

# Land Reform (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 104  
Long title

Schedules 1 and 2

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

### Section 1

#### Aileen McLeod

- 12 In section 1, page 1, line 21, after <prepare> insert <and publish>

#### Aileen McLeod

- 13 In section 1, page 1, line 26, at end insert—  
<(aa) promoting respect for such internationally accepted principles and standards for responsible practices in relation to land as the Scottish Ministers consider to be relevant,>

#### Sarah Boyack

- 14 In section 1, page 1, line 30, at end insert—  
<( ) supporting and facilitating community empowerment,>

#### Sarah Boyack

- 15 In section 1, page 2, line 2, leave out <and fostering community resilience>

#### Aileen McLeod

- 16 In section 1, page 2, line 4, leave out <In> and insert <For the purposes of>

#### Aileen McLeod

- 17 In section 1, page 2, line 5, at end insert <, and  
( ) in considering what human rights are relevant human rights, Ministers may consult the Scottish Commission for Human Rights and such other persons or bodies as they consider appropriate.>

#### Aileen McLeod

- 18 In section 1, page 2, line 5, at end insert—

<(2C) For the purposes of subsection (2A)(aa), “internationally accepted principles and standards for responsible practices in relation to land” include the principles and standards contained in 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 and endorsed by the Committee on World Food Security on 11 May 2012.>

**Aileen McLeod**

19 In section 1, page 2, line 5, at end insert—

<(2D) In this section “human rights” means—

- (a) the Convention rights (within the meaning of section 1 of the Human Rights Act 1998), and
- (b) other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom, including the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 subject to—
  - (i) any amendments in force in relation to the United Kingdom for the time being, and
  - (ii) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.>

**Aileen McLeod**

20 In section 1, page 2, line 6, after <first> insert <land rights and responsibilities>

**Aileen McLeod**

21 In section 1, page 2, line 39, leave out <practicable, further the objectives> and insert <reasonably practicable, promote the principles>

**Aileen McLeod**

22 Divide section 1 into three sections, the first (*Land rights and responsibilities statement*) to consist of subsections (1) to (2D), the second (*Publication and review of land rights and responsibilities statement*) to consist of subsections (3) to (4E), and the third (*Duty to promote land rights and responsibilities statement*) to consist of subsection (6)

**Section 7**

**Johann Lamont**

100 In section 7, page 5, line 18, at end insert—

<( ) The programme of work prepared under subsection (1) must include the preparation of recommendations as to how awareness of the benefits of community land ownership should be raised and such ownership promoted (including in particular ownership by community benefit societies).>

## Section 8

### Jim Hume

- 23 In section 8, page 6, line 3, at beginning insert <Subject to subsection (5B),>

### Jim Hume

- 24 In section 8, page 6, line 4, at end insert—  
<(5B) The period for which a person who is or has been a member is reappointed must not, taken together with the period of the person's previous appointment, exceed 8 years.>

## Section 9

### Jim Hume

- 101 In section 9, page 6, line 16, at beginning insert <practical>

### Claudia Beamish

- 25 In section 9, page 6, line 18, after <issues> insert—  
<( ) human rights,  
( ) equal opportunities,  
( ) the reduction of inequalities of outcome which result from socio-economic disadvantage,>

### Angus MacDonald

- 2 In section 9, page 6, line 22, after <that> insert <at least>

### Claudia Beamish

- 26 In section 9, page 6, line 29, leave out <(1)(b)> and insert <(1)>

## Section 10

### Aileen McLeod

- 27 In section 10, page 7, leave out line 1

### Aileen McLeod

- 28 In section 10, page 7, line 6, leave out <or 5A> and insert <, 5A or 5C>

## Section 15

### Jim Hume

- 102 In section 15, page 9, line 2, at end insert—

<( ) A person appointed under subsection (4) is not entitled to vote at meetings of the committee.>

## Section 20

### Aileen McLeod

- 29 In section 20, page 11, line 6, leave out <1> and insert <(Land rights and responsibilities statement) or revised under section (Publication and review of land rights and responsibilities statement)>

### Graeme Dey

- 3 In section 20, page 11, line 17, leave out <the implementation and monitoring of>

### Graeme Dey

- 4 In section 20, page 11, line 18, leave out <57(1)> and insert <57>

## Section 22

### Richard Lochhead

- 30 In section 22, page 12, line 2, at end insert—  
<( ) to prepare a report on the operation of agents of landlords and tenants in accordance with section (Report on operation of agents of landlords and tenants),>

### Michael Russell

- 5 In section 22, page 12, line 20, after <duties,> insert—  
<( ) invite such other persons appearing to Ministers to have an interest in the Commissioner's functions to give views on the operation of those functions,>

### Michael Russell

- 6 In section 22, page 12, line 21, leave out <given by the Commissioner>

## Section 25

### Richard Lochhead

- 31 In section 25, page 13, line 34, after <appearing> insert <to the Commissioner>

## After section 33

### Richard Lochhead

- 32 After section 33, insert—

*<Tenant Farming Commissioner: review of operation of agents*

**Report on operation of agents of landlords and tenants**

- (1) The Tenant Farming Commissioner must—
  - (a) prepare a report on the operation of agents of landlords and tenants in relation to agricultural holdings,
  - (b) submit the report to the Scottish Ministers before the end of the period of 12 months beginning with the day on which this section comes into force.
- (2) The report submitted to the Scottish Ministers under this section—
  - (a) must include such recommendations as the Commissioner considers necessary to improve the operation of agents of landlords and tenants in relation to agricultural holdings,
  - (b) may include such other recommendations as the Commissioner considers appropriate.
- (3) In preparing the report to the Scottish Ministers under this section, the Commissioner must consult any persons appearing to the Commissioner to have an interest in the operation of agents of landlords and tenants.>

**Section 33A**

**Richard Lochhead**

- 33** In section 33A, page 18, line 11, after <appearing> insert <to the Commissioner>

**Before section 35A**

**Aileen McLeod**

- 34** Before section 35A, insert—

*<Information about persons with controlling interests in relation to land*

**Information about persons with controlling interests in owners and tenants of land**

- (1) The Scottish Ministers may by regulations make provision—
  - 5 (a) requiring information to be provided about persons who have controlling interests in owners and tenants of land, and
  - (b) about the publication of that information in a public register kept by the Keeper of the Registers of Scotland.
- (2) Regulations under subsection (1) may, in particular, include provision about—
  - 10 (a) which owners and tenants of land the regulations apply to,
  - (b) what constitutes a controlling interest in an owner or tenant,
  - (c) which persons are to be treated as having a controlling interest in an owner or tenant,
  - 15 (d) what information must be provided under the regulations (and the manner in which it is to be provided),
  - (e) the circumstances in which information must be provided under the regulations,

- 20 (f) publication of information required under the regulations (including the form of the register and the entry of the information in it),
- (g) the circumstances in which the information entered in the register may be corrected or updated,
- 25 (h) the circumstances in which a person who has a controlling interest in an owner or tenant can request that information about that person not be published (including, in particular, where the publication of that information might result in the person being at a serious risk of violence or abuse, threat of violence or abuse or intimidation),
- (i) the effect of providing (or failing to provide) information required under the regulations,
- (j) sanctions for failure to comply with requirements imposed under the regulations,
- (k) delegation of functions under the regulations,
- 30 (l) fees payable in relation to the provision, publication or accessing of information under the regulations,
- (m) appeals against decisions made under the regulations.
- 35 (3) Regulations under subsection (1) may include provision for offences and civil penalties (including fixed penalties) for failure to comply with requirements imposed under the regulations.
- (4) Where regulations under subsection (1) include provision creating offences—
- (a) they must provide for those offences to be triable summarily only, and
- (b) they must provide for the maximum penalty for those offences to be a fine, which must not exceed level 5 on the standard scale.
- 40 (5) Where regulations under subsection (1) include provision for the imposition of civil penalties, they must include provision about appeals against decisions to impose those penalties.
- (6) Regulations under subsection (1) may modify any enactment (including this Act).
- 45 (7) The Scottish Ministers must, before laying a draft of any regulations under subsection (1) before the Scottish Parliament, consult—
- (a) the Keeper, and
- (b) such other persons as they consider appropriate.
- (8) Subsection (7) does not apply if section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land)*) applies.>
- 50

