



## Commissioners Board Meeting

Thursday 4<sup>th</sup> December 9:30am

Room 0.01, 0.02, 0.03, An Lochran

### Agenda

Item no.	Item	Paper no.	Action	Lead
1	Welcome/Apologies	-	-	Michael Russell
2	Declarations of Interest	-	-	All
3	Minutes of the previous meeting	1	For Agreement	Michael Russell
4	Commissioners Updates	-	For Information	All
5	Report from Chair of ARC	2	For Information	Craig MacKenzie
6	Land Reform Bill- Implications for Commission Annex A	3	For Discussion	Hamish Trench
7	Model Lease Project Annex A	4	For Information	James MacKessack-Leitch
8	Commitment to Responsible Land Ownership – Pilot Project Update Annex A & B	5	For Agreement	Uwe Stoneman
9	Review of Guidance on Community Engagement Annex A	6	For Information	Gemma Campbell
10	Budget Update	7	For Information	Nikki Nagler

11	AOB	-	-	All
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## Minute of the meeting of the Scottish Land Commissioners held on Thursday 6<sup>th</sup> November Online

- **Commissioners present:** Michael Russell (Chair), Calum MacLeod, Deb Roberts, Lucy Beattie, Craig Mackenzie (Land Commissioners), Rob Black (Tenant Farming Commissioner)
- **In attendance:** Hamish Trench, Nikki Nagler, Kathie Pollard, Sarah Madden, Kayleigh Wilson, Andrew Megson, Scarlett MacFarlane, Julie Rostan (Scottish Land Commission), Emma Ash, Luke Driscoll (Scottish Government)
- **Apologies:** None
- **Declarations of interest:** None

### 1. Minutes of Previous Meeting

The minutes of the meeting on Thursday 2<sup>nd</sup> October were agreed as true and accurate.

### 2. Commissioner Updates

Commissioners provided update on their recent activities since the last board including Michael and Deb's attendance at Aberdeen ScotLand Futures public meeting. Michael asked for commissioner and staff feedback on the usefulness of ScotLand Futures public meetings, which everyone agreed as being beneficial.

Next week Michael, Hamish and Sarah will be attending a meeting at the Cabrach to discuss community ambitions and the context of land ownership there. Michael is speaking at the international land reform conference in Aberdeen next week, which Deb and Lucy are also attending. Deb will be attending the good practice advisory on the 24<sup>th</sup> November. Calum also met with Alan Millar on behalf of the board to discuss the human rights context of our work, and suggested he be invited to a board meeting in the new year. Rob continues to be busy meeting with tenants and landlords and also highlighted his attendance at Tenant Farming Advisory Forum (TFAF) in Edinburgh which took forward a constructive discussion about refreshing the focus of TFAF on the future of the sector.

### 3. Land Reform Bill

The Land Reform (Scotland) Bill has been passed with 85 supporting, 28 in opposition and 9 abstaining. James highlighted the key amendments from Stage 3 of the bill including the definition of land, enforcement, public interest and the review process for part one. The chair thanked James for his hard work and commitment throughout the bill process.

Hamish highlighted that is likely part two of the bill will be quicker to be implemented, with part one taking more time. The board sought more information on the likely timescales, noting the extensive consultation requirements that are built into the bill, and the benefit in providing clarity as swiftly as possible. Scottish Government do not yet have an implementation timetable set out, Hamish confirmed staff will continue to engage closely to understand the expected timetable, which will inform the Commission's business and strategic planning. The new commissioner is still expected to come into position at the earliest at the end of 2026, or early 2027.

Action 251106.01	Engage with SG on timeline and implementation of the bill
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### 4. Strategic Plan

Hamish asked the board to consider and agree the process to develop the strategic plan for 2026-2029. The Act requires SLC to submit a revised plan to ministers by September, this is a three-year plan. Commissioners reflected on the process and timetabling of this, with uncertainties surrounding the implementation of the bill being discussed. The ScotLand Futures initiative provides a basis for informing the policy and practice priorities for the next strategic plan. Further discussion around resource and capacity and the organisational change expected were noted. The upcoming election in May 2026 was highlighted, with a reminder that it will be new government approving the strategic plan.

The board discussed the importance of stakeholder perspectives and engagement. There is a stakeholder event in February due to take place, which will provide a good basis of wide engagement. Hamish also confirmed a perceptions audit will also be carried out, to inform assessment of our KPIs. Commissioners asked for further information on the perceptions audit, Nikki explained the agency will carry out qualitative interviews with stakeholders about how they view SLC and key issues that can inform the strategic plan. It is planned the perceptions audit will begin in January and be complete by the end of March.

Action 251106.02	Future board agenda to consider the perceptions audit feedback.
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The board agreed on the proposed strategic plan process.

## 5. Strategic Risk Review

Hamish brought a paper to the board for discussion about reviewing the strategic risks. Discussions about getting the balance right, the openness to taking risks and thinking about our risk appetite were raised. The board agreed that in general the Commission should take a minimal or cautious approach to legal and financial risk but should be open to tolerating more risk in its policy work.

Commissioners emphasised the two biggest risks currently being the land reform bill delivery and public finance constraints. Continuing to monitor and anticipate implementation risks with the bill were emphasised, with the need to add this as a further risk.

Commissioners further flagged the possible increase in reputational risk if there is a lag time with the bill implementation, as well as the resourcing implications already identified.

Commissioners agreed that risk 4 (board changes) can be removed but noted that the appointment of a new Land and Communities Commissioner will bring other risks associated with board changes. It was suggested that risk 4 be replaced with a new risk to reflect this. Risk 12 on staff and hybrid working was also discussed, Nikki confirmed this is now focused mainly on managing priorities and workloads and may benefit from being updated. She also noted this risk is on the agenda for the ARC's risk interrogation at its next meeting.

Commissioners asked the audit and risk committee to consider these changes further.

Action 251106.03	ARC to agree changes to risks as discussed.
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## 6. Tax Workstream Update

Kathie provided an update on the tax workstream and was seeking board agreement on the amended phase two outputs. These will principally be headline advice on the direction and carbon land tax question in March, followed by a more practical focused route-map on the steps for change in May/June.

Commissioners spoke about the connections to current consultation on council tax reform/banding changes. The practical issues associated with outsourced

valuations from 1991 was also flagged as a consideration in relation to the WPI Economics report conclusion about outsourced experience internationally.

Commissioners noted that a draft report will come to the board for approval in February or March.

Action 251106.04	Kathie to bring tax workstream second phase draft document to board meeting
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## 7. Monthly Budget Update

Nikki provided an update on the monthly budget, noting that reforecasting has resulted in some budget re-allocation in comms/IT/training and development, but overall spend is on track.

SLC's projected year-end position is within the KPI of expected spend. The focus in this quarter is ensuring remaining planned spend comes forward as expected. Overall, budget remains on track. Commissioners were happy and had no further comments on this update.

## 8. AOB

The ScotLand Futures document on 'What we Heard', together with the collation of written contributions, is due to be published in the last week of November.

Hamish provided information on the next board meeting due to take place on 4<sup>th</sup> Dec in Inverness. The board meeting will be followed on by a new website demonstration and a joint board/staff workshop on ScotLand Futures.

It is expected the March board will include a site visit, details are to be confirmed.

The proposed board dates circulated included May's board taking place on election day, so this board has since been shifted to a week later on the 14<sup>th</sup> of May.

**Date of next meeting:**

**Thursday 4<sup>th</sup> December**

**Inverness**



## Commissioners Meeting, Thursday 4<sup>th</sup> December

### An Lochran Paper No. 2 Report from Chair of ARC

<b>Purpose</b>	Report from Chair of ARC- Update on ARC
<b>Previous board papers</b>	-
<b>Action required</b>	For Information

## 1. Medium Term Financial Planning

We discussed the risk that the pay review would reduce our flexible spend budget below the level of viability. ARC reviewed a paper which proposed a minimum flexible spend budget of 10% and a preferred target of 15%. If Grant in Aid does not increase sufficiently to deliver this, the board will need to review the workload plan in the new year to decide how best to manage against these goals

## 2. Internal Audit

Will be doing some preliminary work assessing our preparedness for implementing the Land Reform Bill. This will allow us to identify in more detail, key potential implementation risks for the next 12-18 months.

## 3. External Audit

There were a few small issues with the process for audit sign off. We have been assured the process should be smoother next year.

