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Environment, Climate Change and Land Reform Committee Comataidh Atharrachadh Clìomaid is Ath-leasachaidh Fearann

Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018 [draft]



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Environment, Climate Change and Land Reform Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Environment, Climate Change and Land Reform.



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Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018 [draft]

1. The Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018 [draft] were laid before the Parliament on 2 May 2018 and referred to the Environment, Climate Change and Land Reform Committee.
2. The Regulations are subject to affirmative procedure (Rule 10.6).
3. At its meeting on 8 May, the Delegated Powers and Law Reform Committee considered the following instruments and [determined](#) that it did not need to draw the attention of the Parliament to any of the instruments on any grounds within its remit.
4. It is for the Environment, Climate Change and Land Reform Committee to recommend to the Parliament whether the Regulations should be approved.
5. The Cabinet Secretary for Environment, Climate Change and Land Reform, Roseanna Cunningham MSP, has, by motion [S5M-12209](#), proposed that the Committee recommends approval of the Regulations.
6. At its meeting on the 29 May 2018, the Committee took evidence from—
 - Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform,
 - Dr Simon Cuthbert-Kerr, Head of Land Reform Unit, and
 - Andrew Ruxton, Scottish Government Legal Directorate, Scottish Government.
7. Following the evidence session, Roseanna Cunningham moved motion [S5M-12209](#)—

That the Environment, Climate Change and Land Reform Committee recommends that the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018 [draft] be approved.
8. The motion was agreed to (by division: For 9, Against 2, Abstentions 0).
9. While the Committee voted to approve the motion on the regulation as, on balance, it did not wish to cause undue delay to communities wishing to use the powers, it shares the concerns expressed by Community Land Scotland that the wording of the regulation in relation to “harm to environmental wellbeing of a relevant

community” (regulation 6) appears to be restrictive and may impact the practical application of the policy.

10. The Committee heard that the Scottish Government was actively investigating other potential legislative routes to address the concerns in relation to the classification of harm to environmental wellbeing and the commitment for a wide meaning of the concept. The Cabinet Secretary for Environment, Climate Change and Land Reform identified possible options to address this via amendments to the Land Reform (Scotland) Act 2003 or via the forthcoming regulations relating to the Part 5 provisions of the Land Reform (Scotland) Act 2016, in relation to the purchase of land to further sustainable development.
11. The Committee welcomes this and encourages the Scottish Government to address the concerns in relation to the wording of the regulation in relation to “harm to environmental wellbeing of a relevant community” as soon as is practical and achievable. The Committee asks the Scottish Government to outline how it intends to do so and the associated timeframe, to the Committee, at the earliest opportunity. The Committee also seeks an indication of when it will receive this.
12. The Committee further asks the Scottish Government to monitor and evaluate the effectiveness of this regulation on an ongoing basis and report on progress, including how the regulation is working in practice and any necessary changes, to the Committee by June 2019. This report should identify how the concerns of communities and landowners have been taken into account.
13. The Committee looks forward to the fulfilment of the stated intention of the Scottish Government to publish guidance on the interpretation of the regulations by late June/early July 2018.
14. The oral evidence taken and debate held at that meeting on this instrument can be found in the Official Report at the following link:

[Official Reports Environment, Climate Change and Land Reform Committee](#)

15. The Committee also received written evidence on the instrument from:
 - [Community Land Scotland](#)
 - [Historic Houses Scotland](#)
 - [Scottish Land and Estates](#)

16. The Environment, Climate Change and Land Reform Committee recommends to Parliament that the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018 [draft] be approved.