**Sarah Boyack**

**34A** As an amendment to amendment 34, line 4, leave out <may> and insert <must>

**Sarah Boyack**

**34B** As an amendment to amendment 34, line 5, leave out <who have controlling interests in> and insert <with significant control in relation to>

**Sarah Boyack**

- 34C** As an amendment to amendment 34, line 11, leave out <a controlling interest in> and insert <significant control in relation to>

**Sarah Boyack**

- 34D** As an amendment to amendment 34, line 12, leave out <a controlling interest in> and insert <significant control in relation to>

**Sarah Boyack**

- 34E** As an amendment to amendment 34, line 15, at end insert <and the duties associated with such provision),>

**Sarah Boyack**

- 34F** As an amendment to amendment 34, line 21, after <the> insert <exceptional and limited>

**Sarah Boyack**

- 34G** As an amendment to amendment 34, line 21, leave out <who has a controlling interest in> and insert <with significant control in relation to>

**Sarah Boyack**

- 34H** As an amendment to amendment 34, line 22, leave out <including, in particular> and insert <for example>

**Sarah Boyack**

- 34I** As an amendment to amendment 34, line 32, at end insert—
- <( ) Regulations making provision of the kind mentioned in subsection (2)(f) may, in particular, provide for the register—
    - (a) to be available on the internet or by such other electronic means as the Scottish Ministers consider appropriate, and
    - (b) to be searchable by members of the public.>

**Sarah Boyack**

- 34J** As an amendment to amendment 34, line 43, after <enactment> insert <(excluding subsection (1) of this section but otherwise>

**Aileen McLeod**

35 Before section 35A, insert—

*<Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land)*

5 **Procedure for first regulations under section (*Information about persons with controlling interests in owners and tenants of land*)**

The Scottish Ministers may not lay a draft of the first regulations under section (*Information about persons with controlling interests in owners and tenants of land*)(1) before the Scottish Parliament unless—

10 (a) they have consulted in accordance with section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land): consultation*), and

(b) following that consultation, they have laid before the Scottish Parliament—

(i) proposed draft regulations, and

15 (ii) an explanatory document prepared in accordance with section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land): explanatory document*).>

**Sarah Boyack**

35A As an amendment to amendment 35, line 5, at end insert—

<( ) A draft of the first regulations under section (*Information about persons with controlling interests in owners and tenants of land*)(1) must be laid before the Scottish Parliament before the expiry of the period of 18 months beginning with the day after Royal Assent.>

**Aileen McLeod**

36 Before section 35A, insert—

**<Procedure for first regulations under section (*Information about persons with controlling interests in owners and tenants of land*): consultation**

(1) Before laying a draft of the first regulations under section (*Information about persons with controlling interests in owners and tenants of land*)(1) before the Scottish Parliament, the Scottish Ministers must consult—

(a) the Keeper, and

(b) such other persons as they consider appropriate.

(2) For the purposes of any consultation required by subsection (1), the Scottish Ministers must—

(a) lay before the Scottish Parliament—

(i) a copy of the proposed draft regulations, and



- (ii) a copy of the proposed explanatory document referred to in section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land)*)(b)(ii) (except the details required by section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land): explanatory document*)(1)(b)),
  - (b) send a copy of the proposed draft regulations and proposed explanatory document to any person to be consulted under subsection (1), and
  - (c) have regard to any representations about the proposed draft regulations that are made to them within the period of 60 days beginning with the date on which the copy of the proposed draft regulations is laid before the Parliament under paragraph (a).
- (3) In calculating any period of 60 days for the purposes of subsection (2)(c), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.>

**Aileen McLeod**

37 Before section 35A, insert—

**<Procedure for first regulations under section (*Information about persons with controlling interests in owners and tenants of land*): explanatory document**

- 5 (1) The explanatory document referred to in section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land)*)(b)(ii) must—
- (a) give reasons for the provisions contained in the proposed draft regulations,
  - (b) give details of—
    - 10 (i) any consultation undertaken under section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land): consultation*),
    - (ii) any representations received as a result of the consultation, and
    - (iii) the changes (if any) made to the proposed draft regulations as a result of those representations.
- 15 (2) Where a person making representations in response to consultation under section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land): consultation*) has not consented to the disclosure of the representations, the Scottish Ministers must not disclose them under subsection (1)(b)(ii).
- 20 (3) If information in representations made by a person in response to consultation under section (*Procedure for first regulations under section (Information about persons with controlling interests in owners and tenants of land): consultation*) relates to another person, the Scottish Ministers must not disclose that information under subsection (1)(b)(ii) if or to the extent that—
- 25 (a) it appears to the Scottish Ministers that the disclosure of that information could adversely affect the interests of that other person, and
  - (b) the Scottish Ministers have been unable to obtain the consent of that other person to the disclosure.

- 30 (4) Subsections (2) and (3) do not affect any disclosure that is requested by, and made to, a committee of the Parliament charged with reporting on the proposed draft regulations.>

**Sarah Boyack**

**37A** As an amendment to amendment 37, line 28, at end insert—

- <( ) Subsections (2) and (3) do not prevent the disclosure in the explanatory document of a summary of all representations received as a result of the consultation, provided that the summary does not present information in a way that would enable particular pieces of information to be associated with a person referred to in subsection (2) or, as the case may be, the other person referred to in subsection (3).>

**Section 35A**

**Aileen McLeod**

**38** Leave out section 35A

**After section 35A**

**Patrick Harvie**

**103** After section 35A, 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**

**104** After section 35A, 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).
  - (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).
  - (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.
  - (5) The Scottish Ministers—
    - (a) must by regulations make provision about the legal and financial penalties that are to result from a proprietor of the kind mentioned in subsection (2) failing to comply with subsection (3),
    - (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.
  - (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).”.>

**Patrick Harvie**

**105** After section 35A, insert—

**<Registration of registrable deeds: British overseas territory and Crown Dependency 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 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 Proprietorship condition**

- (1) The 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 within a British overseas territory or the Crown Dependencies.
- (3) In this section—
 

“British overseas territory” has the same meaning as in the British Nationality Act 1981,

“Crown Dependencies” means the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man.”.>

**Patrick Harvie**

**106** After section 35A, insert—

**<Registered land: British overseas territory and Crown Dependency proprietors**

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

**“PART 2A**

BRITISH OVERSEAS TERRITORY AND CROWN DEPENDENCY PROPRIETORS

**48A British overseas territory and Crown Dependency 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).
- (2) That is an entity that is incorporated or otherwise established within a British overseas territory or the Crown Dependencies.
- (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).
- (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.
- (5) The Scottish Ministers—
- (a) must by regulations make provision about the legal and financial penalties that are to result from a proprietor of the kind mentioned in subsection (2) failing to comply with subsection (3),
  - (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.
- (7) The Scottish Ministers must, before making regulations under subsection (5), consult such persons as they consider appropriate.
- (8) In this section—
- “British overseas territory” has the same meaning as in the British Nationality Act 1981,
  - “Crown Dependencies” means the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man.”.
- (3) In section 116(3), after paragraph (c), insert—
- “(ca) section 48A(5).”.>

### **Section 36**

**Aileen McLeod**

- 39** In section 36, page 20, line 18, after <request> insert <or, as the case may be, require>

**Aileen McLeod**

- 40** In section 36, page 20, line 18, at end insert <the category of person or body into which a person mentioned in subsection (1A) falls.>

**Aileen McLeod**

- 41** In section 36, page 20, leave out lines 19 and 20 and insert—
- <(1A) The persons referred to in subsection (1) (“relevant persons”) are—
  - (a) owners of plots of land,
  - (b) proprietors of registered plots of land and registered leases, and
  - (c) tenants of leases which are registered or registrable.>

**Aileen McLeod**

- 42** In section 36, page 20, leave out lines 22 and 23 and insert—

- <( ) about the persons who are owners, proprietors and tenants for the purposes of subsection (1A),
- ( ) about the information, relating to the category of person or body into which a relevant person falls, provision of which may be requested or required,>

**Aileen McLeod**

- 43 In section 36, page 20, line 24, leave out <for the information to> and insert <about the form in which the information is to be provided, which may>