## 4. Risk Register

ARC had a useful discussion about the risk register, and a deep dive into risk 12 on hybrid working. This included discussion about removing risk 4 (board changes), changing risk 12 (hybrid working/staff wellbeing), looking at the focus of risks 6 and 7 (land reform views/stakeholders) as well as adding a risk focused on LRB implementation, and modifying the risk appetite to be more open to risk on policy questions. Hamish will bring some proposals for specific changes to the board.

## 5. Cybersecurity Training

Reminder, if you haven't done it recently. I suggest we try not to fall behind by more than 3 tasks.

***Craig MacKenzie***

***Land Commissioner and ARC Chair***



## Commissioners' Meeting 4 December 2025

An Lochran, Inverness  
Paper No. 3

### Land Reform Bill – implications for the Commission and work planning

<b>Purpose</b>	To consider the changes made by the Land Reform Bill to the functions and operation of the Commission and Commissioners; and to agree key areas of focus for work planning.
<b>Previous board papers</b>	N/A
<b>Action required</b>	For agreement

### Background

The Land Reform Bill passed by parliament on 5 November 2025 has a number of implications for the Commission and our work. This paper is in two parts:

- Part 1 focuses on the changes the bill makes to the 2016 Act which established the Commission, the functions of the Commission and Commissioners. The paper summarises these changes to the governance of the Commission for board awareness and consideration;
- Part 2 identifies the key areas of focus that the Commission will need to consider in our work planning, to support and inform wider implementation of the bill.

The bill is currently in the process for royal assent, at which point it will become an Act. However, even at that stage, almost all the provisions will require separate commencement regulations before they come into effect.

### 1. Changes to the Commission

#### 1.1 Key changes

Annex A sets out the full text of relevant sections on the 2016 Act as amended by the 2025 bill. In summary, key changes are as follows:

Section	Topic	Effect
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4	Establishment of the Scottish Land Commission	Adds the L&CC as a member of the Commission
6	Functions of the Commission	Enables the Commission to provide the L&CC with necessary support and arrangements to deliver their functions
7	General powers of the Commission	Adds functions of the L&CC
8	Strategic Plan	Adds L&CC – must set out approach and costs to LC, TFC, L&CC functions
11	Eligibility for appointment	Adds eligibility criteria for L&CC
12	Disqualification from membership	Adds requirements for L&CC
17	Committees	Adds functions of L&CC into discretion to establish committees
20	Annual Report	Adds requirement to report on functions of L&CC
22	Functions of Land Commissioners	Adds requirement to collaborate with, and have regard to functions of, the L&CC
		Adds further specific matters included in ‘matters related to land’ which define the scope of Land Commissioner functions
New Chapter 4	Functions of the Land and Communities Commissioner	Adds a new section setting out the functions of the L&CC
Part 6C	Review of Part 1	Adds a new requirement in relation to Land Commissioner functions to review the impact and effectiveness of Part 1 within 5 years of coming into force. Detailed requirements for review set out.
24	Functions of the Tenant Farming Commissioner	Adds small landholdings
27	TFC Codes of Practice	Adds to the list of topics Codes of Practice may include
28	Promotion of TFC Codes of Practice	Adds small landholdings
33	TFC Report on Inquiry	Adds small landholdings

## 1.2 Discussion

Some of these changes simply provide the necessary legal basis for us to operate effectively with the new Land and Communities Commissioner and we will deliver on them through our normal operations, for example in relation to strategic planning or annual reporting.

The functions of the Land and Communities Commissioner will come into effect when an appointment is made by Scottish Ministers, the earliest we expect this is around the end of 2026/early 2027.

The additions to the TFC sections add small landholdings into the functions, Codes of Practice and Inquiry provisions of the TFC, with some additional topics added to the list Codes of Practice may cover.

The requirement on Land Commissioners to review the impact and effectiveness of Part 1 is to report within five years of the measures coming into force. While that is some time ahead in operational planning, we will want to consider in the coming year what kind of baseline, monitoring and evidence may be required in the meantime so that the Commission is in a position to report meaningfully.

The changes to the ‘matters relating to land’ in the scope of Land Commissioner functions will also require specific commencement arrangements, but the board should begin consideration now of the implications for our business and strategic planning. The Land Commissioner functions (eg to review the impact and effectiveness of any law or policy, to recommend changes to any law or policy, to gather evidence, to provide information and guidance etc) are all framed with reference to ‘*any matter relating to land in Scotland*’.

The Act goes on to specify what a ‘matter relating to land’ includes, and it is this section that has seen additional matters specified as follows (**new additions in bold**):

(5) *In this section a “matter relating to land in Scotland” includes—*

- (a) *ownership and other rights in land,*
- (b) *management of land,*
- (c) *use of land,*
- (d) *the land use strategy prepared under section 57 of the Climate Change (Scotland) Act 2009.*
- (e) ***the effects of natural capital markets in relation to other matters relating to land in Scotland***
- (f) ***the relationship between scale and concentrations of land holdings and local economic development;***
- (g) ***the desirability of achieving a more diverse pattern of landownership comprising more landowners and different types of landowners; and***
- (h) ***measures to prevent depopulation and support the repopulation of land and the sustainability of communities.***

**(6) In subsection (5) “natural capital market” means the trading of units or credits which are generated through a registration scheme for projects to restore or improve the natural environment.**

## 2. Workstream planning

### 2.1 Areas of focus

We identify the following key areas of focus that we will need to build into our work planning. The implementation timetable is not yet known and we are seeking more understanding from Scottish Government on the expected timelines in both Parts 1 and 2 of the bill. The table below provides some indication where we have it.

Topic	Focus for SLC	Timescale
Appointment of Land and Communities Commissioner	Liaison with sponsor team re public appointment; board consideration of governance arrangements	Earliest appointment likely end 26/early 27
Community Engagement Obligation and Land Management Plans	Be ready to advise and inform regulations and implementation. Develop operational approach to L&CC role.	Through 26/27
Transfer Test	Be ready to inform guidance. Develop operational approach to L&CC role	Through 26/27
Model lease for Environmental Purposes	Lead work to develop a model lease	Project planning Qtr 4 25/26; start Qtr 1 26/27
TFC – small landholdings	Extend TFC role to include small landholdings – engagement, Codes of Practice, casework	Tbc 2026
TFC – Codes of Practice	Programme of developing new Codes and refreshing existing Codes	2026-28
Corporate systems planning	Identifying systems requirements to support implementation	Ongoing
Workforce planning	Identifying staffing requirements to support implementation	Ongoing
Monitoring and evaluation	Ensure relevant baseline and information available for future review of Part 1 and Commission's own reporting	Ongoing

These workstreams will be overseen as a programme by the management team, with staff responsibilities identified through our normal work planning. They will be built into our business planning for the new financial year and within development of our next strategic plan and subject to regular board reporting.

## **2.2 Resourcing**

There are limited immediate impacts in 2025/26. In Qtr 4 we will undertake project planning and preparation for some of these workstreams within our existing resources.

For 2026/27 we will build expected resourcing into our business planning and budget, identifying financial resource and staff capacity. Scottish Government has indicated that the implementation timetable will mean that most additional resource need and provision associated with implementation of new functions will fall beyond next financial year.

However, for Part 1 there will be significant advisory work required during 2026/27 to inform the next steps and regulations, and to prepare for the Land and Communities Commissioner role. For Part 2, there will be significant implementation work for the TFC on small landholdings and Codes of Practice.

We have provided information on expected costs to sponsor team to inform consideration of grant-in-aid for 2026/27. More specifically we are currently in discussion with Scottish Government colleagues to secure additional fixed term resource in order to meet the workload associated with small landholdings. Government has already indicated it will make additional resource available to deliver the work on the model lease that it has asked the Commission to lead.

## **Recommendation**

The board is asked to:

- a) Note the legislative changes relating to the Commission and Commissioners, discuss the implications, key issues and further consideration required;
- b) Agree the key areas of focus to inform business planning;
- c) Agree that the board keep progress under review as a standing item through 2026 meetings including identification of key issues and monitoring of resource commitment.

