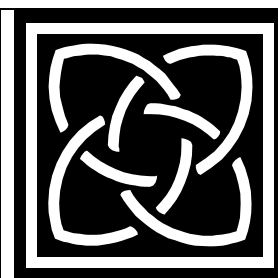


LAND REFORM ACTION PLAN
Progress report at end August 2002



The Land Reform Action Plan, published in August 1999, set out a wide-ranging agenda for action, covering

- A LAW REFORM LEGISLATION**
- B LAND REFORM LEGISLATION**
- C LEGISLATION ON COUNTRYSIDE AND
NATURAL HERITAGE ISSUES**
- D AGRICULTURAL HOLDINGS
LEGISLATION**
- E CROFTING LEGISLATION**
- F ACTION WITHOUT LEGISLATION**
- G ISSUES FOR FURTHER STUDY.**

Here is the August 2002 progress report showing what has been achieved to the end of that month.

A LAW REFORM LEGISLATION

Recommendation	Target for completion	Progress to date
A1 Legislation to abolish the feudal system and to replace it with a system of outright ownership of land.	Legislation to be introduced and enacted in the 1999-2000 year.	ACHIEVED. Bill obtained Royal Assent on 9 June 2000.
A2 Legislation to reform leasehold casualties.	Legislation to be introduced when an opportunity arises.	ACHIEVED. Bill introduced by Adam Ingram MSP on 11 May 2000 and obtained Royal Assent on 12 April 2001.
A3 Legislation to reform real burdens to do away with outdated conditions on properties and to modernise the basis on which remaining and new conditions should apply.	Legislation to be enacted by Spring 2003.	Title Conditions (Scotland) Bill introduced to Parliament on 6 June 2002. Justice 1 Committee to take evidence after summer recess.

B LAND REFORM LEGISLATION

Recommendation	Target for completion	Progress to date
B1 Legislation to allow time to assess the public interest when major properties change hands.	Legislation to be introduced and enacted in the 1999-2000 year.	The Land Reform (Scotland) Bill was introduced to the Scottish Parliament on 27 November 2001. Stage 1 of the Parliamentary process was completed in March 2002. The Justice 2 Committee, which is the lead committee, began its Stage 2 consideration on 25 June, and is expected to complete this in October 2002.
B2 Legislation to give a community right to buy such land as and when it changes hands.	Revised target: to introduce legislation to Parliament by September 2001.	
B3 A back-up compulsory purchase power to deter evasion.		
B4 A reserve power to investigate beneficial ownership of land.	If a practical solution can be identified, legislation will be brought forward.	The need for such information will be covered in the research on information about land (see F8).
B5 Legislation to supplement action to create a publicly accessible non-authoritative database on rural landholdings with data held by public bodies; and similar legislation to extend ScotLIS (Scottish Land Information Service) (in the event of that pilot being successful).	New legislation will not be necessary for this purpose.	No further action required under this item (but see F8).

C LEGISLATION ON COUNTRYSIDE AND NATURAL HERITAGE ISSUES

Recommendation	Target for completion	Progress to date
<p>C1 Legislation to reform access arrangements.</p>	<p>Legislation to be introduced and enacted in the 1999-2000 year.</p> <p>Revised target: to introduce legislation to Parliament by September 2001.</p>	<p>The Land Reform (Scotland) Bill was introduced to the Scottish Parliament on 27 November 2001. Stage 1 of the Parliamentary process was completed in March 2002. The Justice 2 Committee, which is the lead committee, began its Stage 2 consideration on 25 June, and is expected to complete this in October 2002.</p>
<p>C2 Legislation to revise the SSSI system.</p>	<p>Publication during 1999 of detailed policy proposals followed by development of draft proposals.</p>	<p>Detailed proposals for reform of the SSSI system were published on 7 March 2001 by Sam Galbraith in "The Nature of Scotland". The consultation period ended on 29 May 2001. An Expert Working Group, including NGO representatives, has been developing the detail of policies.</p> <p>The FM announced on 30 May (in his statement on the legislative programme for 2002/03) that a draft bill will be published by the Spring of 2003 (i.e. by early March). The DFM also announced that two key proposals on wildlife crime would be fast-tracked using the current Criminal Justice (Scotland) Bill and implemented by early 2003.</p>
<p>C3 Legislation to create National Parks.</p>	<p>Legislation to be introduced and enacted in the 1999-2000 year.</p>	<p>ACHIEVED. National Parks (Scotland) Bill passed by Scottish Parliament 5 July 2000. The Act received Royal Assent on 9 August 2000.</p>

