

## **Commission response to RACCE**

### **Part 1: Land rights and responsibilities statement**

The Commission welcomes the general principle of setting out a vision for land governance in Scotland, as well as a set of objectives to guide policy development.

However, the Commission considers the rights and responsibilities statement to be of such significance that these should be considered more fully by Parliament. On that basis, the rights and responsibilities statement should be proposed by the Scottish Ministers, but ultimately set by the Parliament.

### **Part 2: The Scottish Land Commission**

The Commission supports the establishment of a Scottish Land Commission and its proposed role in relation to research and development on land and land reform. The Commission also notes and supports the proposal that members must be approved by Parliament. In terms of consistency, this would support our view that the *Land rights and responsibilities* should also be approved by Parliament.

While acknowledging the proposed areas of expertise required of Land Commissioners, we recommend that a substantive knowledge of the crofting system should also be an essential requisite within the Land Commission. Crofting areas have played an important role in the development of community ownership over the past 20 years; their significance is recognised in Part 3 of the Land Reform (Scotland) Act 2003. As part of the proposed Land Commission remit will be to review the effectiveness of legislation, we would emphasise that a substantive knowledge of the crofting system and its specific legislation should be imbedded with the Land Commission. We would consider this analogous to the recognition given to the role of landlords within the crofting system which requires the appointment of a representative of landlords' interests within the Crofting Commission.

While recognising that the location of the Scottish Land Commission is not covered within the terms of the Bill, we would strongly recommend that it is located in a rural part of Scotland. This would help to symbolise the role of the Commission and recognise its overall national significance.

### **Part 3: Information about control of land etc.**

The Commission is of the view that there should be clarity over the ownership and control of land, and access to such information should be made as simple as possible. Lack of knowledge of the ownership of land under crofting tenure has caused difficulties for crofting in the past, and still has the potential to do so. Whilst supportive of the Bill proposals, it is questionable how robust these proposals are and how straightforward they will be to implement.

The Commission also agreed at the earlier consultation stage with the view that land or long-term leases should only be owned or held by individuals or by a legal entity formed in accordance with the law of a member state of the European Union. It is understood that this was supported by a significant majority of respondents, but it is not contained within the Bill. There appears to be no explanation for this and the Commission continues to support its inclusion.

### **Part 4: Guidance on engaging communities in decisions relating to land**

The Commission agrees that this is a worthwhile inclusion, and that such engagement should be undertaken in a regularised manner. As with Part 5, we take the view that there needs to be some

uniformity as to what defines a community within the Land Reform legislation. Also we would draw attention to the specific recognition of the crofting community within the Land Reform (Scotland) Act 2003, and its importance to the Highlands and Islands of Scotland.

**Part 5: Right to buy land to further sustainable development**

The Commission supports this part of the Bill. However, there is a need to consider the on-going sustainability post-purchase. For this reason it is crucial that communities have access to professional support that can assist developments and ensure longer term sustainability.

**Part 6: Entry in valuation roll of shootings and deer forests**

This part is supported, but the Commission considers that there may be considerable administrative costs. This might also provide the opportunity to assess on what basis the application of non-domestic rates is levied.

**Part 7: Common Good Land**

No comment to make.

**Part 8: Deer Management**

Agree with the Bill proposal for greater community involvement in deer panels. The Commission also wishes to advise that many deer forests and crofting common grazings are a shared resource. On that basis, we strongly advocate that, in appropriate locations, there should be crofting representation on local deer panels.

**Part 9: Access rights**

Agree with Bill proposals.

**Part 10: Agricultural Holdings**

The Commission has no specific comments on this other than to reiterate its previous view that this should have been considered as separate legislation. This is borne out by the proportion of the Bill dedicated to this element.