**Aileen McLeod**

- 44 In section 36, page 20, line 25, leave out <proprietors> and insert <relevant persons>

**Aileen McLeod**

- 45 In section 36, page 20, line 26, leave out <proprietor> insert <relevant person>

**Aileen McLeod**

- 46 In section 36, page 20, leave out lines 27 to 30 and insert—
- <( ) about the circumstances in which information may be requested,
  - ( ) about the circumstances in which information requires, and does not require, to be provided,
  - ( ) about the effect (if any) of providing (or not providing) information,
  - ( ) about the entry of the information in the register,
  - ( ) about whether the Keeper’s warranty under Part 7 is to apply in relation to information obtained under the regulations,>

**Aileen McLeod**

- 47 In section 36, page 20, line 36, leave out <(whether by entering it in the register or otherwise)>

**Aileen McLeod**

- 48 In section 36, page 21, leave out lines 1 to 3

**Aileen McLeod**

- 49 In section 36, page 21, line 3, at end insert—
- <( ) Regulations under subsection (1) which make provision enabling the Keeper to require information may include provision relating to offences for failure to comply with requirements imposed by the regulations.
  - ( ) Where regulations under subsection (1) include provision creating offences—
    - (a) they must provide for those offences to be triable summarily only, and
    - (b) they must provide for the maximum penalty for those offences to be a fine, which must not exceed level 3 on the standard scale.>

**Aileen McLeod**

**50** In section 36, page 21, line 10, at end insert—

**<48B Power to enter information relating to categories of owners and tenants in the register**

- (1) The Scottish Ministers may, by regulations, make provision enabling the Keeper to enter, in the register, information relating to the category of person or body into which a person mentioned in subsection (2) falls.
- (2) The persons referred to in subsection (1) (“relevant persons”) are—
  - (a) owners of plots of land,
  - (b) proprietors of registered plots of land and registered leases, and
  - (c) tenants of leases which are registered or registrable.
- (3) Regulations under subsection (1) may, in particular, make provision—
  - (a) about the persons who are owners, proprietors and tenants for the purposes of subsection (2),
  - (b) about notification by the Keeper of the intention to enter the information,
  - (c) about the circumstances in which the Keeper may enter the information,
  - (d) for the information that may be entered and the form in which it is to be entered,
  - (e) about the effect (if any) of entering the information,
  - (f) about whether the Keeper’s warranty under Part 7 is to apply in relation to information entered under the regulations,
  - (g) about the circumstances in which information entered under the regulations may be corrected or updated,
  - (h) about the circumstances in which information entered under the regulations may be provided to other persons,
  - (i) about the circumstances in which information entered under the regulations may be published,
  - (j) for fees relating to the correction or updating of information under the regulations.
- (4) The Scottish Ministers must consult the Keeper before laying a draft of regulations under subsection (1) before the Scottish Parliament.
- (5) Regulations under subsection (1) may include such incidental, supplementary or consequential provision as the Scottish Ministers consider appropriate for the purposes of, or in connection with, the regulations.
- (6) Regulations under subsection (1) may modify any enactment (including this Act).”.>

**Aileen McLeod**

**51** In section 36, page 21, line 12, at end insert—

<(bb) section 48B(1),”.>

**Aileen McLeod**

52 In section 36, page 21, line 12, at end insert—

<( ) In section 121 (Crown application)—

(a) in subsection (1), after first “Crown” insert “of a requirement imposed by regulations under section 48A or”,

(b) in subsection (3)—

(i) for “section 112 applies” substitute “regulations under section 48A and section 112 apply”,

(ii) for “it applies” substitute “they apply”.>

**Section 37**

**Aileen McLeod**

53 In section 37, page 21, line 20, at end insert—

<(aa) promoting respect for such internationally accepted principles and standards for responsible practices in relation to land as the Scottish Ministers consider to be relevant,>

**Aileen McLeod**

54 In section 37, page 21, line 26, leave out <In> and insert <For the purposes of>

**Aileen McLeod**

55 In section 37, page 21, line 27, at end insert <, and

( ) in considering what human rights are relevant human rights, Ministers may consult the Scottish Commission for Human Rights and such other persons or bodies as they consider appropriate.>

**Aileen McLeod**

56 In section 37, page 21, line 27, at end insert—

<( ) For the purposes of subsection (2)(aa), “internationally accepted principles and standards for responsible practices in relation to land” include the principles and standards contained in 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 and endorsed by the Committee on World Food Security on 11 May 2012.>

**Sarah Boyack**

57 In section 37, page 21, line 40, leave out from <assessing> to end of line and insert—

<( ) assessing the effectiveness of guidance under subsection (1), and

( ) setting out the Scottish Ministers’ views on any further steps which should be taken to improve the effectiveness of the guidance.>



**Sarah Boyack**

58 In section 37, page 22, line 4, leave out <3> and insert <5>

**Aileen McLeod**

59 In section 37, page 22, line 4, at end insert—

- <( ) In this section “human rights” means—
- (a) the Convention rights (within the meaning of section 1 of the Human Rights Act 1998), and
  - (b) other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom, including the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 subject to—
    - (i) any amendments in force in relation to the United Kingdom for the time being, and
    - (ii) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.>

**Section 43**

**Aileen McLeod**

60 In section 43, page 27, line 26, leave out subsection (1) and insert—

- <(1) A Part 5 community body—
- (a) which has bought land under this Part, any part of which remains in its ownership, and
  - (b) which modifies its memorandum, articles of association, constitution or registered rules (as defined in section 42(11)),
- must, as soon as possible after such modification, notify the Scottish Ministers in writing of the modification.>

**Section 47**

**Michael Russell**

7 In section 47, page 33, line 36, at end insert <, and

- ( ) where the land comprises or includes agricultural land, there would be no significant detrimental effect on the viability of any business of the owner of the land that comprises or includes the farming of that agricultural land.>

**Alex Fergusson**

107 In section 47, page 33, line 36, at end insert <, and

- ( ) where the land comprises or includes productively managed land (whether agricultural land or otherwise), there would be no significant detrimental effect on the viability of any business of the owner of the land that comprises or includes the productive management of that land.>

**Alex Fergusson**

- 108** In section 47, page 33, line 36, at end insert <, and
- ( ) no application to purchase the land to which the application relates has been made in the 3 years preceding the date on which the Scottish Ministers received the application.>

**Dave Thompson**

- 8** In section 47, page 34, line 5, leave out <significant>

**Aileen McLeod**

- 61** In section 47, page 34, line 37, leave out subsection (3A)

**Aileen McLeod**

- 62** In section 47, page 34, line 41, at end insert—
- <(3B) In determining whether an application to buy land meets the sustainable development conditions mentioned in subsection (2), the Scottish Ministers may take into account the extent to which, in relation to the relevant community, regard has been had to guidance issued under section 37.>

**Michael Russell**

- 9** In section 47, page 35, line 10, at end insert <, and
- ( ) where the tenant's interest relates to agricultural land, there would be no significant detrimental effect on the viability of any business of the tenant that comprises or includes the farming of that agricultural land.>

**Alex Fergusson**

- 109** In section 47, page 35, line 10, at end insert <, and
- ( ) where the tenant's interest relates to productively managed land (whether agricultural land or otherwise), there would be no significant detrimental effect on the viability of any business of the tenant that comprises or includes the productive management of that land.>

**Aileen McLeod**

- 63** In section 47, page 35, line 40, at end insert <, and
- (b) may take into account the extent to which, in relation to the relevant community, regard has been had to guidance issued under section 37>

**Aileen McLeod**

64 In section 47, page 36, line 4, after <land> insert <or tenant’s interest>

**Aileen McLeod**

65 In section 47, page 36, line 9, leave out <and (6)(g)(i)> and insert <, (3B), (6)(g)(i) and (7)(b)>

**Dave Thompson**

10 In section 47, page 36, line 12, leave out <or significant harm>

**Dave Thompson**

11 In section 47, page 36, line 13, leave out <(d)> and insert <harm to the community for the purposes of subsection (2)(d)>

**Aileen McLeod**

66 In section 47, page 36, leave out lines 20 and 21

**Aileen McLeod**

67 In section 47, page 36, line 23, at end insert—

<(11) In considering a decision under this section on an application under section 45, the Scottish Ministers must have regard to—

- (a) relevant non-Convention human rights, and
- (b) the desirability of encouraging equal opportunities (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998).