D AGRICULTURAL HOLDINGS LEGISLATION

Recommendation	Target for completion	Progress to date
D1 Legislation to provide more flexible tenancy arrangements.	Publication of detailed policy proposals by end April 2000 Followed by development of Draft proposals.	Draft Agricultural Holdings (Scotland) Bill issued for consultation in April 2002. Consultation period closed on 12 July. Responses to the draft Bill are now being analysed to see what changes should be made to the draft Bill prior to introduction to the Scottish Parliament later this year.
D2 Legislation to simplify and reduce the cost of dispute resolution and to extend the role of the Scottish Land Court.	Revised target: It is planned to issue a draft Bill in Spring 2002.	
D3 Legislation to permit wider diversification by farm tenants and to facilitate part-time farming by tenants.		
D4 Legislation to provide greater protection for tenants against the operation of contested notices to quit, where the landlord intends to use the land for non-agricultural purposes.		
D5 Legislation to introduce rights for tenants to develop woodland; to encourage good conservation practice by tenants; and to strengthen tenants' rights to compensation for game damage and minerals.		

E CROFTING LEGISLATION

Recommendation	Target for completion	Progress to date
E1 Legislation to give all crofting communities a right to acquire their croft land.	Revised target: to introduce legislation to Parliament by September 2001.	The Land Reform (Scotland) Bill was introduced to the Scottish Parliament on 27 November 2001. Stage 1 of the Parliamentary process was completed in March 2002. The Justice 2 Committee, which is the lead committee, began its Stage 2 consideration on 25 June, and is expected to complete this in October 2002.
E2 Legislation to allow creation of new crofts.	Revised target: Publication of detailed policy proposals in Spring 2002.	White paper published for consultation on 4 July 2002. Consultation to be completed by 27 September 2002.
E3 Legislation to allow the extension of crofting tenure to new areas.		
E4 Legislation to devolve regulatory decisions to local bodies.		
E5 Legislation to update crofting legislation by tightening control over decrofting, curtailing control of subdivision, simplifying subletting, enabling owner occupiers to let their crofts without creating a crofting tenancy and simplifying assignments, re-lets and succession.		
E6 Legislation to remove the link between crofting grants and agricultural production.		
E7 Legislation to clarify the law on crofter forestry.		

F ACTION WITHOUT NEW LEGISLATION

Recommendation	Target for completion	Progress to date
F1 New requirements for all public bodies with rural landholdings answerable to the Secretary of State should be set so that they increase local community involvement in the management of their land. Other public bodies should also be invited to do likewise.	Series of announcements over Summer 1999: <ul style="list-style-type: none"> • Forest Enterprise 27 July • Scottish Natural Heritage 3 August • Ministers' estates 19 August • Also, Crown Estate 8 September. 	ACHIEVED
F2 A Code of Good Practice for rural landownership (including non-Governmental organisations) should be developed.	Revised target: harmonise with F6 (Code of Good Practice on rural land use). Both to issue by Easter 2002. Revised target: publish to coincide with implementation of the Land Reform Bill.	Intend publishing Code at the same time as the Land Reform (Scotland) Bill is given Royal Assent. Final review may be necessary resulting from any changes made by Parliament to the Bill.
F3 <ul style="list-style-type: none"> • An enhanced Land Fund is needed. 	Land Fund open for applications by early 2000. Revised target: open for applications from January 2001. Revised target: Land Fund launched on 26 February 2001	ACHIEVED Scottish Land Fund formally launched (with funding of £10.78m) on Monday, 26 February 2001.
<ul style="list-style-type: none"> • Scottish Enterprise should set up a Community Land Unit. 	Scottish Enterprise Community Land Unit set up in March 1999.	ACHIEVED