*Hamish Trench*

*Chief Executive*

## ANNEX A

### Extracts from Land Reform Act 2016 as amended by Land Reform Bill 2025

#### Changes to basis for the functions and operation of the Commission and Commissioners

Changes are shown in red text

#### Part 1

##### 4 The Scottish Land Commission

- (1) The Scottish Land Commission (in Gaelic, Coimisean Fearainn na h-Alba) is established by this section.
- (2) In this Act, it is referred to as “the Commission”.
- (3) The Commission is a body corporate.
- (4) The Commission is to consist of the following members—
  - (a) five Land Commissioners, and
  - (b) the Tenant Farming Commissioner **and**
  - (c) the Land and Communities Commissioner.**
- (5) The Scottish Ministers may by regulations amend subsection (4)(a) so as to alter the number of Land Commissioners.
- (6) The Commission has the functions conferred by section 6.
- (7) The Land Commissioners have the functions conferred by section 22.
- (8) The Tenant Farming Commissioner has the functions conferred by section 24.
- (9) The Land and Communities Commissioner has the functions conferred by section 38A.**

##### 6 Functions of the Commission

The functions of the Commission are—

- (a) to provide the Land Commissioners, Tenant Farming Commissioner **and Land and Communities Commissioner** with the property, staff and services needed to perform their respective functions, and

(b) to make such arrangements as are appropriate and practicable for the co-ordination of the performance of those respective functions.

## **7 General powers**

(1) The Commission may do anything which it considers—

(a) to be necessary or expedient for the purposes of, or in connection with, the exercise of—

- (i) its functions,
- (ii) the functions of the Land Commissioners,
- (iii) the functions of the Tenant Farming Commissioner,
- (iv) the functions of the Land and Communities Commissioner**

(b) to be conducive to the exercise of those respective functions.

(2) In particular, the Commission may—

- (a) enter into contracts,
- (b) acquire and dispose of land,
- (c) co-operate with any person,
- (d) obtain advice or assistance from any person who is, in the Commission's opinion, qualified to give it,
- (e) pay any such person such fees, remuneration and allowances as the Commission may determine.

## **8 Strategic plan**

(1) The Commission must prepare a strategic plan setting out how the Commission, the Land Commissioners, the Tenant Farming Commissioner **and the Land and Communities Commissioner** propose to exercise their respective functions for the period to which the plan relates.

(2) A strategic plan must, in particular, set out—

- (a) the objectives and priorities of—
  - (i) the Commission,
  - (ii) the Land Commissioners,
  - (iii) the Tenant Farming Commissioner,

**(iv) the Land and Communities Commissioner**

(b) estimates of the costs of the exercise of their respective functions of—

- (i) the Commission,
- (ii) the Land Commissioners,
- (iii) the Tenant Farming Commissioner,
- (iv) the Land and Communities Commissioner**

(3) The Commission must submit the strategic plan to the Scottish Ministers—

- (a) in the case of the first plan, before the end of the period of 6 months beginning with the day on which this section comes into force,
- (b) in the case of each subsequent plan, before the end of the period of 3 years beginning with the day on which the Commission last submitted its strategic plan.

(4) The Scottish Ministers may—

- (a) approve the strategic plan,
- (b) approve the strategic plan with such modifications as they consider appropriate in consultation with the Commission,
- (c) reject the strategic plan and direct the Commission to submit a revised plan before the end of such period as the Scottish Ministers may determine.

(5) Where the Scottish Ministers approve the strategic plan under subsection (4)(a) or (4)(b), the Commission must as soon as practicable—

- (a) publish the plan in such form as it considers appropriate, and
- (b) lay a copy of the plan before the Scottish Parliament.

(6) The Commission—

- (a) must comply with any direction to submit a revised strategic plan under subsection (4)(c),
- (b) may from time to time submit a revised strategic plan.

(7) Subsections (4) and (5) apply to a revised strategic plan as they apply to a strategic plan.

## **11 Eligibility for appointment**

(1) In appointing members to the Commission, the Scottish Ministers must—

(a) have regard among other things to the desirability of the Commission (taken as a whole) having expertise or experience in—

- (i) land reform,
- (ii) law,
- (iii) finance,
- (iv) economic issues,
- (v) planning and development,
- (vi) land management,
- (vii) community empowerment,
- (viii) environmental issues,
- (ix) human rights,
- (x) equal opportunities,
- (xi) the reduction of inequalities of outcome which result from socio-economic disadvantage, and

(b) encourage equal opportunities and in particular the observance of the equal opportunity requirements.

(2) In appointing the Land Commissioners, the Scottish Ministers must take every reasonable step to ensure that at least one of the Commissioners is a speaker of the Gaelic language.

(3) In appointing the Tenant Farming Commissioner, the Scottish Ministers must ensure that the person appointed has expertise or experience in agriculture **and rural land tenure**.

**(3A) In appointing the Land and Communities Commissioner, the Scottish Ministers must ensure that the person appointed has expertise or experience in—**

- (a) land management, and**
- (b) community empowerment.**

(4) When the Scottish Ministers refer an appointment to the Scottish Parliament for approval under section 10(2), they must lay before the Scottish Parliament a statement as to how they have complied with the duties in subsections (1) to (3).

(5) In subsection (1) “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part 2 of schedule 5 of the Scotland Act 1998.

## **12 Disqualification from membership**

(1) A person may not be appointed as a member of the Commission if that person is or has been at any time during the previous 12 months—

- (a) a member of the House of Commons,
- (b) a member of the Scottish Parliament,
- (c) a member of the European Parliament,
- (d) an officer-holder of the Scottish Administration,
- (e) a councillor of any local authority.

(2) A person may not be appointed as the Tenant Farming Commissioner if that person is the owner or tenant of land subject to a relevant tenancy.

(2A) A person may not be appointed as the Land and Communities Commissioner if that person is or, within the year preceding the date on which the appointment is to take effect, has been the owner of land in relation to which section 67G of the Land Reform (Scotland) Act 2003 applies.

(3) In this Part “relevant tenancy” means—

- (a) a tenancy to which the 1991 Act applies,
- (b) a tenancy under sections 4, 5, 5A or 5C of the 2003 Act (new types of tenancy), or
- (c) a tenancy of a small landholding (see the schedule of the Land Reform (Scotland) Act 2025).

(4) A person's appointment as a member ceases if, during the person's period of appointment, any of subsection (1)(a) to (e) applies to that person.

(5) A person's appointment as the Tenant Farming Commissioner ceases if, during the person's period of appointment, subsection (2) applies to that person.

(6) A person's appointment as the Land and Communities Commissioner ceases if, during the person's period of appointment, subsection (2A) applies to that person.

## **17 Committees**

(1) The Commission may establish committees for any purpose relating to—

- (a) its functions,
- (b) the functions of the Land Commissioners,
- (c) the functions of the Tenant Farming Commissioner,

(d) the functions of the Land and Communities Commissioner.

(2) The Commission may authorise any committee to exercise such of its functions, and to such extent, as it may determine.

(3) Nothing in subsection (2) affects the responsibility of the Commission for the exercise of its functions.

(4) The Commission may appoint a person who is not a member of the Commission to be a member of a committee.

(5) The Commission may pay to a person who is not a member of the Commission and who is appointed to a committee—

(a) such remuneration as the Commission may, with the approval of the Scottish Ministers, determine, and

(b) such allowances in respect of expenses properly incurred in the exercise of the functions of the Commission, of the Land Commissioners, Tenant Farming Commissioner **or of the Land and Communities Commissioner** as may be so determined.

(6) A committee must comply with any directions given to it by the Commission.

## **20 Annual report**

(1) As soon as practicable after the end of each financial year, the Commission must prepare a report setting out—

(a) an assessment of its performance in carrying out its functions, including—  
(i) the functions of the Commission,  
(ii) the functions of the Land Commissioners,  
(iii) the functions of the Tenant Farming Commissioner,  
(iv) the functions of the Land and Communities Commissioner.

(b) an assessment of the performance by the Commission and its members in achieving the main objectives set out in any strategic plan having effect during that year,

(c) an assessment of the performance by the Land Commissioners in relation to any programme of work having effect during that year,

(d) such other information as the Commission considers appropriate.

(2) The Commission must—

(a) publish each annual report in such form as the Commission considers appropriate,

(b) provide a copy of each annual report to the Scottish Ministers, and

(c) lay a copy of each annual report before the Scottish Parliament.

(3) The Commission—

(a) may publish such other reports and information on matters relevant to its functions as it considers appropriate,

(b) where it does so, must lay a copy of each report before the Scottish Parliament.