(12) In subsection (11)(a), “relevant non-Convention human rights” means such human rights other than the Convention rights (within the meaning of section 1 of the Human Rights Act 1998)—

- (a) as the Scottish Ministers consider to be relevant, and
- (b) which are contained in any international convention, treaty or other international instrument ratified by the United Kingdom, including the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 subject to—
  - (i) any amendment in force in relation to the United Kingdom for the time being, and
  - (ii) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.>

**Section 55**

**Aileen McLeod**

68 In section 55, page 42, line 14, at end insert <or the date when that determination is made, whichever occurs later>

**Aileen McLeod**

- 69 In section 55, page 42, line 16, leave out <determined> and insert <decided>

**Aileen McLeod**

- 70 In section 55, page 42, line 17, leave out <that determination> and insert <the decision on the appeal against the valuation or, as the case may be, the determination, whichever occurs later>

**Section 58**

**Aileen McLeod**

- 71 In section 58, page 47, line 4, leave out <(2)(b)(i)> and insert <(2)(a)(zi)>

**After section 64**

**Sarah Boyack**

- 72 After section 64, 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
  - (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).>

#### **After section 67**

#### **Michael Russell**

**73** After section 67, insert—

##### **<Net annual value of deer forests**

- (1) The Valuation and Rating (Scotland) Act 1956 is amended as follows.
- (2) In section 6 (ascertainment of gross annual value, net annual value and rateable value of lands and heritages)—
  - (a) in subsection (8), after “provisions” insert “of subsection (8ZA) and”,
  - (b) after subsection (8) insert—
 

“(8ZA)In arriving at the net annual value under subsection (8) of lands and heritages consisting of deer forests, regard may be had to such factors relating to deer management as the assessor considers appropriate.”,
  - (c) after subsection (10) insert—
 

“(10A)In subsection (8ZA), “assessor” means the assessor appointed under section 27(2) of the Local Government etc. (Scotland) Act 1994 for each valuation area.”.>

#### **Alex Fergusson**

**110** After section 67, insert—

<**Remission of rates in respect of shootings and deer forests**

- (1) The Local Government (Financial Provisions etc.) (Scotland) Act 1962 is amended as follows.
- (2) After section 3A, insert—

**“3B Schemes for reduction or remission of rates to take account of inclusion of shootings and deer forests in valuation roll**

Each rating authority must, no later than 31 March 2017, ensure that it has in place under section 3A a scheme that will allow for the reduction or remission of rates payable by persons liable to pay rates in respect of shootings and deer forests in cases where such persons demonstrate that the payment of such rates would cause substantial detriment to any business run by that person in connection with those shootings and deer forests.”.>

**Alex Fergusson**

- 111** After section 67, insert—

<**CHAPTER**

REPORT ON IMPACT OF INCLUSION OF SHOOTINGS AND DEER FORESTS IN VALUATION ROLL

**Report on impact of inclusion of shootings and deer forests in valuation roll**

- (1) The Scottish Ministers must, no later than 31 October 2016, prepare and lay before the Scottish Parliament a report setting out the impact that the provisions in Chapter 1 (and subsequent decisions affecting the non-domestic rates payable in respect of shootings and deer forests) are anticipated to have on—
  - (a) any persons liable to pay non-domestic rates in respect of shootings and deer forests,
  - (b) local communities in which businesses connected with the use of shootings and deer forests operate.
- (2) The Scottish Ministers may, if they consider it appropriate in the light of the report prepared under subsection (1), by regulations repeal the provisions in Chapter 1.>

**Alex Fergusson**

- 112** After section 67, insert—

<**CHAPTER**

DURATION OF CHAPTER 1 PROVISIONS

**Duration of Chapter 1 provisions**

- (1) The provisions within Chapter 1 of this Part expire at the end of the 6 year period, unless regulations are made under subsection (2).
- (2) The Scottish Ministers may by regulations, after the end of the 5 year period but before the end of the 6 year period, provide that the provisions within Chapter 1 of this Part are to continue in effect despite subsection (1).
- (3) The Scottish Ministers may by regulations make such provision (including provision modifying any enactment) as may be necessary or expedient in consequence of the expiry of the provisions within Chapter 1 of this Part by virtue of subsection (1).

(4) In this section—

“the 5 year period” means the period of 5 years beginning with the day on which section 1 comes into force, and

“the 6 year period” means the period of 6 years beginning with that day.>

### **Alex Fergusson**

**113** After section 67, insert—

#### **<Report on operation and effect of provisions within Chapter 1**

- (1) The Scottish Ministers must, as soon as practicable after the end of the 5 year period, lay before the Scottish Parliament a report on the operation and effect of the provisions within Chapter 1 of this Part during that period.
- (2) The report must, in particular—
  - (a) set out the revenue raised as a result of the provisions within Chapter 1 of this Part (and subsequent decisions affecting the non-domestic rates payable in respect of shootings and deer forests) in each year within the 5 year period,
  - (b) set out the cost of—
    - (i) collecting that revenue in each of those years, and
    - (ii) bringing shootings and deer forests onto valuation rolls,
  - (c) assess the impact that the provisions within Chapter 1 of this Part (and subsequent decisions affecting the non-domestic rates payable in respect of shootings and deer forests) have had on—
    - (i) any persons liable to pay non-domestic rates in respect of shootings and deer forests,
    - (ii) local communities in which businesses connected with the use of shootings and deer forests operate.
- (3) The Scottish Ministers must, in preparing the report under subsection (1), consult such persons as they consider appropriate.
- (4) The Scottish Ministers must, as soon as practicable after the report has been laid before the Parliament, publish the report in such manner as they consider appropriate.
- (5) In this section, “the 5 year period” has the meaning given in section (*Duration of Chapter 1 provisions*)(4).>

### **Patrick Harvie**

**114** After section 67, insert—

#### **<PART**

#### **LEVY ON VACANT OR DERELICT LAND**

##### **Local authority levy on vacant or derelict land**

- (1) A local authority may charge, in respect of land falling within subsection (2), a levy of an amount calculated in accordance with subsection (3).
- (2) Land falls within this subsection if it—
  - (a) is within the area of the local authority,

- (b) is included within the valuation roll for that area,
  - (c) has a rateable value of zero, and
  - (d) is vacant or derelict.
- (3) The amount of the levy may not exceed such percentage of the land’s capital value as the Scottish Ministers may by regulations prescribe.
  - (4) The Scottish Ministers may by regulations specify criteria that land must meet in order to be regarded as vacant or derelict for the purposes of subsection (2)(d).
  - (5) The Scottish Ministers may by regulations make further provision in connection with the charging of a levy under subsection (1).
  - (6) Regulations under subsection (5) may, in particular, include provision about—
    - (a) circumstances in which a levy may not be charged under subsection (1),
    - (b) the notice required to be given by local authorities of an intention to exercise the power under subsection (1) in its area (or part of its area),
    - (c) how (and by whom) the capital value of land is to be assessed for the purposes of subsection (3),
    - (d) the persons liable to pay a levy under subsection (1) (and the notice required to be given to such persons of their liability to pay the levy),
    - (e) the grounds on which, and process through which, liability to pay the levy under subsection (1) may be appealed,
    - (f) penalties for failure to pay the levy charged under subsection (1).
  - (7) Regulations under subsection (5) may modify any enactment (including this Act).
  - (8) Before making regulations under subsection (3), (4) or (5), the Scottish Ministers must consult such persons as they consider appropriate.>

**After section 68**

**Sarah Boyack**

**115** After section 68, insert—

<PART

ALLOTMENTS

**Power to acquire land for provision of allotments**

- (1) The Local Government (Scotland) Act 1973 is amended as follows.
- (2) In section 70(1) (acquisition of land by agreement) and section 71(1) (acquisition of land compulsorily), “enactment” is to be construed as if it included Part 9 of the Community Empowerment (Scotland) Act 2015.>

**After section 69**

**Claudia Beamish**

**116** After section 69, insert—



**<Review of compliance with code of practice on deer management**

- (1) The Deer (Scotland) Act 1996 is amended as follows.
- (2) After section 5A (code of practice on deer management) insert—

