Minute of the meeting of the Scottish Land Commissioners held on Friday 5 September at The Norseman Hotel, Wick

- **Commissioners Present:** Michael Russell (Chair), Lucy Beattie, Deb Roberts, Craig Mackenzie, Calum MacLeod (Land Commissioners), Rob Black (Tenant Farming Commissioner)
- **In Attendance:** Hamish Trench, Nikki Nagler, Emma Cooper, Kathie Pollard, Scarlett MacFarlane, James MacKessack-Leitch, Gemma Campbell (Land Commission)
- **Apologies:** None
- **Declarations of interest:** Calum MacLeod indicated an indirect interest for item 6 in relation to the Scottish Land Fund, as a consultant that works with communities applying to the fund.

1. Minutes of previous meeting

The minutes from the meeting held on 3 July 2025 were agreed as a true and accurate record with no matters arising subject to one amendment:

- Item 4 Good Practice Programme: amend first bullet point to read ‘the potential for regionally based *or focused* advisers’.

2. Commissioners Updates

Commissioners provided updates on key activities and recent events they had attended. This included a report from the Chair following the board’s meeting with the Cabinet Secretary RALRI on 16 July and an online meeting with the Cabinet Secretary for Housing on 25 August. Commissioners drew attention to the government’s consultation on the RESAS research strategy and the Tenant Farming Commissioner reported on recent sector engagement focused on Part 2 of the Land Reform Bill.

Commissioners also reflected on the themes raised in the successful public meeting held the previous evening.

3. CEO Update

Hamish provided an update on recent staffing changes and engagement with sponsor team on financial planning in relation to implementation of the land reform bill and on the case to increase TFC resourcing.

4. Good Practice Protocols Refresh

Emma and Gemma introduced the paper which summarises changes made to refresh and update the suite of Protocols.

The board welcomed the progress and rationalisation. Commissioners sought further information and assurance on changes made, specifically why an additional reference to community engagement is not being included within the Good Stewardship protocol. Emma confirmed that the expectation for engagement remains with a cross reference to the engagement protocol, but to include more specific expectations here risks being disproportionate if the protocol is to be relevant to all land holdings.

The board sought more information about the distinction between a protocol and guidance – it was agreed that the protocols seek to establish high level expectations while guidance allows more detailed advice and reference to specific contexts to be provided.

The board discussed the interaction of the protocols refresh with new statutory measures set out in the bill. It was agreed that the refresh of protocols is necessary in advance of the bill measures, firstly to ensure the voluntary good practice approach continues and is up to date, and secondly to ensure experience of using the protocols can in due course inform the expected secondary legislation. The board noted the importance of clear communication about the context of the protocols as the refreshed versions are rolled out.

The board supported the changes made, noted the stakeholder engagement undertaken and agreed the revisions to the suite of protocols.

5. Review of Community Rights to Buy – consultation response

The board agreed the key messages set out in the paper as the basis for the Commission's consultation response. In doing so the board noted our response should be clear in stating that in their current form, the rights to buy are not sufficiently effective and that improvements are needed. The Chair noted the stakeholder engagement so far through the CRTB Review Reference Group.

The board agreed that the Commission's response should be published when submitted and communications team will consider options for an associated blog.

Action 25090501	Submit consultation response by deadline and consider associated communications opportunities.

6. Community Land Ownership Advice – scoping

The board noted the declaration of interest made by Calum MacLeod and he remained to participate in the discussion.

The board supported the proposed scope for this advice as set out in the paper, noting that the specific issue raised at (4) in relation to public finance mechanisms supporting transfers below market value can be considered as part of the wider role of public bodies raised in (1).

Commissioners raised considerations on whether research is available or needed on ways to calculate the net effects of best value, accounting for impact beyond immediate financial return. Staff noted relevant work already published by the Commission on socio-economic appraisal for vacant and derelict land sites which holds some parallel learning. The potential for new approaches to loan finance as a result of changes in UK fiscal rules was identified as an opportunity to explore.

The board agreed that this work should seek to deliver headline advice for Qtr 4 within this financial year, recognising that significant changes to the Land Fund would likely take time to be considered by a government in the next parliament, and would likely need follow up work if taken forward.

The board agreed the priorities within the scope are to address the role of public bodies in enabling community land ownership and potential changes in the way the Scottish Land Fund could operate.

Action 25090502	Staff to develop advice with a draft report to be considered at a future board meeting.

7. Land Reform Bill update and implementation planning

Hamish updated the board on bill progress and associated Commission work, noting a recent meeting with the bill team which looked ahead to implementation planning.

Emma introduced the paper which uses experience from our good practice and TFC work to begin consideration of the new Land and Communities Commissioner role.

The board identified several key considerations which will need to be carefully worked through to inform implementation including:

- Learning from TFC experience in relation to the capacity and functioning of the new Commissioner role;
- The need to develop clear and transparent processes to manage delegation, delivery and escalation of cases;
- The interaction with our continuing good practice advice;
- The staffing resource needed to support the Commissioner and flexibility to be able to draw on advice from all parts of the Commission staff team as needed;

- The internal governance arrangements to ensure effective collaboration between the new Commissioner, Land Commissioners and the Tenant Farming Commissioner.

The board noted that while the implementation timetable is expected to provide good time to develop these aspects step by step, this work should be built into our business planning for the remainder of this financial year and next.

The board agreed that the Chair and CEO will maintain regular dialogue with sponsor team on the expected costs of implementation, including the costs ahead of formal implementation, noting the Commission will need to secure commensurate grant-in-aid to be able to undertake this work effectively.

8. Budget Update

Nikki provided a budget update noting the spend to date and planned spend at this point in Quarter 2.

9. AOB

Scarlett provided a brief update on progress in ScotLand Futures engagement and planned next steps. The board asked that planning for final outputs should include a summary available in Gaelic.

Action 25090503	Provision for a Gaelic output to be included in ScotLand Futures project planning.

Date of next meeting: 2 October 2025, Inverness – note change in timing: board/staff workshop at 13:00 followed by board meeting at 15:30.