

POLICY NOTE

THE LAND REFORM (SCOTLAND) ACT 2016 (REGISTER OF PERSONS HOLDING A CONTROLLED INTEREST IN LAND) REGULATIONS 2021

SSI 2021/85

The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 were made in exercise of powers conferred under the Land Reform (Scotland) Act 2016. They implement Part 3 of the Land Reform (Scotland) Act 2016, information about control of land etc.

Purpose of the instruments.

The purpose of these instruments is to bring into force Part 3 of the Land Reform (Scotland) Act 2016, which creates for legislative framework a new register of Persons Holding a Controlled Interest in Land. The register will be built and maintained by the Keeper of The Registers of Scotland and will become operational on 1 April 2022.

Once fully operational, access to the information within the register will be free to access. Non-compliance carries criminal penalties, although a one year transitional period will be in force until 1 April 2023, at which point the criminal penalties will come fully into force.

Policy Objectives

The overarching purpose of the Regulations is to increase public transparency in relation to individuals who have control over decision-making in relation to land. They are intended to ensure there can no longer be categories of land owner or tenant where, intentionally or otherwise, control of decision-making is obscured. In conjunction with other transparency regimes, this means that it will be possible to look behind every category of entity in Scotland, including overseas entities and trusts, to see who controls land. We do not require double reporting for entities subject to other regimes as we do not want to duplicate existing publicly available information. The Regulations will also aid policy making by enabling a fuller picture of those individuals who have control over decisions about land in Scotland.

Consultation

A consultation on the policy proposals for a new register was carried out from September – December 2016. Responses and an analysis of the responses were subsequently published online. A further consultation on the policy proposals for a new register was carried out from June – November 2016. Responses and an analysis of the responses were subsequently published online.

The consultation document explained at paragraph 18:

“The Scottish Government is keen to ensure that land in Scotland is sustainably owned, used and developed in the interests of land owners, communities and wider society.

Improved information about who controls land owners and tenants in Scotland will therefore help empower people, including community groups, and give them the opportunity to understand who is in control of land owners and tenants. This transparency should also allow people to engage constructively with any person with a controlling interest who makes decisions in relation to land that might have an impact on sustainable development.”

The Register of Persons Holding a Controlled Interest in Land will require categories of entities who may own land in Scotland and where the controlling interests in the entities is not currently transparent, to make details of their controlling interests publicly available.

Impact Assessments

The following impact assessments have been carried out and have now been published.

- The Business Regulatory Impact Assessment (BRIA)
- The Data Protection Impact Assessment (DPIA)
- The Equalities Impact Assessment (EQIA)

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached.

Scottish Government officials were in contact with key stakeholders throughout the development of Part 3 of the Land Reform (Scotland) Act 2016 and also met with them during the consultation on the regulations to bring them into force. These were broadly representative of potential business interests.

Scottish Government
Directorate for Agriculture and Rural Economy
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