 22, page 10, line 30, at end insert—

<( ) to provide or secure the provision of services of mediation or arbitration between landlords and tenants of agricultural holdings, to such extent and in such circumstances as the Commissioner considers appropriate.>

### **Section 98**

**Michael Russell**

- 96** In section 98, page 100, line 31, at end insert—

<“equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part 2 of schedule 5 of the Scotland Act 1998,>

**Michael Russell**

**97** In section 98, page 100, line 31, at end insert—

<“human rights” includes such economic, social and cultural rights as are referred to in—

5 (a) 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), or

10 (b) such other international covenants, conventions, agreements or EU documents as the Scottish Ministers (after consulting the Scottish Human Rights Commission and such other bodies or persons as the Scottish Ministers consider appropriate) consider to be relevant.>

**Sarah Boyack**

**97A** As an amendment to amendment 97, line 7, after <section),> insert—

<( ) the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security issued by the Food and Agriculture Organization of the United Nations,>

**Sarah Boyack**

**117** In section 98, page 100, line 32, at end insert—

<“sustainable development” means development that is consistent with the 5 principles set out in the document One future – different paths: The UK’s shared framework for sustainable development, agreed between HM Government, the Scottish Executive, the Welsh Assembly Government and the Northern Ireland Office in 2005.>

**Section 99**

**Graeme Dey**

**69** In section 99, page 101, leave out line 17

**Michael Russell**

**98** In section 99, page 101, line 17, at end insert—

<( ) section (*Non-compliance with guidance under section 37*)(4),>

**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),>

## Section 102

**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)>

### Before the schedule

**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),

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”.>



## **Section 103**

**Michael Russell**

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

## **Long title**

**Alex Fergusson**

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



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