Recommendation	Target for completion	Progress to date
<p>F4 The Government should give explicit support for the use of compulsory purchase powers as a last resort where this will assist implementation of local plans or other strategies.</p>	<p>Guidance on use of existing compulsory purchase powers issued by end September 1999.</p>	<p>ACHIEVED</p>
<p>F5 The integrated planning of rural land use at local level should be taken forward in the context of community planning.</p>	<p>Ongoing.</p>	<p>The "Local Government in Scotland Bill 2002" entered Parliament on 16 May 2002 and is now the subject of parliamentary scrutiny. It is expected to receive Royal Assent in early 2003.</p> <p>The Bill contains a statutory underpinning for Community Planning, imposing a duty on Local Authorities to "initiate and facilitate" the process in partnership with other public/private bodies, voluntary sector and communities. The intention is to adopt a more "joined-up" approach to the delivery of public services leading to improvements and ultimately the increased well-being of communities.</p> <p>Councils continue to develop their Community Planning Partnerships, forging links with appropriate bodies. Local Rural Partnerships are represented on a number of these Partnerships, ensuring that rural interests are represented.</p>

Recommendation	Target for completion	Progress to date
<p>F6 A Code of Good Practice on rural land use should be developed.</p>	<p>Revised target: Completion Autumn 2002.</p>	<p>Draft has been returned to LURP Division by consultant and is to be considered against terms of Custodians of Change report, which was launched at the Highland Show in June.</p>
<p>F7 Steps should be taken to improve co-ordination of activity between public bodies responsible for land use matters and rural development.</p>	<p>Ongoing.</p>	<p>Progress is being effected through follow up work on Forestry, Agriculture, Deer and Environmental strategies.</p>
<p>F8 A new (non-authoritative) database on rural landholdings should be set up.</p>	<p>For further consideration.</p>	<p>The research project set up to assess the need for improved information about land reported on 5 November 2001. The study concluded that raising awareness of existing information provision would be more useful than developing a new system; and the demand for information on beneficial ownership had no clear rationale. A booklet has been published in order to further publicise existing sources and to provide a one-stop shop so that those searching for information will be able to find out where it is likely to be held.</p>
<p>F9</p> <ul style="list-style-type: none"> • Some initial action to simplify agricultural arbitration can and should be taken. 	<p>In place by end 2000.</p>	<p>SUPERSEDED The proposals of the Scottish Law Commission on dispute resolution do not envisage a future role for compulsory arbitration and foresee no need for action to simplify procedures.</p>

Recommendation	Target for completion	Progress to date
<ul style="list-style-type: none"> Also action to provide wider opportunities for diversification by farm tenants. 	In place by end 2000.	<p>SUPERSEDED</p> <p>Unlikely that any more than is already being proposed within the Agricultural Holdings Legislation will be needed.</p>
<ul style="list-style-type: none"> And action to amend rules of the Woodland Grant Scheme to make land taken back from a tenant ineligible for scheme payments. 	WGS rules amended in June 1999.	ACHIEVED
<p>F10</p> <ul style="list-style-type: none"> The Crofters Commission should act to encourage more community management of croft land. To ensure that there is no bias against newcomers in crofting administration. And to tackle absenteeism vigorously. 	<p>In place by Spring 2000.</p> <p>In place by Autumn 1999.</p> <p>Absentee programme started in May 1998. Programme is intended to be ongoing but will be reviewed in August 2000.</p>	<p>ACHIEVED</p> <p>ACHIEVED</p> <p>ACHIEVED</p>