**“5B Review of compliance with code of practice on deer management**

- (1) SNH must, before the expiry of the period mentioned in subsection (4), carry out a review into the extent to which the code of practice on deer management—
  - (a) is being complied with by owners and occupiers of land, and
  - (b) is effective in promoting sustainable deer management.
- (2) SNH must, following a review under subsection (1), submit a report to the Scottish Ministers—
  - (a) setting out SNH’s views on the extent to which the code—
    - (i) has been complied with, and
    - (ii) has been effective in promoting sustainable deer management,
  - (b) including such recommendations as SNH consider appropriate.
- (3) The Scottish Ministers must lay before the Scottish Parliament a report submitted to them under subsection (2).
- (4) The period referred to in subsection (1) is—
  - (a) the period of 3 years beginning with the day on which section (*Review of compliance with code of practice on deer management*) of the Land Reform (Scotland) Act 2016 comes into force,
  - (b) each subsequent period of 3 years beginning with the day on which the Scottish Ministers lay, under subsection (3), the report submitted to them under subsection (2).”.>

**Section 70**

**Aileen McLeod**

- 74** In section 70, page 55, line 10, at end insert—

<( ) Before approving a deer management plan with modifications, SNH must consult the owners and occupiers of land who submitted the plan on the proposed modifications.>

**After section 70**

**Aileen McLeod**

- 75** After section 70, insert—

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

- (1) The Deer (Scotland) Act 1996 is amended as follows.
- (2) In section 16 (service of notices), in subsection (1A), for “and 40(1)” substitute “, 40(1) and 40A(1)”.

- (3) In section 17A (register of persons competent to shoot deer)—
- (a) in subsection (2)(a)(xiii), for “section 40” substitute “sections 40 and 40A”,
  - (b) in subsection (6)—
    - (i) in paragraph (a), after “return” insert “within the meaning given by subsection (7)(a) or (b)(i)”,
    - (ii) “or” immediately after paragraph (a) is repealed,
    - (iii) after paragraph (a) insert—
      - “(aa) fails without reasonable cause to submit a cull return within the meaning given by subsection (7)(b)(ii) in accordance with regulations made under subsection (1)(d) above, or”,
    - (iv) in paragraph (b), for “so submitted” substitute “referred to in paragraph (a)”,
  - (c) in subsection (7), for paragraph (b) substitute—
    - “(b) when required to be submitted by an owner or occupier of land, means—
      - (i) a written statement showing the number of deer of each species and of each sex which to his knowledge has been taken or killed on the land, or
      - (ii) a written statement showing the number of deer of each species and of each sex which are planned to be killed on the land in the following year.”.

- (4) After section 40 insert—

**“40A Power of SNH to require return of number of deer planned to be killed**

- (1) SNH may, for the purposes of any of its deer functions, by notice served on the owner or occupier of any land require the owner or occupier to make a return, in such form as SNH may require, showing how many deer of each species and of each sex are planned to be killed on the land in the following year.
- (2) A notice served under subsection (1) must specify a period, of not more than 1 year immediately following the date of service of the notice, for which the return must be completed.
- (3) Any person on whom a notice under subsection (1) has been served who fails without reasonable cause to make the required return within 36 days after the service of the notice commits an offence.”.

- (5) In schedule 3 (penalties)—

- (a) in the entry relating to section 17A(6), in column 1, for “17A(6)” substitute “17A(6)(a) or (b)”,
- (b) after that entry, insert—

“17A(6)(aa)	Failure to submit cull return	a fine of level 3 on the standard scale”	
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- (c) after the entry relating to section 40(4), insert—

“40A(3)	Failure to make return of number of	a fine of level 3 on the standard	
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	deer planned to be killed.	scale.”	
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## Section 70A

**Aileen McLeod**

76 Leave out section 70A

## After section 79A

**Alex Fergusson**

117 After section 79A, insert—

### <Conversion of 1991 Act tenancies to modern limited duration tenancies by application by landlord

- (1) The 2003 Act is amended as follows.
- (2) After section 2B (as inserted by section 79A) insert—

#### “2C Application to Land Court for order of conversion

- (1) This section applies where the landlord of an agricultural holding to which subsection (2) applies wishes to convert the tenancy to a modern limited duration tenancy.
- (2) This subsection applies to an agricultural holding in respect of which a tenancy to which the 1991 Act applies was created before 27 November 2003 without the consent of the landlord.
- (3) A tenancy under subsection (2) is a “tenancy without consent”.
- (4) The landlord under a tenancy without consent may apply to the Land Court for an order of conversion.
- (5) An “order of conversion” is an order that a tenancy without consent shall be converted into a modern limited duration tenancy which comprises or includes the same land as that comprised in the tenancy without consent.
- (6) The Scottish Ministers may by regulations make further provision about tenancies without consent.
- (7) The landlord must give notice of the application to the landlord and such other persons as the Scottish Ministers may prescribe by regulations.
- (8) The Scottish Ministers may by regulations make further provision about the content and form of the notice given under subsection (7).

#### 2D Order of conversion

- (1) The Land Court may make an order of conversion where it is satisfied that—
  - (a) the tenancy is a tenancy without consent,
  - (b) greater hardship would be caused by not making the order than by making it, and

- (c) in all the circumstances it is appropriate.
- (2) The order of conversion shall specify the date on which the tenancy without consent is to convert to a modern limited duration tenancy.
- (3) The Land Court must give notice of the making of the order of conversion to the landlord and the tenant.

**2E Effect of order for conversion and procedure for conversion**

- (1) The Scottish Ministers may by regulations make provision for the conversion of tenancies without consent into modern limited duration tenancies.
- (2) Regulations under subsection (1) may, in particular, make provision for the procedure for and effects of conversion, including—
  - (a) the effect of an order of conversion on the tenant’s and the landlord’s rights and obligations during the period following the giving of the order,
  - (b) the effect, on the order of conversion and on the proposed conversion, where any matters are pending before the Land Court where the notice is given,
  - (c) the terms of the lease for the modern limited duration tenancy, including—
    - (i) the minimum term of the lease, and
    - (ii) the terms where the tenant and the landlord do not agree about any matter,
  - (d) the effect of conversion on any entitlement to compensation under Parts 4 and 5 of the 1991 Act.”.>

**Section 79B**

**Richard Lochhead**

- 77 In section 79B, page 67, line 2, leave out from <as> to end of line and insert <—  
 ( ) as the landlord and tenant may agree under this paragraph or, as the case may be, under subsection (3)(a), or  
 ( ) as the Land Court may determine under subsection (3)(b).>

**Richard Lochhead**

- 78 In section 79B, page 67, line 3, leave out from <Land> to second <period> and insert <repairing period may be extended at any time before its expiry—  
 (a) by the landlord and tenant by agreement, or  
 (b) by the Land Court>

**Richard Lochhead**

- 79 In section 79B, page 67, line 4, at end insert—

- <(3A) On an application under subsection (3)(b), the Land Court may extend the repairing period—
- (a) if it considers it appropriate in all the circumstances to do so, and
  - (b) by such period as it determines necessary in all the circumstances.>

### **Section 79G**

#### **Richard Lochhead**

- 80** In section 79G, page 70, leave out lines 17 to 24 and insert—
- <(1) Subject to subsection (2), section 18A applies to the irritancy of a lease constituting a repairing tenancy as it applies to the irritancy of a lease constituting a modern limited duration tenancy.
  - (2) During the repairing period, section 18A has effect as if, after subsection (2), there were inserted—
    - “(2A) Any term of such a lease or of an agreement in connection with the lease that provides for the lease to be irritated solely on the grounds that the tenant is not using the land in accordance with the rules of good husbandry is of no effect.”.>

### **Section 89A**

#### **Jim Hume**

- 81** In section 89A, page 102, line 37, leave out <negative> and insert <affirmative>

#### **Richard Lochhead**

- 82** In section 89A, page 106, leave out lines 1 and 2

#### **Richard Lochhead**

- 83** In section 89A, page 106, line 27, at end insert—
- <Valuer’s expenses**
- (1) The tenant is responsible for meeting the expenses, incurred in carrying out functions under this Part, of a valuer appointed—
    - (a) by the Tenant Farming Commissioner under section 32G(2), or
    - (b) by the Land Court under section 32H(5)(b).
  - (2) Where, in the case of a valuer appointed under section 32G(2), those expenses have been met by the Tenant Farming Commissioner, the Commissioner is entitled to recover them from the tenant.>

