GOOD PRACTICE

Protocol on transparency of ownership and decision-making

Information about who owns and controls land in Scotland empowers people and gives them the opportunity to understand how decisions are made. Openness and transparency provide the foundation for meaningful engagement and create opportunities for collaboration.

The purpose of this protocol is to help landowners and managers to ensure that reasonable and helpful information about land and land management is made available in a clear, timely, and accessible way. We have created a template to support land owners and managers in providing information about the ownership and use of land.

This protocol supports the practical implementation of the Scottish Land Rights and Responsibilities Statement (LRRS).

How this protocol should be followed

✓ Where we use the word must, this means the action is required by law and failing to comply would be a breach of legislation.

✓ Where we use the word should, we expect everyone involved to follow the approach described, unless it conflicts with their legal duties.

✓ Where we use the word recommend, it means this is good practice, but we recognise that other approaches may be equally effective and necessary.

Expectations

Share information about ownership of land and buildings

Landowners should make sure that up-to-date information about their ownership of land and buildings and the extent of the landholding(s) is publicly available.

Share contact details of people with local decision-making authority

Landowners and managers should share up-to-date contact information about people with local decision-making authority over their land and buildings. It is recommended that this is posted at the main entrances or other appropriate sites on the landholding.

Be transparent about who has influence and control over land

Landowners and managers should make information about people or bodies with significant influence and control over land and buildings and the extent of their control publicly available. Where landowners are required to submit this information to the Register of Controlled Interests in Land, a link to the appropriate entry can be provided.

Make information easy to access

It is recommended that information required for the points above is made available on a website and on social media accounts if these are available. Where this is not possible other practical means can be used.

Land registration

It is recommended that landowners register their landholding(s) with the Registers of Scotland.

Prepare a summary of land use and management

It is recommended that landowners and managers prepare and share a summary of land use and management. Where landowners have a management plan for land and buildings it should be made publicly available.

Be transparent about decision-making processes

Landowners should be open and transparent about decision-making processes where these could impact the local community. When sharing this information, landowners should make it clear when there are regulatory, legislative or financial conditions that impact their processes. Proportionate information relating to the rationale for decisions should be shared with the community.

Respond to requests for information about ownership, use and management

Where a relevant party makes a reasonable request for information about land ownership, use or management, landowners should share proportionate and helpful information in a clear and accessible way. This should be shared within a reasonable timeframe taking into account the urgency of the issues raised.

Who this protocol is relevant for

- ✓ Owners of land and buildings including individuals, companies, trusts, public bodies, non-governmental organisations, charities and community owners, but excluding individual home owners;

- ✓ Land managers including tenants of land and agents or other people employed or contracted by the owner to look after land or buildings on their behalf;

- ✓ The community comprising of:

  - Community Councils representing any area(s) which may be impacted by the landholding;

  - Constituted community organisations, who have an open membership, demonstrate community control, and who represent a defined geographic area, which may be impacted by the landholding, and;

  - Residents who live in and businesses that are based in the local area.

Definitions

You can find definitions of terms used in our protocols in our Protocols Definitions document.

Protocols Definitions →

How to use this protocol

If you own or manage land, you can use the expectations set out in this protocol as a guide to assess the actions you are taking in relation to transparency.

If you have an example of good practice to share:

Consider writing a case study to share your positive example with others. We may be able to help with this.

If you are experiencing a situation that differs significantly from the expectations we have set out:

Speak to the relevant landowner or community organisation to try to find a resolution.

If the situation relates to a regulated issue (like the environment or planning) then approach the relevant regulator.

If you have not been able to resolve the issue, then contact us with details and any supporting evidence. Where appropriate we will provide advice and work with you and the other parties involved, if applicable, to deal with any difficulties and help improve practice.

If you would like support to assess or improve your practice or have any questions about this protocol:

We may be able to provide advice or support about your situation.

Contact the Good Practice Team:

@ goodpractice@landcommission.gov.scot 📞 01463 423 300.