## **22 Functions of the Land Commissioners**

(1) The functions of the Land Commissioners are, on any matter relating to land in Scotland—

(a) to review the impact and effectiveness of any law or policy,

(b) to recommend changes to any law or policy,

(c) to gather evidence,

(d) to carry out research,

(e) to prepare reports,

(f) to provide information and guidance.

(2) The Land Commissioners must consider and advise on any such matter as the Scottish Ministers may refer to them.

(3) In exercising their functions the Land Commissioners must—

(a) have regard to—

(i) the land rights and responsibilities statement prepared under section 1 or revised under section 2,

(ii) the strategic plan prepared under section 8,

(iii) the programme of work prepared under section 9,

(b) collaborate with—

(i) the Tenant Farming Commissioner,

(ii) the Land and Communities Commissioner.

(4) In so far as the exercise of their functions relates to agriculture, agricultural holdings and small landholdings, the Land Commissioners must have regard to the exercise of the Tenant Farming Commissioner's functions conferred by section 24.

(4A) In so far as the exercise of their functions relates to large landholdings, the 1 Land Commissioners must have regard to the exercise of the Land and Communities Commissioner's functions conferred by section 38A.

(5) In this section a “matter relating to land in Scotland” includes—

- (a) ownership and other rights in land,
- (b) management of land,
- (c) use of land,
- (d) the land use strategy prepared under section 57 of the Climate Change (Scotland) Act 2009.
- (e) the effects of natural capital markets in relation to other matters relating to land in Scotland
- (f) the relationship between scale and concentrations of land holdings and local economic development;
- (g) the desirability of achieving a more diverse pattern of landownership comprising more landowners and different types of landowners; and
- (h) measures to prevent depopulation and support the repopulation of land and the sustainability of communities.

(6) In subsection (5) “natural capital market” means the trading of units or credits which are generated through a registration scheme for projects to restore or improve the natural environment.

#### **New Chapter for Land and Communities Commissioner**

#### **“CHAPTER 4 THE LAND AND COMMUNITIES COMMISSIONER**

#### **38A Functions of the Land and Communities Commissioner**

The functions of the Land and Communities Commissioner are—

- (a) to enforce, in accordance with sections 44E to 44I, obligations imposed by regulations under section 44A,
- (b) to exercise the function conferred on the Commissioner by Part 2A of the Land Reform (Scotland) Act 2003,

- (c) to collaborate with the Land Commissioners in the exercise of their functions to the extent that those functions relate to the functions of the Commissioner,
- (d) to exercise any other functions conferred on the Commissioner by any enactment.

#### 38B Delegation of functions

(1) The Land and Communities Commissioner may authorise the following to exercise such of the Commissioner's functions, and to such extent, as the Commissioner may determine—

- (a) any committee,
- (b) any employee of the Commission,
- (c) any other person.

(2) Nothing in subsection (1) affects the responsibility of the Land and Communities Commissioner for the exercise of the Commissioner's functions.

#### 38C Acting Land and Communities Commissioner

(1) The Scottish Ministers may appoint a person to carry out the functions of the Land and Communities Commissioner during a period in which the office is vacant (an "acting Land and Communities Commissioner").

(2) A person who is disqualified for appointment as Land and Communities Commissioner is also disqualified for appointment as acting Land and Communities Commissioner.

(3) A person appointed as acting Land and Communities Commissioner—

- (a) may, by giving notice in writing to the Scottish Ministers, resign at any time,
- (b) may be dismissed by the Scottish Ministers at any time,
- (c) in other respects, holds appointment on such terms and conditions as the Scottish Ministers may determine.

(4) While holding appointment as acting Land and Communities Commissioner, a person is to be treated as the Commissioner for all purposes other than those of sections 13 and 14.

#### Requirement to Review Part 1

#### 6C Review of Part

(1) The Land Commissioners must, in pursuance of their function under section 22(1)(a) of the Land Reform (Scotland) Act 2016, review the impact and effectiveness of this Part.

(1A) The review must evaluate the impact and effect of this Part on islands and island communities (within the meaning of the Islands (Scotland) Act 2018).

(1B) The review must consider the appropriateness of the Part's application to land as 1 described in section 44D of the Land Reform (Scotland) Act 2016 and sections 46K and 67G of the Land Reform (Scotland) Act 2003, having particular regard to the size of the areas of land, and whether the size of the areas need to be reduced.

(1C) The review must consider the appropriateness of the Part's application to land as 15 described in section 44D of the Land Reform (Scotland) Act 2016 and sections 46K and 67G of the Land Reform (Scotland) Act 2003, having particular regard to what land is to be treated as contiguous and what land forms a composite holding.

(1D) The review must consider—

- (a) whether there is greater transparency of land ownership and management as a result of this Part,
- (b) whether communities are experiencing greater involvement in decisions about the land on which they live and work as a result of this Part,
- (c) any impact that this Part has had on the amount of land purchased by community bodies,
- (d) whether there is a greater diversification of land ownership as a result of this Part and, if so, the impact this has had on community sustainability,
- (e) whether the thresholds for the land to which section 44D of the 2016 Act and sections 46K and 67G of the 2003 Act apply should be amended,
- (f) whether there are any loopholes that have been identified in the application of this Part,
- (g) any negative unintended consequences of this Part.

(2) The review must be completed no later than 5 years after the day on which this section comes into force.

(3) As soon as reasonably practicable after completing the review, the Land Commissioners must—

- (a) prepare a report of the review's findings,
- (b) lay a copy of the report before the Scottish Parliament, and
- (c) make the report publicly available.

(4) Within 1 year of a report being laid before the Parliament in accordance with subsection (3)(b), the Scottish Ministers must—

- (a) prepare a response to the report which includes—
  - (i) a statement of any action the Scottish Ministers intend to take as a result of the review's findings, and
  - (ii) where the Scottish Ministers do not intend to take any action, a statement of their reasons for that,
- (b) lay a copy of the response before the Parliament, and
- (c) make the response publicly available.

## Part 2

### 24 Functions of the Tenant Farming Commissioner

(1) The functions of the Tenant Farming Commissioner are—

- (a) to prepare codes of practice on agricultural holdings **and small landholdings** in accordance with section 27,
- (b) to promote the codes of practice in accordance with section 28,
- (c) to inquire into alleged breaches of the codes of practice in accordance with sections 29 to 34,
- (d) to prepare a report on the operation of agents of landlords and tenants **of agricultural holdings in** accordance with section 36,
- (e) to prepare recommendations for a modern list of improvements to agricultural holdings in accordance with section 37,
- (f) to refer for the opinion of the Land Court any question of law relating to agricultural holdings **or small landholdings** in accordance with section 38,
- (g) to collaborate with the Land Commissioners in the exercise of their functions to the extent that those functions relate to agriculture, agricultural holdings **and small landholdings**,
- (h) to exercise any other functions conferred on the Commissioner by any enactment.

(2) The Tenant Farming Commissioner must exercise the Commissioner's functions with a view to encouraging good relations between landlords and tenants of –

(a) agricultural holdings

(b) small landholdings

(3) The Scottish Ministers must—

(a) review the Tenant Farming Commissioner's functions before the end of the period of 3 years beginning with the day on which this section comes into force,

(b) publish the findings of the review as soon as practicable.

(4) In carrying out a review under subsection (3), the Scottish Ministers must—

(a) invite the Tenant Farming Commissioner to give views on the operation of the Commissioner's functions and, in particular, on whether the Commissioner's powers are sufficient in relation to the Commissioner's duties,

(b) invite such other persons appearing to Ministers to have an interest in the Commissioner's functions to give views on the operation of those functions, and

(c) have regard to any such views.

(5) Following review under subsection (3), the Scottish Ministers may by regulations modify subsection (1) to—

(a) amend the functions of the Tenant Farming Commissioner,

(b) remove functions from the Tenant Farming Commissioner,

(c) confer new functions on the Tenant Farming Commissioner.

(6) Regulations under subsection (5) which make provision about the functions of the Tenant Farming Commissioner as they relate to agricultural holdings may make equivalent provision about the Commissioner's functions as they relate to small landholdings.

## **27 Tenant Farming Commissioner: codes of practice**

(1) The Tenant Farming Commissioner must prepare codes of practice for the purpose of providing practical guidance to

(a) landlords and tenants of agricultural holdings,

(b) landlords and tenants of small landholdings,

(c) agents of a person mentioned in paragraph (a) or (b).