#### **Richard Lochhead**

- 84** In section 89A, page 107, leave out lines 7 to 11

**Richard Lochhead**

- 85 In section 89A, page 107, line 15, leave out <of sporting interests> and insert <, other than the lease of the holding,>

**Richard Lochhead**

- 86 In section 89A, page 107, line 17, at end insert—  
    <( ) the existence of any person to whom the tenant could assign the lease of the holding under section 10A or to whom the lease could be bequeathed under section 11,>

**Richard Lochhead**

- 87 In section 89A, page 107, line 23, leave out <carried out at the expense of the tenant> and insert <in relation to which the tenant would be entitled to compensation as mentioned in subsection (1)(b)(i) and (ii),>

**Richard Lochhead**

- 88 In section 89A, page 107, line 25, leave out from <an> to end of line 27 and insert <one permitted by the lease of the holding,>

**Richard Lochhead**

- 89 In section 89A, page 107, line 30, at end insert <in relation to which the landlord would be entitled to compensation as mentioned in subsection (1)(b)(iii)>

**Richard Lochhead**

- 90 In section 89A, page 107, line 32, leave out from <an> to end of line 34 and insert <one permitted by the lease of the holding.>

**Alex Fergusson**

- 127 Leave out section 89A and insert—  
    <**Tenant’s offer to assign 1991 Act tenancy to a new entrant or progressing farmer**  
    (1) The 1991 Act is amended as follows.  
    (2) After section 32 insert—

**“PART 3A**

ASSIGNATION OF TENANCIES TO NEW ENTRANTS AND PROGRESSING FARMERS

**CHAPTER 1**

TENANT’S NOTICE OF INTENTION TO ASSIGN

*Application of Part and key terms*

**32A Application of Part**

- (1) This Part applies where the tenant of an agricultural holding to which subsections (2) and (3) apply wishes to assign the lease to an individual who is a new entrant to, or who is progressing in, farming.

- (2) This subsection applies to an agricultural holding in respect of which—
  - (a) the lease was entered into before 27 November 2003, or
  - (b) the lease—
    - (i) was entered into in writing on or after that date but prior to the commencement of the tenancy, and
    - (ii) expressly states that this Act is to apply to the tenancy.
- (3) This subsection applies to a tenant who is seeking to retire from the farming industry.

**32B New entrants to farming, persons progressing in farming and tenants seeking to retire**

- (1) The Scottish Ministers may by regulations make further provision about the individuals who are new entrants to, or who are progressing in, farming for the purposes of this Part.
- (2) The Scottish Ministers may by regulations make further provision about tenants seeking to retire from the farming industry for the purposes of this Part.
- (3) Regulations under subsections (1) and (2) are subject to the affirmative procedure.

**32C Assignment to an individual who is a new entrant to, or who is progressing in, farming**

- (1) The tenant may serve notice in writing on the landlord indicating that the tenant would like to assign the lease to an individual who—
  - (a) is not a person mentioned in subsection (1A) of section 10A, and
  - (b) is a new entrant to, or who is progressing in, farming.
- (2) The notice served on the landlord under subsection (1) is known as a “notice of intention to assign”.
- (3) The tenant must, at the same time as serving a notice of intention to assign, send a copy of the notice to the Tenant Farming Commissioner.

**32D Form and content of notice of intention to assign**

- (1) The Scottish Ministers may by regulations prescribe the form and content of notices of intention to assign.
- (2) Regulations under subsection (1) must, in particular, include provision for—
  - (a) such notices to be dated,
  - (b) such notices to state—
    - (i) the names and designations of the landlord and the tenant of the agricultural holding,
    - (ii) the name (if any) and the address of the holding or such other description of the holding as will identify it,

- (iii) the rent currently payable in respect of the holding,
  - (iv) the identity and particulars of the proposed assignee,
  - (v) the sum which the proposed assignee has agreed to pay the tenant for the assignation of the lease,
  - (vi) the terms upon which the assignation is to be made,
  - (vii) the date on which it is to be given effect.
  - (viii) the date on which the rent for the holding was last varied or, as the case may be, continued unchanged (whether by agreement or by determination of the Land Court),
  - (iv) the improvements (if any) carried out to the holding by the tenant,
  - (c) the information that must or may accompany such notices (which may include maps or plans of the holding).
- (3) Regulations under subsection (1) are subject to the negative procedure.

**32E Restrictions on serving notice of intention to assign**

- (1) A tenant may not serve a notice of intention to assign if, at the date of service, any of subsections (2) to (7) apply.
- (2) This subsection applies where the tenant has served notice of intention to quit.
- (3) This subsection applies where the tenant has failed to comply with a written demand, served on the tenant by the landlord, requiring the tenant—
  - (a) to pay rent due in respect of the holding within 2 months from the date of service of the demand, or
  - (b) to remedy a relevant breach within a reasonable time.
- (4) In subsection (3)(b), a “relevant breach” is a breach by the tenant of a condition of the tenancy which—
  - (a) is capable of being remedied, and
  - (b) is not inconsistent with the fulfilment of the tenant’s responsibilities to farm in accordance with the rules of good husbandry.
- (5) This subsection applies where the landlord has served notice to quit to which section 22(2) applies.
- (6) This subsection applies where the landlord has served notice to quit to which section 22(2) does not apply and—
  - (a) the period mentioned in section 23(1) within which the landlord may apply to the Land Court for consent to the operation of the notice has not expired,
  - (b) the landlord has applied in accordance with that section and the Land Court has yet to reach a decision, or
  - (c) the Land Court has, on such an application, consented to the notice and—
    - (i) any period within which an appeal may be made against that decision has not expired,



- (ii) such a period has expired without an appeal having been made, or
  - (iii) an appeal having been made, the decision of the Land Court to consent to the notice has been upheld.
- (7) This subsection applies where, in relation to a notice to quit to which section 22(2) does not apply, the Land Court has, following an application under section 23(1), refused consent to its operation and—
- (a) any period within which an appeal may be made against that decision has not expired,
  - (b) an appeal has been made but not determined, or
  - (c) the decision of the Land Court to refuse consent to the notice has been quashed.

**32F Restriction on notice to quit etc. where notice of intention to assign served**

- (1) This section applies where a tenant serves a notice of intention to assign.
- (2) During the relevant period, sections 22 to 24 and 43 have effect in relation to the tenancy subject to the following modifications.
- (3) The relevant period is the period beginning with the date of service of the notice of intention to assign and ending with—
  - (a) the date the tenancy is terminated under section 32L(2), or
  - (b) the date on which the period of 1 year mentioned in section 32M(2) expires.
- (4) Section 22(2) has effect as if—
  - (a) paragraphs (a) and (b) were omitted, and
  - (b) for “any of paragraphs (a) to (f)” there were substituted “any of paragraphs (c) to (f)”.
- (5) Section 43 has effect as if, for subsection (2), there were substituted—
  - “(2) Compensation is not payable under this section where—
    - (a) the notice to quit relates to land being permanent pasture which the landlord has been in the habit of letting annually for seasonal grazing or of keeping in the landlord’s own occupation and which has been let to the tenant for a definite and limited period for cultivation as arable land on condition that the tenant must, along with the last or waygoing crop, sow permanent grass seeds, or
    - (b) the application of section 22(1) to the notice to quit is excluded by any of paragraphs (c) to (f) of subsection (2) of that section.”.

*Withdrawal of notice of intention to assign*

**32G Withdrawal of notice of intention to assign**

- (1) The tenant may, before the expiry of the period mentioned in subsection (2), withdraw a notice of intention to assign by serving notice on the landlord.

- (2) The period is the period of 35 days beginning with the day the notice of intention to assign is served.
- (3) The tenant must, at the same time as serving notice under subsection (1), send a copy of the notice to the Tenant Farming Commissioner.

