

Net Zero, Energy and Transport Committee
Tuesday 25 June 2024
23rd Meeting, 2024 (Session 6)

Land Reform (Scotland) Bill

Introduction

1. The [Land Reform \(Scotland\) Bill](#) was introduced on 13 March, along with these accompanying documents:
 - [Explanatory Notes to Bill](#)
 - [Policy Memorandum](#)
 - [Financial Memorandum](#)
 - [Delegated Powers Memorandum](#)
 - [Statements on Legislative Competence](#)
2. The Parliament agreed to refer the Bill to the Net Zero, Energy and Transport Committee for Stage 1 scrutiny. At Stage 1, the lead Committee gathers evidence and information to decide whether to recommend support for the general principles of the Bill. The Parliament has not yet set a Stage 1 deadline.
3. The Committee on 23 April agreed its general approach to Stage 1 scrutiny, including initial witnesses. In addition to formal evidence, it has agreed to visits and engagement to gather more views on the Bill.
4. The Committee launched a call for written views on the Bill on 4 April, closing on 21 May. Most responses are now [published and available via this link](#).
5. At its first formal evidence session, [on 11 June](#), the Committee heard from the Scottish Land Commission. At its second evidence session, [on 18 June](#), the Committee heard from a panel of legal experts.

About the Bill

6. The Bill makes a large number of changes, mainly textual amendments to already existing legislation on land reform or agricultural holdings. The Policy Memorandum explains that changes are in four main areas:
 - land reform: new laws affecting large holdings of land (Part 1);
 - a model lease designed for letting land wholly or partly for environmental purposes (Part 2);
 - agricultural holdings legislation (Part 2); and
 - small landholdings legislation (Part 2).

Part 2 (agricultural leases and tenancies)

7. The evidence session on 25 June will cover Part 2 of the Bill only. Part 2 encompasses 3 of the 4 main areas of reform in the Bill. The Policy Memorandum says the overall aim is to modernise the law on agricultural holdings and small landholdings, in relation to:

- diversification – providing tenant farmers with greater opportunity to diversify their business, and in that way to improve farm incomes and help address the twin crises of climate change and biodiversity loss;
 - agricultural improvements – giving tenant farmers more scope to improve their holdings, and participate in sustainable and regenerative agriculture;
 - existing good husbandry and estate management rules – ensuring that tenant farmers can undertake sustainable and regenerative agricultural practices in accordance with these rules;
 - waygo [the term for when a tenancy comes to an end] – enabling tenants and landlords to settle their waygo claims in good time, and so move forward with the next stage of their life;
 - rent review – drawing on the work of the [Tenant Farming Commissioner](#), to create a flexible ‘hybrid’ system of review better suited to modern needs;
 - resumption – ensuring that tenant farmers receive fair compensation where the landlord takes back any part of the leased land;
 - compensation for game damage – modernising the compensation for game damage provisions by making good a wider range of losses; and
 - pre-emptive right to buy – improving the registration process to make it less burdensome for the tenant.
8. Part 2 also:
- Places a duty on Scottish Ministers to publish a ‘model lease for environmental purposes’; and
 - Modernises the law on small landholdings to give small landholders similar rights to other agricultural tenants and extends the role of the Tenant Farming Commissioner to these holdings. Small landholdings are a legally distinct form of agricultural tenure in Scotland, rather than simply all holdings under a certain size. The Policy Memorandum estimates that there are just 59 of them.
9. The Scottish Parliament Information Centre (SPICe) has published a [briefing](#) explaining the Bill in more detail.

Evidence session and next steps

10. On 25 June the Committee will hear from a panel of stakeholders with a range of expertise on Part 2 of the Bill, as set out in the agenda. Witnesses have provided these written submissions:
- [National Farmers Union Scotland](#)
 - [Scottish Tenant Farmers Association](#)
 - [Scottish Land and Estates](#)
 - [Central Association of Agricultural Valuers/Scottish Agricultural Arbiters and Valuers Association](#)
11. Following this meeting the Committee will discuss and agree further witnesses on the Bill, to be invited to meetings in autumn.

12. On 21 June, the Committee [will hold a panel event on the Bill](#) at the Royal Highland Show. Subject to seat availability, this event is open to anyone attending the Show. There will be further visits and outreach in autumn.
13. Once all evidence and information has been gathered, and after considering reports from the Delegated Powers and Law Reform Committee (on delegated power provisions in the Bill) and from the Finance and Public Administration Committee (on estimates in the Bill's Financial Memorandum), the Committee will report to the Parliament on whether the Bill's general principles should be approved. The Parliament will then vote on a Scottish Government motion to approve the general principles. If these are agreed, the Bill moves to Stage 2, when the Bill may be amended.

Clerks to the Committee
June 2024