(2) The codes of practice may include, among other things, provision about—

(a) negotiating rent and conducting rent reviews,

(b) agreeing and recording improvements by tenants,

- (c) negotiating the fulfilment of the obligations of landlords and tenants,
- (d) the conduct of agents of landlords and tenants,
- (e) the process of succession and assignation,
- (f) determining compensation at waygo **or removal**,
- (g) negotiating the terms of a modern limited duration tenancy and a repairing tenancy,
- (ga) **creating small landholdings**,
- (gb) **converting small landholdings to crofts**,
- (h) the management of sporting leases, and
- (i) game management.

**(j) the use of land for non-agricultural purposes or for non-cultivation activities**

(3) The Tenant Farming Commissioner must from time to time—

- (a) review the codes of practice,
- (b) revise the codes if the Commissioner considers it appropriate.

(4) Before the Tenant Farming Commissioner publishes a code of practice under this section, the Commissioner must consult any persons appearing to the Commissioner to have an interest in the draft code.

(5) After complying with subsection (4), the Tenant Farming Commissioner must—

- (a) publish the code in such form as the Commissioner considers appropriate, and
- (b) lay a copy of the code before the Scottish Parliament.

(6) Subsections (4) and (5) apply to a revised code of practice as they apply to a code of practice.

(7) A code of practice published under this section is admissible in evidence in any proceedings before the Land Court.

(8) If any provision of a code of practice published under this section appears to the Land Court conducting any proceedings to be relevant to any question arising in the proceedings the Land Court must take that provision of the code into account in determining that question.

(9) Subsections (7) and (8) apply to arbitration proceedings under **the following provisions** as they apply to Land Court proceedings:

- b) section 61 of the 1991 Act,
- (c) section 78 of the 2003 Act, 25
- (d) paragraph 60ZA of the schedule of the Land Reform (Scotland) Act 2025.

## **28 Tenant Farming Commissioner: promotion of codes of practice**

The Tenant Farming Commissioner is to promote the observance of the codes of practice issued under section 27, including by—

- (a) educating and advising about the codes,
- (b) supporting best practice in accordance with the codes among
  - (i) landlords and tenants of agricultural holdings,
  - (ii) landlords and tenants of small landholdings,
  - (iii) agents of a person mentioned in sub-paragraph (i) or (ii),
- (c) encouraging good relations among
  - (i) landlords and tenants of agricultural holdings,
  - (ii) landlords and tenants of small landholdings,
  - (iii) agents of a person mentioned in sub-paragraph (i) or (ii),
- (d) working in collaboration with other persons (whether in partnership or in other ways),
- (e) contributing to the development and delivery of policies and strategies in relation to agricultural holdings **and small landholdings**.

## **33 Report on inquiry**

- (1) As soon as practicable after an inquiry into an alleged breach is complete the Tenant Farming Commissioner must publish a report setting out—
  - (a) where there is sufficient information for the Commissioner to reach a decision on breach of the code of practice —
    - (i) the Commissioner's decision as to whether or not the code has been breached,
    - (ii) the reasons for the Commissioner's decision,
    - (iii) the relevant facts on which the Commissioner's decision is based,
    - (iv) such recommendations as the Commissioner considers appropriate,

(b) where there is not sufficient information for the Commissioner to reach a decision on breach of the code of practice, that finding.

(2) A report published under this section is admissible as evidence in any proceedings before the Land Court.

(3) If a report published under this section appears to the Land Court conducting any proceedings to be relevant to any question arising in the proceedings the Land Court must take that report into account in determining that question.

(4) Subsections (2) and (3) apply to arbitration proceedings under **the following provisions** as they apply to Land Court proceedings.

a) section 61 of the 1991 Act,

(b) section 78 of the 2003 Act,

(c) paragraph 60ZA of the schedule of the Land Reform (Scotland) Act 2025.



## Commissioners Meeting 4<sup>th</sup> December 2026

An Lochran, Inverness  
Paper No. 4

### New Model Lease

<b>Purpose</b>	To outline the work the Commission will be undertaking to support the development of the new model lease for environmental purposes.
<b>Previous board papers</b>	-
<b>Action required</b>	For Information

## 1. Background

Part 2 of the Land Reform Bill includes a duty on Ministers to publish a new Model Lease for Environmental Purposes within two years of the Bill receiving Royal Assent – a timeframe that will commence imminently. The full text of the relevant provisions can be found in Annex A to this paper.

Scottish Government has identified the Commission as having the skills, knowledge, reputation, and stakeholder relationships to be best placed to lead development of the model lease, and has therefore asked the Commission to lead this work.

## 2. Resourcing

In recognition of the work required, not least the extensive legal advice that will be necessary, Scottish Government have committed to provide the Commission with an additional ring-fenced £90k for the FY26-27 to support this work. We expect to contract additional capacity to deliver this work.

## 3. Project Planning and Scope

Project planning and consideration of the scope of the work is already underway, ensuring the Commission is well placed to hit the ground running in April. In particular, this will determine the best way to secure the additional capacity needed to deliver this project and set this up during Quarter 4.

At this early stage the intention is to draw the scope of the work as widely as possible to ensure that the new Model Lease provides an option that is flexible and of practical use to as many relevant land uses and parties as possible.

The work will require extensive engagement with potential users and professional advisers. It will be informed by our existing work and relationships in the tenant farming sector, but will go beyond this to reach wider stakeholders and land use scenarios.

The Commission should seek to draw on learning from our tenant farming experience combined with the wider land governance context of our work, and relevant international learning.

We expect the output of the work will be a draft model lease with accompanying advice and guidance.

#### **4. Next Steps**

Project planning and scoping will continue to develop and be formalised through Q4.

Commissioners are asked to:

- a) Note the ask from Scottish Government for the Commission to undertake this work, and the opportunity it facilitates;
- b) Note the resourcing plan and implications for 26/27 business planning.

Once developed, project arrangements will be shared with the board and built into our 26/27 business planning.

*James MacKessack-Leitch*

*Policy & Practice Lead*

## Annex A – Extract from the Land Reform Bill

### PART 2

#### LEASING LAND

##### CHAPTER 1

###### MODEL LEASE FOR ENVIRONMENTAL PURPOSES

###### **7 Duty to publish model lease**

- (1) The Scottish Ministers are to make publicly available a model lease designed for letting land so that it can be used (wholly or partly) for an environmental purpose.
- (2) The Scottish Ministers must fulfil their duty under this section before the end of the period of 2 years beginning with the day that the Bill for this Act receives Royal Assent.
- (3) The Scottish Ministers may by regulations modify subsection (2) to change the date by which their duty under this section is to be fulfilled.
- (4) For the purpose of this section, land is used for an environmental purpose if it is used—
  - (a) for sustainable and regenerative agriculture,
  - (b) in a way that contributes towards achieving the net-zero emissions target set by section A1 of the Climate Change (Scotland) Act 2009,
  - (c) in a way that contributes towards adaptation to climate change,
  - (d) in a way that contributes towards increasing or sustaining biodiversity.



## Commissioner's Meeting 4 December 2025

An Lochran

Paper No. 5

### Commitment to Responsible Landownership Pilot

<b>Purpose</b>	To update the Board on progress of the Commitment to Responsible Landownership pilot project and consider key issues for the next stage.
<b>Previous board papers</b>	<u>3.</u> <a href="#">CommissionersMeeting250605PaperVoluntaryPublicCommitment.docx</a>
<b>Action required</b>	For agreement

## 1. Background

On 5 June 2025 the Board considered a paper presented by Emma and supported the approach proposed, agreeing to progress a development phase in this financial year which should include specific consideration of:

1. Sufficiently clear and focused requirements for recognition that address the risks of a potentially wide scope;
2. Careful consideration of the way recognition is articulated so it is not conveyed as an overall accreditation;
3. The connections to the proposed Land Management Plans;
4. The wider context of ScotLand Futures and the potential future directions that emerge;
5. Retaining flexibility in the approach to respond to feedback and experience.

### Current project status

On 16 September 2025, Management Team (MT) signed off an updated Project Initiation Document (PID) for a pilot with a target to work with 6-8 landowners and aiming for 4-5 signed CoRLa agreements by the end of March 2026.

The project team then developed two documents, which together define clear and focused requirements for recognition and the scope of CoRLa:

- A self-evaluation template which asks whether landowners meet the 33 expectations that make up four of the now five revised protocols (excluding the protocol on Common Good) and which identifies actions for the continuous improvement plan.

