



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

PAPER 1

Minute of the meeting of the Scottish Land Commissioners held on Tuesday 3rd December 2024 at An Lochran, Inverness.

Commissioners Present: Michael Russell (Chair) Deb Roberts, Craig Mackenzie, Lorne MacLeod, Sally Reynolds (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner)

In Attendance: Hamish Trench, Nikki Nagler, Gemma Campbell, Kathie Pollard (for item 4 only), James MacKessack-Leitch, Scarlett Macfarlane, (Scottish Land Commission);

Apologies: None

Declarations of interest: None

Minutes of previous meeting 5 November 2024

The minutes from the meeting held on 5 November 2024 were agreed as a true and accurate record with no matters arising.

1. Commissioners Updates

The Chair noted this is the final board meeting for Sally, Lorne and Bob whose term as Commissioners ends on 18 December. The board expressed its thanks for the very significant contribution made by all three Commissioners over eight years in the role.

The Chair advised that the Parliamentary stage for new Commissioner appointments is now completed and we expect that Scottish Government will complete the appointments process shortly.

Commissioners provided updates on their key activities and events since the last meeting.

Commissioners also discussed recent changes in inheritance tax in relation to agriculture and noted that the Commission is obtaining a briefing from tax specialists to help understand the changes in respect of likely farming scenarios. The board noted in particular the potential issue of tenancies in scope discussed at the recent Tenant Farming Advisory Forum.

2. Land Reform Bill

Hamish provided an update on discussions with the Bill team on the Commission's advice, noting the annex provides more detailed advice on specific changes proposed. The board

agreed the proposed advice. The board agreed the Commission should proceed to publish the advice in January and ensure it is available to the parliamentary committee.

James provided examples of recent land transactions that would be in scope of the proposed transfer test measure in the Bill, to enable the board to consider the likely operation of the measure and inform our advice.

Key issues discussed included:

- The value in greater clarity on the criteria for lotting and where this will sit, in primary legislation, regulations or guidance;
- The potential role of public bodies as interim owners to enable community land ownership;
- The likely scale of capital funds required if public bodies were to play a more active role in acquisition;
- The need for both the transfer test and Land Management Plans to be able to take specific account of crofting land including township boundaries;
- The benefit of achieving a system in which land comes to the market in appropriate lots ahead of the transfer test;

The board also noted the uncertainty associated with different interpretations of how Land Management Plans will operate and their relationship to other plans, asking staff to continue to engage with stakeholders to develop a draft model that can inform discussions on the Bill and the following stages.

3. Good Practice Programme Refresh

Gemma introduced the paper and shared some examples of ways the Good Practice Programme has had an impact. She highlighted the value of being able to combine one-to-one casework with programmes of wider training and advice, noting that in many cases it is sustained contact over time that helps lead to changes in practice.

Commissioners welcomed the detailed review work undertaken by the team and reflected on the significant progress made since the board first took the decision to establish a good practice programme. The board agreed it continues to be an important function of the Commission that demonstrates impact on the ground and influences culture change.

The board agreed that a key focus for the coming year should be refreshing the LRRS Protocols which provide the underpinning of the programme.

Commissioners also identified the need to consider the longer term role of good practice in the context of planned work to look at the destination of land reform. It was suggested that the programme could have a key role to play in creating a framework for managing land in the public interest, helping articulate what this looks like.

Recognising current resource constraints, the board agreed with the focus proposed in the paper and that we should seek to maximise the role other sector bodies play, so that we can focus our own time where it has most impact.

The board asked staff to develop the review one stage further, to set out and cost how we would expand the good practice programme to be able not just to meet demand reactively, but to be proactive across Scotland in engaging those not currently engaged with LRRS, and those who appear unwilling to engage.

The board also noted that the relationship between good practice and statutory requirements continues to evolve with the Land Reform Bill, and that there continues to be value in looking at ways that the LRRS principles could be given more statutory weight.

Action 03122401	Staff to develop a proposal for expanding the Good Practice Programme, identifying the resource that would be required.
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4. Tax

Kathie provided an update on the project planning of joint work with Scottish Government on tax. She noted the expected commitments in the budget and tax strategy, setting out the two-phase approach agreed with government.

The board welcomed the progress and the structured approach. Commissioners sought assurance on resourcing, Hamish confirmed phase two remains subject to resource capacity, and that the proposed research would be funded directly by Scottish Government.

Commissioners also identified risks in relation to the potential wide scope of work and agreed that phase 1 should be used to develop some clear parameters and that we should be clear about what is outwith the scope. The risks in relation to communications and stakeholder engagement was also considered. The board agreed that the Commission should be proactive in communicating a carefully considered approach, open to recognising potential for unintended consequences and ensure that stakeholders are aware of how the Commission will be approaching this work.

Action 03122402	Circulate to board the communications and social media line to support consistent communications
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5. Budget Monitoring

Nikki provided an update on the 24/25 budget, noting the projected overspend which is being managed down by seeking savings. The board asked that future updates provide a clearer summary of the projected outturn position.

Action 0312243	Adjust presentation of budget report to include clear summary of projected year-end outturn
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6. Communications Update

Scarlett provided a summary of forthcoming publications including the Rural Land Market Data Report and planned work for Quarter 4. She also provided an overview of social media activity, noting the Commission now has a presence on BlueSky.

7. AOB

No other business was raised.

Date of next meeting:

4th February 2025

An Lochran, Inverness