## **CHAPTER 2**

### LANDLORD'S RESPONSE TO NOTICE OF INTENTION TO ASSIGN

#### **32H Options for the landlord on receipt of the notice of intention to assign**

In response to a notice of intention to assign, the landlord may either—

- (a) serve notice on the tenant indicating that he would like to acquire the tenant's interest in the lease at the price agreed between the tenant and the proposed assignee under section 32I(3), or
- (b) serve notice on the tenant indicating that the landlord wishes to accept the tenant's proposal to assign the lease to an individual who is a new entrant to, or who is progressing in, farming under section 32K(2).

#### **32I Notice of acquisition of the tenant's interest in the lease**

- (1) The section applies where the landlord wishes to acquire the tenant's interest in the lease at the price agreed between the tenant and the proposed assignee as set out in the notice of intention to assign.
- (2) The landlord must—
  - (a) serve notice on the tenant which complies with subsection (3), and
  - (b) pay the sum set out in the notice of intention to assign before the expiry of the period under subsection (5).
- (3) A notice complies with this subsection if it—
  - (a) is served before the expiry of the period mentioned in subsection (4), and
  - (b) states that the landlord will pay to the tenant the sum set out in the notice of intention to assign.
- (4) The period referred to in subsection (3)(a) is the period of 28 days beginning with the date on which the period, within which the tenant may, under section 32G, withdraw the notice of intention to assign expires.
- (5) The period referred to in subsection (2)(b) is the period of 6 months beginning with the date on which the period, within which the tenant may, under section 32G, withdraw the notice of intention to assign, expires.
- (6) A notice served under subsection (2)(a) is a "notice of acquisition of the tenant's interest in the lease".
- (7) The landlord must, at the same time as serving a notice of acquisition of the tenant's interest in the lease, send a copy of the notice to the Tenant Farming Commissioner.
- (8) The Scottish Ministers may by regulations specify the form and content of notices of acquisition of the tenant's interest in the lease.
- (9) Regulations under subsection (8) are subject to the negative procedure.

**32J Withdrawal of notice of acquisition of the tenant’s interest in the lease**

- (1) A landlord may, at any time before the expiry of the period of 6 months mentioned in section 32I(5), withdraw a notice of acquisition of the tenant’s interest in the lease by serving notice in writing on the tenant.
- (2) A notice served under subsection (1) is a “notice of withdrawal”.
- (3) The landlord must, at the same time as serving notice of withdrawal, send a copy of the notice to the Tenant Farming Commissioner.
- (4) The tenant is entitled to recover from the landlord any loss or expense incurred in reliance on the landlord’s notice of acquisition of the tenant’s interest in the lease.

**32K Notice of acceptance of proposal to assign**

- (1) This section applies where the landlord wishes to accept the tenant’s proposal to assign the lease to an individual who is a new entrant to, or who is progressing in, farming.
- (2) The landlord must, at any time before the expiry of the period of 28 days mentioned in subsection (5) , serve notice on the tenant stating that the landlord wishes to accept the tenant’s proposal to assign the lease to an individual who is a new entrant to, or who is progressing in, farming.
- (3) A notice served under subsection (1) is a “notice of acceptance of proposal to assign”.
- (4) The landlord must, at the same time as serving a notice of acceptance of proposal to assign, send a copy of the notice to the Tenant Farming Commissioner.
- (5) The period referred to in subsection (2) is the period of 28 days beginning with the date on which the period, within which the tenant may, under section 32G, withdraw the notice of intention to assign expires.
- (6) The Scottish Ministers may by regulations specify the form and content of notices of acceptance of proposal to assign
- (7) Regulations under subsection (6) are subject to the negative procedure.

**32L Consequences of landlord paying compensation to tenant**

- (1) This section applies where, on or before the expiry of the period mentioned in section 32I(5), the landlord pays to the tenant the price agreed between the tenant and the proposed assignee as set out in the notice of intention to assign.
- (2) The tenancy comes to an end—
  - (a) on the expiry of that period, or
  - (b) on such earlier date as the tenant and landlord may agree.
- (3) Where a tenancy is terminated under subsection (2), section 21 does not apply in respect of the tenancy.

- (4) Where a tenancy is terminated under subsection (2), any claim or entitlement to compensation or any other payment by or against either the landlord or the tenant shall be deemed to have been paid.

### CHAPTER 3

#### ASSIGNATION OF TENANCY

#### **32M** Assignment of tenancy

- (1) This section applies where the tenant serves notice of intention to assign and the landlord—
  - (a) serves notice of acceptance of proposal to assign,
  - (b) fails to serve notice of acquisition of the tenant's interest in the lease before the expiry of the period of 28 days mentioned in section 32I(4), or
  - (c) serves notice of acquisition of the tenant's interest in the lease but—
    - (i) serves notice of withdrawal before the expiry of the period of 6 months mentioned in section 32I(5), or
    - (ii) fails to pay the amount of compensation required before the expiry of that period in accordance with section 32I(2)(b).
- (2) The tenant may, before the expiry of the period of 1 year beginning with the date mentioned in subsection (3), assign the lease of the holding to the individual specified in the notice of intention to assign, provided that the landlord consents.
- (3) That date is—
  - (a) the date notice of acceptance of proposal to assign is served,
  - (b) where the landlord fails to serve notice of acquisition of the tenant's interest in the lease before the expiry of the period of 28 days mentioned in section 32I(4), the date falling at the end of that period,
  - (c) the date notice of withdrawal is served, or
  - (d) where the landlord fails to pay the amount of compensation required before the expiry of the period of 6 months mentioned in section 32I(5), the date falling at the end of that period.
- (4) The landlord may withhold consent to the proposed assignment under this Part if—
  - (a) the proposed assignee is not an individual who is a new entrant to farming or who is progressing in farming, or
  - (b) there are reasonable grounds for doing so.
- (5) In subsection (4)(b), reasonable grounds include, in particular, that the landlord is not satisfied that the proposed assignee—
  - (a) would have the ability to pay—
    - (i) the rent due under the lease, or
    - (ii) for adequate maintenance of the land, or

- (b) has the skills or experience that would be required properly to manage and maintain the land in accordance with the rules of good husbandry.
- (6) The ground of objection in subsection (5)(b) does not apply where the proposed assignee is a new entrant to farming and—
  - (a) is engaged in or will begin, before the expiry of the period of 6 months beginning with the date of the notice under subsection (2), a course of relevant training in agriculture which the person is expected to complete satisfactorily within 4 years from that date, and
  - (b) has made arrangements to secure that the holding is farmed with reasonable efficiency until the person completes that course.

**32N Application of section 22 to assignment under this Part**

Section 22(2) has effect in relation to a lease assigned by virtue of section 32M(2)—

- (a) as if, after paragraph (f), there was inserted—
  - “(fa) the date on which the notice takes effect is not less than 25 years from the date on which the assignment in terms of section 32M took effect.”, and
- (b) as if, for the words “paragraph (a) to (f)”, there were substituted “paragraph (a) to (fa)”.

**CHAPTER 4**

INTERPRETATION

**32O Interpretation of Part**

In this Part—

- “new entrant to farming” and “person progressing in farming” are to be construed in accordance with section 32B,
- “notice of acquisition of the tenant’s interest in the lease” has the meaning given by section 32I(6),
- “notice of acceptance of proposal to assign” has the meaning given by section 32K(3),
- “notice of intention to assign” has the meaning given by section 32C(2),
- “notice of withdrawal” has the meaning given by section 32J(2),
- “tenant seeking to retire from the farming industry” is to be construed in accordance with section 32B,
- “Tenant Farming Commissioner” means the person appointed under section 8(1) of the Land Reform (Scotland) Act 2016.”.>

**Section 89B**

**Alex Fergusson**

**128** In section 89B, page 114, line 31, at end insert—

<( ) In section 21(3) of the 1991 Act, after paragraph (d) insert—

“(e) in the case of a lease assigned under Part 3A of this Act, it is given not less than 1 year nor more than 2 years before the date on which the notice is to give effect.”.>

**Richard Lochhead**

**91** In section 89B, page 114, leave out lines 34 and 35 and insert <, in subsection (4), after “Where” insert “the tenancy is a limited duration tenancy or a modern limited duration tenancy and”.>

**Jim Hume**

**129** In section 89B, page 115, leave out lines 6 to 9

**Jim Hume**

**130** In section 89B, page 115, line 11, leave out from <and> to end of line 13

**After section 95**

**Graeme Dey**

**92** After section 95, insert—

*<Resolution of disputes*

**Arbitration and other dispute resolution**

(1) In the 1991 Act—

(a) in section 61 (agreement to refer matters to arbitration)—

(i) in subsection (1), after “this Act” insert “or section 94 of the Land Reform (Scotland) Act 2016”,

(ii) in subsection (2)—

(A) “8(6),” is repealed,

(B) “39,” is repealed,

(b) in section 61A(5) (arbitration: procedure etc.), after “this Act” insert “or of section 94 of the Land Reform (Scotland) Act 2016”,

(c) in section 61B (clauses in leases as to resolution of disputes), after “under this Act” insert “or under section 94 of the Land Reform (Scotland) Act 2016”.