- An FAQ document, which explains CoRLa, lists the commitments made by landowners and the Commission when signing a CoRLa agreement, and outlines how we intend to ensure quality control and the integrity of CoRLa.

A proposed commitment is attached as Annex A and the draft FAQs are attached as Annex B.

The FAQ document makes it clear that CoRLa is a recognition of a landowner's commitment but not an accreditation. This has also been a clear message to pilot participants and is a key consideration for the development of the webpage.

The relationship between CoRLa and the Land Reform Bill, including the land management plans, is covered in the FAQ document. It needs to be reviewed now that the Bill has passed and will be part of our work in the year ahead.

We have considered the wider context of ScotLand Futures and the potential future directions that emerge and believe that CoRLa is a good fit with the themes emerging from the ScotLand Futures responses. We can review whether we need to update the FAQ document.

Pilot participants are aware of the flexibility of our approach during the pilot, and the FAQ document outlines the areas on which we are looking for input from pilot participants. The FAQ document itself and the self-evaluation template are also still in draft stage and will be reviewed once they have been tested by the pilot with input from the participants. We will also share the final drafts with Good Practice Advisory Group (GPAG) members for comment. Current drafts have been shared as part of the invitation to express interest in participating in CoRLa, including with CLS and SLE, who we asked to suggest possible participants. SLE declined, citing timing in relation to the Land Reform Bill as a reason.

Five landowners have so far confirmed participation and are working on their self-assessments with our support: two private landowners, one investment fund, and two environmental charities. We have expressions of interest from an environmental charity and a community landowner and are still waiting to hear from a public landowner, a community landowner and a private landowner. This means we could potentially work with ten pilot participants, achieving a good spread across sectors.

Because recruitment and self-evaluations are taking longer than expected, we decided to extend the original timescale for the project from end of March to after the Scottish Parliament election on 7 May, after which, if the pilot is successful, we plan to hold a sharing good practice event, at which CoRLa and the webpage will be launched.

## 2. Key Issues/Questions/Considerations

### Criteria for recognition

CoRLa is not an accreditation and there are no inspections. However, the Commission's decision to countersign a landowner's CoRLa commitment and list it on the CoRLa

webpage will need to be based on transparent criteria, including the self-evaluation, evidence of current good practice, the continuous improvement plan, and trust.

Even though we deliberately invited pilot participants which we believe already exercise a high-level of good practice, it looks unlikely that any of them currently meet all protocol expectations or can commit in their continuous improvement plan to meeting all of them soon.

Pilot participants are finding it most challenging to commit to aspects of the protocol on *Opportunities for Ownership, Lease and Use of Land and Buildings*. Some are also reluctant to commit to more formal aspects of community engagement and to writing and sharing some policies and plans, e.g. for disposal and community engagement.

We therefore need to consider how we treat situations in which a participant cannot meet all the criteria. Our view is that, particularly in this pilot phase, we can accept a CoRLa commitment which does not meet all expectations, if the landowner can provide a reasonable explanation why they cannot meet certain protocol expectations, or not meet them fully.

The board is asked to consider what degree of flexibility is appropriate. For example, it may be possible to identify some criteria as firm requirements and to be willing to offer more flexibility in others. This is the kind of issue that the pilot stage is intended to identify, so that we can shape an effective approach.

#### **Process of recognition**

For the pilot, we propose a process where the Good Practice Team prepares a recommendation to board to recognise or reject a pilot participant's CoRLa commitment, based on agreed principles. If the board agrees with the recommendation, a Commissioner meets the landowner on site to agree the continuous improvement plan and both sign the agreement. If the pilot is successful and CoRLa becomes established, we would expect the process to remain the same. However, considering Commissioners' time and the Commission's budget, it would not regularly involve a site visit.

#### **Business Plan**

CoRLa features in the 25/26 Business Plan with a view to supporting the practical implementation of Scotland's LRRS, a key aspect of the Commission's Programme of Work. Capacity to complete the pilot and continue development if appropriate will need to be taken into account in developing the 26/27 business plan.

### **3. Recommendations**

The board is asked to:

- a) Note progress of the pilot, including the attached FAQ and draft CoRLa commitment;

- b) Discuss the issues identified in section 2 above;
- c) Agree the basis for proceeding to signatory stage within the pilot project.

***Uwe Stoneman, Good Practice Adviser***

***Sarah Madden, Head of Practice and Advice***



## Commissioners Meeting, Thursday 4<sup>th</sup> December

### An Lòchran

#### Paper 6

### Scottish Government Review of Effectiveness on Guidance on Engaging Communities in Decisions Relating to Land

<b>Purpose</b>	To discuss the Commission's response to a Scottish Government discussion paper to inform its statutory review of the Guidance on Engaging Communities in Decisions Relating to Land
<b>Previous board papers</b>	
<b>Action required</b>	For information

## 1. Background

The Land Reform (Scotland) Act 2016 imposes a duty on Scottish Ministers to issue guidance about engaging communities in decisions relating to land which may affect communities. The first Guidance on Engaging Communities in Decisions Relating to Land, was published in April 2018 and supports Principle 7 (formerly principle 6) of the Scottish Land Rights and Responsibilities Statement.

Under the 2016 Act, Scottish Ministers must lay a periodical report before the Scottish Parliament assessing the effectiveness of the Guidance and setting out any steps to improve it. The first such report was published in March 2021, following engagement carried out by the Commission with members of Good Practice Advisory Group. The second report on the effectiveness of the guidance must be laid before Parliament by mid-March 2026. Scottish Government has again asked the Commission to support engagement to inform the review. A discussion paper has been written to structure responses, and this has been sent to members of the Good Practice Advisory Group as well as representatives from enterprise agencies.

## 2. Response

The discussion paper (Annex A) asks questions that cover:

- Awareness of and effectiveness of the guidance, for landowners and communities, in urban and rural areas
- How the guidance could be improved
- The land reform bill – while not in the scope of the guidance, it has been acknowledged that there has been strong interest in the bill and the new

requirements for engagement by largescale landowners, so respondents have been given the opportunity to make comments on this.

The evidence that we are using to inform our response is:

- Our casework relating to engagement
- Results from our 2019 and 2022 surveys on community engagement
- The team's experience of delivering training and workshops
- Our experience from self-evaluations
- Previous work on early engagement.

Our key messages in our response are:

- There is some awareness of the guidance but there is still room for improvement. It would be helpful for Scottish Government to do more to promote the guidance as this provides additional weight to the messaging.
- There is an ongoing need to promote early and good quality community engagement, especially in situations where land use is changing.
- There is a need to ensure people have sufficient capacity and skills to engage effectively, as well as training and resources to support this.
- In terms of content, it is important that the guidance covers:
  - Proportionality, considering the level of impact that decisions have
  - Encouraging building of good relationships with communities even when land use change is not taking place (in line with our updated protocol on community engagement)
  - The importance of genuine and open engagement
  - The need to manage expectations
  - Cumulative impacts of land use change in local areas
  - How to manage conflicts of interest.

### **3. Next Steps**

We will submit our response on the discussion paper to Scottish Government by the deadline of 12<sup>th</sup> December. Scottish Government will analyse all responses received and prepare a report on the effectiveness of the guidance which will be laid in parliament by 20<sup>th</sup> March.

As part of the analysis, consideration will be given to whether changes are needed to the content of the guidance. If it is decided that changes are needed, then Scottish Government will work on drafting updated guidance and will engage with stakeholders throughout the process. As the guidance is a statutory document, it will need to be signed off by the appropriate Minister.

**Gemma Campbell**

***Land Rights and Responsibilities Manager***

## **ENGAGING COMMUNITIES IN DECISIONS RELATING TO LAND: GUIDANCE**

### **Discussion Paper - 2025**

#### **1. Background**

Section 44(1) of the Land Reform (Scotland) Act 2016 (the “2016 Act”) imposes a duty on Scottish Ministers to issue guidance about engaging communities in decisions relating to land which may affect communities. The Guidance on Engaging Communities in Decisions Relating to Land, published in April 2018, (the “Guidance”) supports Principle 7 of the Scottish Land Rights and Responsibilities Statement (the “LRRS”) and the statutory requirement to promote the LRRS.

There is a further duty on Scottish Ministers to lay a periodical report before the Scottish Parliament assessing the effectiveness of the Guidance and any steps to improve it. The first such report was published in March 2021. This second report will be laid before Parliament by mid-March 2026.

