



## **Land Reform Review Group Final Report published** **Keeping you informed of the recommendations.**

**The final report of the Land Reform Review Group, set up by the Scottish Government, was published last Friday and has already attracted much media comment. It contains a raft of recommendations that may, if implemented, have far-reaching consequences for landowners, farmers and their businesses.**

The 263 page document contains 62 recommendations covering, amongst other points, ownership of rivers, tax rates for sporting estates, farming and tenancy issues, and a suggestion of limitation on the size of land ownership. The Scottish Government says that it will study the report in detail, has indicated that it likes the 'direction of travel', but will not commit now to implementing all, or indeed any defined number of the recommendations.

Already accepted by the Scottish Government is the intention to create a land register, with the Registers of Scotland asked to prepare to complete a register of ownership of all of Scotland's land within 10 years. The Scottish Government has already said it had no plans to review non-domestic rates, which the Review Group has nevertheless recommended.

The report appears to focus on the pattern of land ownership at the expense of any real analysis of the consequence of its recommendations. If these are implemented in full the outcome, for all property owners, regardless of their nationality or scale of ownership, could be dramatic. Farmers, estate owners, and anyone with an interest in agriculture, rivers, deer management and housing will be affected. The economy and business outlook for rural Scotland in particular could be irreversibly altered.

There will now be period of representation and review which will influence the form and extent of the adoption of any of the report's suggestions. In addition the forthcoming report from the Agricultural Holdings Legislation Review Group will also be under review, and the Scottish Government will be considering new legislation following the referendum in September, although some community-related measures may be introduced earlier through the Community Empowerment and Renewal Bill.

**CKD Galbraith will keep their clients closely informed of any government response to the report's recommendations, and any implications for their interests.**

The full report can be [read online here](#)

**Recommendations made by the group include:**

- The Scottish Government should make it incompetent for any legal entity not registered in a member state of the European Union to register title to land in the Land Register of Scotland, to improve traceability and accountability in the public interest.
- The Scottish Government and local authorities should have a right to register a statutory right of pre-emption over land, where that is in the public interest.
- The Scottish Government, using the evidence and recommendations for change presented in the report, should develop a policy statement, with clear direction to all parts of Government and its agencies, on the objective of diversified land ownership in Scotland, and a strategic framework to promote the continued growth of local community land ownership.
- Further mechanisms are required to address the persistent challenge of vacant and derelict land in urban areas. The Group recommends giving local authorities a new power of Compulsory Sale Order.
- The Scottish Government should establish a Community Land Agency, within Government, with a range of powers, particularly in facilitating negotiation between land owners and communities, to promote, support and deliver a significant increase in local community land ownership in Scotland.
- There should be an upper limit on the total amount of land in Scotland that can be held by a private land owner or single beneficial interest. The Group recommends that the Scottish Government should develop proposals to establish such a limit in law.
- The Review Group supports the Scottish Government's aim of "a fairer, or wider and more equitable, distribution of land in Scotland...with greater diversity of land ownership". The Group believes that this requires an integrated approach to developing measures which help deliver this ambition. The Group recommends that the Government should develop a National Land Policy for Scotland, taking full account of international experience and best practice.
- That there is no clear public interest case in maintaining the current universal exemption of agriculture, forestry and other land based businesses from non-domestic rates. The Group recommends that the Scottish Government should review this historic exemption, with a view to the phased introduction of non-domestic rates for these land based businesses.
- That 'sporting rates' could be tailored to each of the species involved and have the potential to be one of the tools available to help deliver the Scottish Government's Land Use Strategy and other rural objectives. The Group recommends that the Government should review the current exemptions from sporting rates and introduce a reformed rates

system as appropriate in the public interest.

- The Review Group considers that the position of secure 1991 tenant farmers and their families as part Scotland's rural communities, should be an important consideration in the Scottish Government's current review of Scotland's agricultural holdings legislation. The Group recommends that the Government should take full account of social and local community factors in determining whether the introduction of a conditional right to buy for tenants with secure tenancies under the Agricultural Holdings (Scotland) Act 1991, would be warranted in the public interest.
- That the current system of District Salmon Fishing Boards based on property rights is no longer appropriate or adequate as part of the statutory arrangements governing freshwater fishing and fisheries. The Group recommends that District Salmon Fishing Boards should be abolished as part of putting in place a new improved statutory framework to ensure the sustainable management of Scotland's wild freshwater fish populations in the public interest.
- The Scottish Government give serious consideration to a system of land value taxation.
- Serious consideration should be given to transferring the powers of the Crown Estate to the Scottish Government.

**The full 62 recommendations are available to read here**

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