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By email: [landreformreview@scotland.gsi.gov.uk](mailto:landreformreview@scotland.gsi.gov.uk)

Ref: LS222B/KH  
Date: 10 January 2013

Dear Mr Thomson

### **Land Reform Review Group – call for evidence**

The Law Society of Scotland aims to lead and support a successful and respected Scottish legal profession. Not only do we act in the interests of our solicitor members but we also have a clear responsibility to work in the public interest. That is why we actively engage and seek to assist in the legislative and public policy decision making processes.

The Society's Rural Affairs sub-committee welcomes the opportunity to respond to the first consultation phase of this review.

Looking at the remit of the Review Group, we note that it is potentially very far-reaching, which is perhaps not surprising as the Scottish Government has asked it to develop "*innovative and radical proposals* that will contribute to Scotland's future success". However, we do have some concerns about the manageability of such an ambitious review. Looking at only the first bullet point of the Group's remit, it already foreseeably touches on many different points of law including planning, succession, agricultural, crofting, charity law and wildlife legislation.

While we are keen to assist the Review Group, we are of the view that there is not much that we can meaningfully contribute at this stage of the review. Our role is to comment on proposals for legislation as they affect rural communities and to consider how best to implement agreed policy, rather than promote specific policy positions. We think that we can be of more practical assistance at the later stages of the review, once the Group has had a steer from other interested parties about the





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areas that should be considered for reform. That said, when considering the terms of the review, we did identify some areas in relation to which we know of problems or concerns that exist, and which might be considered as part of the review, namely:

- Increasing community ownership of land by making the registration process more straightforward, the objectives clearer and simplifying the process for setting up community bodies and registering community support
- Encouraging diversity within the agricultural and crofting communities by making it easier to gain access to properties, for example through loan financing opportunities
- Decreasing red-tape, perhaps through consolidation of existing obligations that span planning, environment, agricultural and health and safety legislation.

We are aware from the project timetable that actual implementation of the Review Group's recommendations is unlikely to be considered until some time after the final report is published in April 2014, however we would like to stress from the outset that if there is to be new legislation, it must be necessary, clear and proportionate.

When considering land reform, there are always going to be areas of tension, which however you legislate, will exist between the different parties. In the main, we are of the view that it would be preferable to let existing land reform legislation settle down to see where there are larger-scale issues rather than smaller issues which may be more to do with the parties involved rather than the regime itself.

We look forward to contributing to the next stages of the Review Group's consultation phase. In the meantime, if you have any questions or if the committee can be of any further assistance, please do not hesitate to contact me. The committee would be delighted to meet with the Review Group to discuss any relevant issues as and when they arise, if this would be of help to the Group.

Yours sincerely

**Katie Hay**

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