(2) In section 1(7A) of the Scottish Land Court Act 1993, for “or the Agricultural Holdings (Scotland) Act 2003” substitute “, the Agricultural Holdings (Scotland) Act 2003 or section 94 of the Land Reform (Scotland) Act 2016”.

(3) In the 2003 Act—

(a) in section 78 (agreement to refer matters to arbitration)—

(i) in subsection (1), after “this Act” insert “or by virtue of section 94 of the Land Reform (Scotland) Act 2016”,

(ii) in subsection (2), for “section 21, 22 or 49(2)” substitute “section 21 or 22”,

- (b) in section 79(5) (arbitration: procedure etc.), after “this Act” insert “or by virtue of section 94 of the Land Reform (Scotland) Act 2016”,
- (c) in section 81 (clauses in leases as to resolution of disputes), after “this Act” insert “or by virtue of section 94 of the Land Reform (Scotland) Act 2016”.>

**After section 97B**

**Claudia Beamish**

**1** After section 97B, insert—

<CHAPTER

IRRITANCY FOR NON-PAYMENT OF RENT

**Irritancy for non-payment of rent**

- (1) The 2003 Act is amended as follows.
- (2) In section 18 (irritancy of lease and good husbandry), after subsection (2) insert—
  - “(2A) Where such a lease may be irritated on the grounds that the rent is due and unpaid, notice as mentioned in subsection (7) may not be given unless—
    - (a) the landlord has given the tenant a demand in writing requiring the tenant to pay the rent due before the expiry of the period of 2 months beginning with the date of the demand, and
    - (b) the demand has not been complied with.”.>

**Sarah Boyack**

**131** After section 97B, insert—

<CHAPTER

ALTERNATIVE FORMS OF DISPUTE RESOLUTION

**Alternative forms of dispute resolution**

- (1) The 1991 Act is amended as follows.
- (2) In section 61A (arbitration: procedure etc.)—
  - (a) after subsection (4) insert—
    - “(4A) So far as it is an arbitration to which but for it being a statutory arbitration the Arbitration (Scotland) Act 2010 would apply—
      - (a) the procedure shall be governed by that Act save that none of the Scottish Arbitration Rules or other provisions of that Act shall apply if or to the extent that they are excluded by or are inconsistent with this section,
      - (b) the references in the Scottish Arbitration Rules and that Act to an arbitration agreement are to this section and any supplementary agreement between the parties under which they have agreed on arbitration of the matter.

- (4B) Where a person is appointed in accordance with section 61 to make a final and binding determination of a matter as an expert there shall be no appeal to the Land Court.”,
- (b) in subsection (6), at the beginning, insert “For arbitrations other than those under subsections (4A) and (4B),”.
- (3) The 2003 Act is amended as follows.
- (4) In section 79 (arbitration: procedure etc.)—
  - (a) after subsection (4), insert—
    - “(4A) Where a person is appointed in accordance with section 78(1)(a) to determine the matter—
      - (a) the procedure shall be governed by the Arbitration (Scotland) Act 2010 save that none of the Scottish Arbitration Rules or other provisions of that Act shall apply if or to the extent that they are excluded by or are inconsistent with this section,
      - (b) the references in the Scottish Arbitration Rules and that Act to an arbitration agreement are to this section and any supplementary agreement between the parties under which they have agreed on arbitration of the matter.
  - (4B) Where a person is appointed in accordance with section 78(1)(b) to make a final and binding determination of a matter as an expert there shall be no appeal to the Land Court.”,
  - (b) in subsection (6), at the beginning, insert “For arbitrations other than those under subsections (4A) and (4B),”.>

**Alison Johnstone**

**132** After section 97B, insert—

**<PART**

SMALL LANDHOLDINGS

**Review of small landholdings legislation**

- (1) The Scottish Ministers must—
  - (a) review the legislation governing small landholdings, and
  - (b) lay a report of that review before the Scottish Parliament no later than 31 March 2017.
- (2) The Scottish Ministers must, in carrying out the review under subsection (1) consult—
  - (a) small landholders, and
  - (b) such other persons as they consider appropriate.
- (3) In this section, a “small landholding” is a landholding the tenancy of which is one to which—
  - (a) section 32 of the Small Landholders (Scotland) Act 1911 applies; or
  - (b) any of the provisions of the Small Landholders (Scotland) Acts 1886 to 1931 applies;



and “small landholders” is to be construed accordingly.>

## Section 98

### Aileen McLeod

- 93 In section 98, page 128, leave out lines 7 to 19

## Section 99

### Alex Fergusson

- 133 In section 99, page 128, line 36, at end insert—

<( ) section (*Report on impact of inclusion of shootings and deer forests in valuation roll*),>

### Aileen McLeod

- 94 In section 99, page 129, line 2, at end insert—

<( ) section (*Information about persons with controlling interests in owners and tenants of land*)(1),>

### Alex Fergusson

- 134 In section 99, page 129, line 12, at end insert—

<( ) section (*Duration of Chapter 1 provisions*)(2) and (3),>

### Patrick Harvie

- 135 In section 99, page 129, line 12, at end insert—

<( ) section (*Local authority levy on vacant or derelict land*)(1), (3) or (5),>

## Section 101

### Aileen McLeod

- 95 In section 101, page 129, line 23, leave out <35> and insert <(Information about persons with controlling interests in owners and tenants of land)>

## Schedule 1

### Aileen McLeod

- 96 In schedule 1, page 131, line 6, at end insert—

<( ) In section 35 (provisions supplementary to section 34)—  
(a) for subsection (A1) substitute—

“(A1) During the relevant period, a community body which modifies its memorandum, articles of association, constitution or registered rules (as defined in section 34(8)) must, as soon as possible after such modification, notify the Scottish Ministers in writing of the modification.”,

(b) for subsection (1) substitute—

“(1) A community body—

(a) which—

(i) has registered a community interest in land under this Part and remains so registered, or

(ii) has bought land under this Part, any part of which remains in its ownership, and

(b) which modifies its memorandum, articles of association, constitution or registered rules (as defined in section 34(8)),

must, as soon as possible after such modification, notify the Scottish Ministers in writing of the modification.”.>

### **Aileen McLeod**

**97** In schedule 1, page 131, line 19, at end insert—

<( ) In section 72 (provisions supplementary to section 71), for subsection (1) substitute—

“(1) A crofting community body—

(a) which has bought land under this Part, any part of which remains in its ownership, and

(b) which modifies its memorandum, articles of association, constitution or registered rules (as defined in section 71(8)),

must, as soon as possible after such modification, notify the Scottish Ministers in writing of the modification.”.

( ) In section 97E (provisions supplementary to section 97D), for subsection (1) substitute—

“(1) A Part 3A community body—

(a) which has bought land under this Part, any part of which remains in its ownership, and

(b) which modifies its memorandum, articles of association, constitution or registered rules (as defined in section 97D(12)),

must, as soon as possible after such modification, notify the Scottish Ministers in writing of the modification.”.>

## **Schedule 2**

### **Richard Lochhead**

**98** In schedule 2, page 131, line 34, at end insert—

*<Law Reform (Miscellaneous Provisions) (Scotland) Act 1985*

- (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 is amended as follows.
- (2) In section 7(2) (interpretation of sections 4 to 6), in the definition of “agricultural lease”, for “or a limited duration tenancy” substitute “, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy”.>

**Richard Lochhead**

- 99** In schedule 2, page 133, line 26, at end insert—
- <( ) in paragraph (a), after “17” insert “or 17A”.>



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