G ISSUES FOR FURTHER STUDY

Recommendation	Target for completion	Progress to date
G1 The scope for streamlining public assistance supporting land uses; the scope for making schemes more user-friendly; the scope for making more information readily available about public assistance relating to land; and the scope for attaching certain conditions to such public assistance should be studied systematically.	Proposals for changes will come forward in stages from Summer to end 2000.	ACHIEVED The research project to collate all relevant data and identify scope for change has now been published, and is available on the Scottish Executive website.
G2 Evaluation of the impact of new planning guidance on rural development.	Evaluation complete by end 2003.	Development plans are being, and will continue to be, monitored. Research project now under way. Due to report January 2003.

Recommendation	Target for completion	Progress to date
<p>G3 Consideration of the implications for Scotland following current comprehensive review of compulsory purchase and compensation legislation.</p>	<p>Ongoing.</p>	<p>Continuing. In December 2001, the Department of Transport, Local Government and the Regions published a paper for consultation in England and Wales entitled "<i>Compulsory Purchase and Compensation: Delivering a Fundamental Change</i>". The paper sets out proposals for achieving a fairer, more efficient and more effective compulsory purchase and compensation system. In due course we intend to produce a consultation paper proposing changes to the compulsory purchase and compensation system in Scotland which will be based on the English proposals for change and the compulsory purchase and compensation research findings and recommendations which were published in August 2001.</p>
<p>G4 Investigation of the legal scope and nature of possible legislation to give greater protection for those who own property built on leased land.</p>	<p>To issue consultation paper on the principle and detail of possible legislative proposals to assist the Carbeth Hutters in December 2000.</p>	<p>Consultation period finished on 9 March, by which time 326 responses had been received. These responses, together with some late responses, are being analysed with a view to determining the way ahead. Local discussions are ongoing and it would not be appropriate to introduce legislation at this time.</p>
<p>G5 Comprehensive review of the law of the foreshore and seabed, with a view to reform.</p>	<p>Sixth Programme will begin in January 2000 and be complete by January 2004.</p> <p>Revised target: complete by end 2002.</p>	<p>The Scottish Law Commission is currently considering the responses to their Discussion Paper No 113 <i>Law of the Foreshore and Seabed</i> and remains on track to submit its report to Scottish Ministers by 31 December 2002.</p>

Recommendation	Target for completion	Progress to date
G6 How best and most cost-effectively to make information about land ownership as comprehensive as possible.	For further consideration.	The Scottish Law Commission are reviewing the Land Registration (Scotland) Act 1979 as part of their Sixth Programme.
G7 The economic impact of abolishing national non-domestic rate relief on sporting rights and reducing or abolishing national non-domestic rate relief on agriculture and forestry should be thoroughly evaluated.	Proposals by end 2001.	Completed. The Local Government Committee Inquiry into local government finance did not impact on this area and therefore did not recommend any changes.
G8 A comprehensive economic evaluation of the possible impact of moving to a land value taxation basis.	Proposals by end 2001.	Completed. Land Value Taxation was one of a number of taxation methods discussed during the evidence taking sessions of The Local Government Committee Inquiry into local government finance. No recommendations were made by the Local Government Committee with regard to the Scottish Executive considering moving to a system of Land Value Taxation.
G9 Research on bringing crofting regulation into local community control.	Complete by end 2001. Revised target: Report on outcome of pilots by September 2002.	The Crofters Commission is working with a range of different communities to test different approaches to greater devolution. Evaluation of the pilot projects has been extended.
G10 Review in due course of the need for stronger enforcement of deer control measures.	Evaluation complete by end 2002. Revised target: Evaluate in 2003.	Deer Commission for Scotland are undertaking a review of what can and cannot be done within the legislation and will report to Ministers by March 2003.