#### **2. Purpose and Audience**

The principal purpose of the Guidance is to help ensure that people have the opportunity to be involved in decisions about land that affect them. It contains guidelines on when and how engagement should take place and with whom. However, it is not intended to be prescriptive or exhaustive and recognises that engagement should be tailored to meet local circumstances. It supports the normalisation of engagement and collaboration with local communities about significant issues and encourages local communities and landowners to see each other as partners in achieving sustainable development.

It is aimed at all those with control over land, including private and public landowners, NGOs, charities and community owners. It applies to all land in Scotland and does not replace or duplicate existing statutory requirements for consultation and engagement. For the purposes of the Guidance, “land” includes buildings and other structures, land covered with water, and any right or interest in or over land.

#### **3. Guidance**

The Guidance sets out expectations that anyone who is making decisions about land should be proactive in engaging with communities affected by those decisions and suggests how and when they should engage. It notes that it is reasonable for local communities to expect engagement about land, especially where issues connected to human rights are part of the consideration. The Guidance also sets out what communities can expect, the purpose of engagement, and advises on the best way to

work with landowners or their delegated managers and the types of activities likely to require engagement.

The Guidance does not relate to any particular land-based activity or sector and so it applies to all situations where decisions being made about land might affect local communities. It is designed to be flexible enough to be useful in a wide variety of situations and can be adapted to changing socio-economic and environmental circumstances and contexts.

Part 1 of the Guidance provides an overview, including information in relation to the purpose and scope of the Guidance. Part 2 is divided into ten key areas:

1. Benefits of engagement
2. When to engage with communities
3. Significant impact
4. Cumulative effects
5. Relationship with existing statutory requirements to consult
6. Who to engage
7. Specialist issues
8. Best practice principles for fair engagement
9. Removing barriers to engagement
10. Joined-up engagement

It also sets out expectations regarding the use of personal and business information and highlights the National Standards for Community Engagement.

Further information on fairness, human rights and equalities considerations is contained in Annex A of the Guidance.

#### **4. Review of the Guidance**

This second review of the Guidance is to be concluded and laid before Parliament by March 2026. The Scottish Government will collate responses from key stakeholder organisations to the questions laid out below by the end of December 2025, to enable the Scottish Government to complete the review within the required timescales.

This statutory review will focus solely on the current version of the Guidance as it applies under the existing legislative framework. It is not intended to inform policy development for other workstreams (such as those relating to the current Land Reform

(Scotland) Bill (the “Land Reform Bill”) or the Community Right to Buy Review) though any relevant findings will be shared with other teams leading on that work where appropriate.

We kindly ask that Questions 1–3 are answered with reference to the current legislative framework only.

Question 4 is specifically focused on community engagement in the context of the Land Reform Bill.

We are inviting you to please consider the following questions and submit **responses to landreform@gov.scot by the end of Friday 12th December 2025.**

## **5. Questions**

Please respond to the following questions, where applicable, and specify the evidence sources you are drawing on when making your response.

### **1. Awareness of the Guidance**

1.1 To what extent do you understand your members to be aware of the Guidance?

1.2 To what extent do you understand the wider population to be aware of the Guidance?

1.3 What suggestions do you have for raising awareness of the Guidance?

1.4 Please add anything else you wish to say about awareness of the Guidance, including any relevant examples or case studies, or support you may wish to offer in raising awareness of the Guidance.

### **2. Effectiveness of the Guidance**

2.1 To what extent is the Guidance being used by the following groups, in both urban and rural contexts? Please comment separately on each context.

- a. Landowners (including community landowners) or those who exercise control over land (including tenants)
  - o in urban areas
  - o in rural areas
- b. Communities
  - o in urban areas
  - o in rural areas

2.2 We are aware that landowners and communities may be using supporting or interpretive documents rather than the Guidance itself such as the Scottish Land Commission's Protocol on Community Engagement in Decisions Relating to Land or the accompanying route map. You may also use your own tools and guidance which are drawn from the Guidance. Please specify in your response to the following question which documents are being used by landowners and communities.

To what extent are documents drawn from the Guidance being used by the following groups, in both urban and rural contexts? Please comment separately on each context.

- a. Landowners (including community landowners) or those who exercise control over land (including tenants)
  - o in urban areas
  - o in rural areas
- b. Communities
  - o in urban areas
  - o in rural areas

2.3 To what extent is the amount of engagement with communities over decisions relating to land improving or not improving? Have the Guidance or the documents drawn from the Guidance played a factor in this?

2.4 To what extent is the quality of engagement with communities over decisions relating to land improving or not improving? Have the Guidance or the documents drawn from the Guidance played a factor in this?

2.5 Please add anything else you wish to say on the extent to which the Guidance is being used and how you see engagement changing, including any relevant examples or case studies.

### **3. Improving the Guidance**

3.1. What, if any, suggestions do you have for improving the content of the Guidance? Specifically:

- a. Are there aspects of community engagement that are not currently covered by the Guidance?
- b. Are there areas that are included but not relevant in practice?
- c. Are there aspects that require updating or revision?

3.2. What, if any, additional supporting or explanatory documents are needed to support the implementation of the Guidance?

3.3 Please add anything else you wish to say about improving the Guidance here, including any relevant examples or case studies, or support you may wish to offer in improving the Guidance.

### **4. The Land Reform Bill**

The Land Reform Bill as proposed gives Scottish Ministers the power to impose new obligations on owners of large land holdings. Such obligations include a requirement to engage with communities on the development of a publicly available land management plan. More information about the Land Reform Bill is available: Land Reform Bill - gov.scot; and Land Reform (Scotland) Bill | Scottish Parliament Website

The Land Reform Bill does not alter the requirement for Scottish Ministers to issue guidance under section 44 of the 2016 Act. However, we are aware that the Guidance consulted on here and the Land Reform Bill guidance will be of interest, in many cases, to similar stakeholders.

4.1 Do you have any views on the relationship between the Guidance consulted on here and the provisions in the Land Reform Bill?



