

LAND REFORM (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Land Rights and Responsibilities Statement

Section 1 – Land rights and responsibilities statement

3. **Section 1** imposes a duty on the Scottish Ministers to prepare and publish a land rights and responsibilities statement (subsection (1)) setting out principles for land rights and responsibilities in Scotland (subsection (2)). In preparing the statement, the Scottish Ministers must have regard to the desirability of—
 - promoting respect for, and observance of, relevant human rights,
 - promoting respect for such internationally accepted principles and standards for responsible practices in relation to land as the Scottish Ministers consider to be relevant,
 - encouraging equal opportunities (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998),
 - furthering the reduction of inequalities of outcome which result from socio-economic disadvantage,
 - supporting and facilitating community empowerment,
 - increasing the diversity of land ownership, and
 - furthering the achievement of sustainable development in relation to land (subsection (3)).
4. For the purposes of interpreting subsection (3), the term “relevant human rights” means such human rights as the Scottish Ministers consider to be relevant to the preparation of the statement. In considering what human rights are relevant, Ministers may consult with the Scottish Commission for Human Rights and such other persons or bodies as they consider appropriate (subsection (4)).
5. For the purposes of section 1, the term “human rights” is defined to mean the Convention rights (within the meaning of section 1 of the Human Rights Act 1998), and other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom, including the International Covenant on Economic, Social and Cultural Rights (subsection (6)). This definition includes other human rights which could be relevant to the preparation of the statement such as rights in the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child.
6. For the purposes of section 1, “internationally accepted principles and standards for responsible practices in relation to land” is defined to include the principles and standards contained in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security

*These notes relate to the Land Reform (Scotland) Act 2016
(asp 18) which received Royal Assent on 22 April 2016*

(subsection (5)). Other internationally accepted principles and standards for responsible practices in relation to land, including those which may come into effect in the future, also fall within this definition.