



Land Reform (Scotland) Act 2016

2016 asp 18

PART 1

LAND RIGHTS AND RESPONSIBILITIES STATEMENT

1 Land rights and responsibilities statement

- (1) The Scottish Ministers must prepare and publish a land rights and responsibilities statement.
- (2) A “land rights and responsibilities statement” is a statement of principles for land rights and responsibilities in Scotland.
- (3) In preparing the statement, the Scottish Ministers must have regard to the desirability of—
 - (a) promoting respect for, and observance of, relevant human rights,
 - (b) promoting respect for such internationally accepted principles and standards for responsible practices in relation to land as the Scottish Ministers consider to be relevant,
 - (c) encouraging equal opportunities (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998),
 - (d) furthering the reduction of inequalities of outcome which result from socio-economic disadvantage,
 - (e) supporting and facilitating community empowerment,
 - (f) increasing the diversity of land ownership, and
 - (g) furthering the achievement of sustainable development in relation to land.
- (4) For the purposes of subsection (3)(a)—
 - (a) “relevant human rights” means such human rights as the Scottish Ministers consider to be relevant to the preparation of the statement, and
 - (b) in considering what human rights are relevant human rights, Ministers may consult the Scottish Commission for Human Rights and such other persons or bodies as they consider appropriate.
- (5) For the purposes of subsection (3)(b), “internationally accepted principles and standards for responsible practices in relation to land” include the principles and standards contained in the Voluntary Guidelines on the Responsible Governance of

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Tenure of Land, Fisheries and Forests in the context of National Food Security issued by the Food and Agriculture Organization of the United Nations and endorsed by the Committee on World Food Security on 11 May 2012.

- (6) In this section “human rights” means—
- (a) the Convention rights (within the meaning of section 1 of the Human Rights Act 1998), and
 - (b) 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 adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 subject to—
 - (i) any amendments in force in relation to the United Kingdom for the time being, and
 - (ii) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.

2 Publication and review of land rights and responsibilities statement

- (1) The Scottish Ministers must publish the first land rights and responsibilities statement and lay it before the Scottish Parliament before the end of the period of 12 months beginning with the day on which this section comes into force.
- (2) Before complying with subsection (1), the Scottish Ministers must publish a draft of the statement and consult such persons as they consider appropriate.
- (3) The Scottish Ministers must lay before the Scottish Parliament a report setting out—
 - (a) the consultation process undertaken in order to comply with subsection (2), and
 - (b) the ways in which views expressed during that process have been taken account of in preparing the statement (or stating that no account has been taken of such views).
- (4) The Scottish Ministers must review the first statement before the end of the period of 5 years beginning with the day on which the Scottish Ministers published the statement.
- (5) In carrying out the review of the statement, the Scottish Ministers must consult such persons as they consider appropriate.
- (6) If, following the review under subsection (4), the Scottish Ministers consider that it is not appropriate to prepare a revised statement, they must lay before the Scottish Parliament a report setting out—
 - (a) the consultation process undertaken in order to comply with subsection (5), and
 - (b) the reasons why they consider that it is not appropriate to prepare a revised statement.
- (7) If, following the review under subsection (4), the Scottish Ministers consider that it is appropriate to prepare a revised statement, they must—
 - (a) publish the revised statement and lay it before the Scottish Parliament, and
 - (b) lay before the Scottish Parliament a report setting out—
 - (i) the consultation process undertaken in order to comply with subsection (5), and

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- (ii) the reasons why they consider that it is appropriate to prepare a revised statement.
- (8) The Scottish Ministers must review the statement, or revised statement, before the end of each period of 5 years beginning with the day on which they last laid before the Scottish Parliament the report under subsection (6) or, as the case may be, (7)(b).
- (9) Subsections (5) to (7) apply to the review of a statement, or revised statement, under subsection (8) as they apply to the review of the first statement under subsection (4).

3 Duty to promote land rights and responsibilities statement

The Scottish Ministers must, in exercising their functions and so far as reasonably practicable, promote the principles set out in the land rights and responsibilities statement.