Categories	Nominal	Revised Annual Budget	Committed	Predicted Spend	Total Spend To Date	Prepayments to 26/27	Accounts to 25/26	Year End Position	Notes
<b>1. Advising on reforms to law, policy and practice - HT</b>									
Land Reform Bill	Land Reform Bill Costs	-	-	-	-	-	-	-	Reallocated 23/10 to Policy Advice.
A Land Reformed Scotland	Collaboration & Partnership Working	15,833.33	15,815.25	-	5,833.33	-	-	15,815.25	CES -End QE May 25. 1 month cost accrued to 24/25 accounts.
Priorities for Policy Advice	Policy Advice	21,000.00	9,600.00	39,600.00	-	-	-	49,200.00	£18k & £9.6k reqs in but awaiting supplier info (PCS pending)
	Research	23,100.00	23,103.60	-	23,103.60	-	-	23,100.00	Tax research (Aug/Sept 25)
	Student Agreements	1,000.00	1,000.00	-	1,000.00	-	-	1,000.00	
	Events (Speaker Hire/ Tickets/ Hall Hire)	-	60.00	-	60.00	-	-	60.00	
Subscriptions & Memberships	Subscriptions & Memberships	1,250.00	1,245.73	-	1,245.73	(191.67)	-	1,058.06	
	<b>Strategic Plan total</b>	<b>62,183.33</b>	<b>50,828.58</b>	<b>39,600.00</b>	<b>31,246.66</b>	<b>(191.67)</b>	<b>-</b>	<b>90,236.92</b>	
<b>2. Supporting practical implementation of Scotland's Land Rights and Responsibilities Statement - EC</b>									
Good practice in land ownership, use and management	Digital Publications (Blogs)	-	-	-	-	-	-	-	
	Events (Speaker Hire/ Tickets/ Hall Hire)	6,500.00	514.00	4,500.00	514.00	-	-	5,014.00	CLS event - GC attended.
	Catering	-	-	-	-	-	-	-	
Community benefits from land and natural capital	Salaries Staff	10,000.00	11,397.10	-	11,397.10	-	-	11,397.10	CBO £10k incl plus T&S (to be re-charged T&S)
	<b>Strategic Plan total</b>	<b>16,500.00</b>	<b>11,911.10</b>	<b>4,500.00</b>	<b>11,911.10</b>	<b>-</b>	<b>-</b>	<b>16,411.10</b>	
<b>3. Ensuring good relations between agricultural landlords and tenants through the functions of the Tenant Farmers Commissioner - EC</b>									
Codes of Practice, Guidance and Casework	TFC Mediation	5,000.00	1,200.00	2,400.00	-	-	-	3,600.00	Mediation expected Nov 25. Further enquiry in
Relinquishment and Assignment of Agricultural Tenancies	-	-	-	-	-	-	-	-	
Subscriptions & Memberships	Subscriptions & Memberships	100.00	-	-	-	-	-	-	Not expected
	Events (Speaker Hire/ Tickets/ Hall Hire/Catering)	-	58.80	-	30.00	-	-	-	
	<b>Strategic Plan total</b>	<b>5,100.00</b>	<b>1,258.80</b>	<b>2,400.00</b>	<b>30.00</b>	<b>-</b>	<b>-</b>	<b>3,600.00</b>	
<b>4. Engaging people in why land matters and how they can be involved. NN</b>									
Communications & Events	Events (Speaker Hire/ Tickets/ Hall Hire/Catering)	4,000.00	3,533.24	-	3,533.24	-	-	3,533.24	RHS. Reallocation of £6k to IT 28/10
	Conference Costs	10,000.00	5,400.32	2,000.00	3,420.32	-	-	7,400.32	Wick Board & public meeting (incs accommodation). Includes further public meetings (SLF)
	Catering (Internal Meetings)	150.00	317.58	-	149.58	-	-	317.58	
	Public Relations (PR)	12,900.00	1,384.36	18,000.00	1,384.36	-	-	18,984.36	ScotLand advertising costs.
	Design Costs	10,500.00	7,670.00	2,500.00	5,710.00	-	-	10,170.00	
	Printing Costs	6,500.00	3,251.07	3,000.00	3,251.07	-	-	6,251.07	
	Website Hosting	2,000.00	2,190.00	1,500.00	843.28	-	-	3,690.00	
	Subscriptions & Memberships	4,356.50	2,152.66	2,487.22	2,152.66	-	-	4,639.88	Mailchimp Credit packs
	Media License	4,356.50	6,589.71	5,940.71	(2,000.87)	-	-	4,588.84	
	Translations	1,500.00	2,687.00	-	2,687.00	-	-	2,687.00	
	Accessibility	-	-	-	-	-	-	-	
	Digital Publications (Blogs)	-	-	-	-	-	-	-	
	Website Development	38,989.20	36,828.20	-	14,378.31	-	-	36,828.20	To be paid via TPE.
	Photographs	-	160.00	-	160.00	-	-	160.00	
	<b>Dept Total</b>	<b>95,852.20</b>	<b>72,165.14</b>	<b>29,487.22</b>	<b>43,610.53</b>	<b>(2,000.87)</b>	<b>-</b>	<b>99,651.49</b>	
<b>5. Underpinned by sound corporate governance and organisational development. NN</b>									
Organisational development	HR incl licenses	33,232.00	28,159.39	432.00	10,258.35	(607.68)	-	27,983.72	
	IT	76,000.00	75,681.36	13,000.00	62,025.37	(6,527.05)	-	82,154.31	Unexpected costs in year - extra licenses, laptop/server changes & decommissioning (£6.8k). £6k reallocated from Events.
	Mobile Costs	1,100.00	960.00	-	559.78	-	-	960.00	
	Legal	14,000.00	14,400.00	-	3,600.00	(9,000.00)	-	5,400.00	This relates to TFC legal fees (Gillespie Macandrew)
	Audit & Accountancy fees	69,200.00	33,540.00	1,200.00	14,505.60	-	34,500.00	69,240.00 Estimated Audit Scotland fees of £34.5k	
	Finance Software Costs	700.00	-	700.00	-	-	-	700.00	Xero - this will be paid quarterly.
	Climate Reporting	1,000.00	930.00	-	930.00	-	-	930.00	RSK.
	Office Accommodation	28,800.00	28,800.00	-	28,800.00	-	-	28,800.00	
	Office Costs	200.00	42.23	-	42.23	-	-	42.23	
	Bank Charges	400.00	175.37	125.00	175.37	-	-	300.37	
	Event Insurance	800.00	1,039.25	-	1,039.25	(375.44)	-	663.81	
	Subscriptions & Memberships	343.00	247.20	282.00	247.20	-	-	529.20	
	ASCL Mini Charge	-	49.31	119.00	49.31	-	-	163.31	
	IT - Software (B/F, addition, disposal)	200.00	-	1,649.15	-	-	-	1,649.15	DSF for staff
	Fixtures & Fittings (B/F, addition, disposal)	250.00	-	92.95	-	-	-	92.95	DSF for staff
Training & Development	Training & Development (Commissioners)	4,000.00	2,124.00	-	2,124.00	-	-	2,124.00	
	Training & Development (Staff)	25,000.00	24,852.00	182.26	7,206.00	-	-	25,034.26	up to £25k
Recruitment	Recruitment	5,000.00	1,622.63	3,000.00	1,622.63	-	-	4,622.63	
	<b>Dept Total</b>	<b>260,275.00</b>	<b>212,630.74</b>	<b>19,049.26</b>	<b>185,747.19</b>	<b>(16,510.16)</b>	<b>34,500.00</b>	<b>252,222.94</b>	
<b>Staffing &amp; Commissioners</b>									
Payroll/ On-Costs	Salaries Staff (incl ADK & DS Salary)	1,269,895.36	1,252,571.39	-	700,866.87	-	15,000.00	1,261,571.39	We have fully committed wages. CBO & DS salary sits here but will be re-charged.
	Salaries Comm	67,148.27	64,272.87	-	36,400.49	-	-	64,272.87	We have fully committed wages. (Q4 TFC increase-TBC)
Travel & Subsistence (Staff)	Travel - Air	-	-	-	-	-	-	-	
	Travel - Rail	4,500.00	2,301.55	2,500.00	2,301.55	-	-	4,801.55	
	Travel - Car Hire	500.00	1,358.84	500.00	1,358.84	-	-	1,858.84	
	Travel - Bus/Taxi/Bike/Ferry	1,000.00	268.00	500.00	268.00	-	-	768.00	
	Travel - Mileage	4,000.00	2,597.80	3,000.00	2,425.00	-	-	5,597.80	
	Travel - Hotels	8,000.00	6,862.17	4,000.00	6,670.17	-	-	10,862.17	
	Subsistence	4,000.00	1,732.20	2,000.00	1,737.20	-	-	3,737.20	
	Travel - Air	-	349.94	-	349.94	-	-	349.94	est spend
	Travel - Rail	2,500.00	625.26	1,500.00	625.26	-	-	2,125.26	
	Travel - Car Hire	-	-	-	-	-	-	-	
	Travel - Bus/Taxi/Bike/Ferry	1,000.00	289.58	600.00	289.58	-	-	889.58	
	Travel - Mileage	4,000.00	2,017.35	2,000.00	2,017.35	-	-	4,017.35	
	Travel - Hotels	3,000.00	3,070.10	2,000.00	3,070.10	-	-	5,070.10	
	Subsistence	2,000.00	173.20	1,000.00	173.20	-	-	1,173.20	
Commissioners Meetings	Catering (Internal Meetings)	1,500.00	165.05	-	165.05	-	-	165.05	
	Events (Speaker Hire/ Tickets/ Hall Hire/Catering)	-	241.00	-	241.00	-	-	241.00	
	<b>Dept Total</b>	<b>1,373,043.63</b>	<b>1,338,907.15</b>	<b>19,600.00</b>	<b>758,459.45</b>	<b>-</b>	<b>15,000.00</b>	<b>1,373,507.15</b>	
		<b>1,812,994.16</b>	<b>1,687,701.51</b>	<b>114,627.48</b>	<b>981,004.93</b>	<b>(18,702.70)</b>	<b>49,500.00</b>	<b>1,835,629.59</b>	

( 30,566.54 CNPA ADK Salary/expenses recharge  
 ( 27,945.46 Remaining ADK salary recharge (est)  
 ( 30,000.00 TPE to pay for website  
 ( 23,100.00 Recharge tax work to SG received  
 ( 37,593.62 Remaining DS Salary recharge (est)  
 ( 6,458.55 DS Salary recharge  
 ( 10,000.00 Policy work to be recharged to SG.  
 6,104.70 RHS hotel costs to be added back in.

1,667,080.92 Expected Year End Position

99%

12,919.08 Estimated GIA remaining