

Land Reform (Scotland) Bill

Stage 3 Briefing from Andy Wightman 4 November 2025

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This briefing is designed for the Stage 3 debate on the Bill on Wed 5 November 2025. It is a follow-up to the previous briefing of 26 October 2025.

BACKGROUND

The Land Reform (Scotland) Bill was developed and introduced under the SNP-Scottish Green coalition and introduced to Parliament in March 2024.

I have made clear from the very beginning that the Bill introduces significant administrative complexity and associated expense on landowners, Scottish Ministers and others. Ordinarily, such complex administrative burdens should only be introduced where the outcomes justify them. In my view there is no such justification for them in this Bill.

I said during Stage One evidence that

It would be irresponsible of Parliament to impose new, complex, legalistic and bureaucratic mechanisms on the people of Scotland that will not deliver the outcomes that ministers say that they will. That is just making bad law.

I have not changed my mind since then.

My own analysis of land sales suggests that little if anything will change as a consequence of this Bill (s far as I know this is the only attempt at assessing the likely impact of the Bill in the real world). [1]

This is for 3 reasons.

Firstly, the pattern of private rural landownership has been getting steadily more and more concentrated since 2010. The Land Reform (Scotland) Acts of 2003 2016 did nothing to alter this state of affairs and neither will this Bill.

- 421 landowners own 50% of the privately-owned rural land (440 in 2012);
- 921 landowners own 60% of the privately-owned rural land (989 in 2012);
- 2588 landowners own 70% of the privately-owned rural land (3161 in 2012)

Moreover, over 50% of landholdings >500ha that were sold between 2020 and 2023 were acquired by persons who already own land (see previous briefing for further details). The

expansion of such portfolio landholdings is a key feature driving the re-concentration of private rural landownership in the past five years.

Secondly, utilising the late registration procedures of the Land Reform (Scotland) Act 2003 will do little to change the distribution of land. The Act has had very little impact on the distribution of land and the 2003 Act exempted a lot of transfers (which remain exempt under the provision of the Bill).

Thirdly, the lotting provisions are unlikely to be used very often and if they are, there is nothing to stop existing landowners acquiring the lots exacerbating the concentration that has been happening over the past 15 years whereby existing owners are building up portfolios of estates.

Nevertheless, the Bill contains important measures to improve the tenure of agricultural tenants and smallholders. These are welcome. The provisions on management plans are also welcome even though such plans do not require to be implemented and are not binding on new owners.

A HISTORY OF FAILURE

MSPS should, however, take note that over the past 25 years of devolution, many claims and ambitions have been set out which have never been delivered. As set out in my previous briefing, Ministers have not been shy of castigating the concentrated pattern of private rural landownership in Scotland. But this Bill, like so much before it, does not deliver on the rhetorical complaints of Ministers.

It is a Bill which is the latest in a series of **policy failures** - measures which have been announced to great fanfare but then not delivered or work commissioned but then abandoned.

For example,

The Scottish Law Commission undertook a project to reform the law of the foreshore and the seabed as part of the land reform action plan of the then Scottish Executive. The Commission published its report and a draft Bill in 2003. **Over 20 years later, it remains on the shelf gathering dust.**

Numerous reports over the decades into reform of inheritance law to provide adult children with the legal right to inherit land have been **ignored and sidelined** despite this being the key measure across continental Europe that has democratised land.

In June 2013, the then First Minister, Alex Salmond announced a target of one million acres of land in community ownership by 2020. A few years later **the target was quietly abandoned.**

On 23 May 2014, the final report of the Land Reform Review Group was published. Two days later, the then Minister, Paul Wheelhouse, committed to completing the Land Register by 2024 with all public land registered by 2019. **Neither target was met and the target has now been abandoned.**

In the aftermath of the same report Scottish Ministers announced that a further report would be prepared for Ministers to consider a large number of the recommendations in the report. In May 2024, I asked for a copy of this report under FoI and **was told that it had never been produced.**

CONCLUSION

Time will tell whether this Bill will have any impact. Its genesis reflects a lack of seriousness by Scottish Ministers in the SNP/Green coalition, a failure to properly assess outcomes, and a continuing obsession with highly technical, bureaucratic and administratively complex procedures which tinker around the edges of land markets for no evident benefit.

NOTES

[1] See the following blogs

<https://andywightman.scot/2024/04/land-reform-scotland-bill-2/>

<https://andywightman.scot/2024/04/land-reform-scotland-bill-3/>

<https://andywightman.scot/2024/04/land-reform-scotland-bill-4/>

<https://andywightman.scot/2024/04/land-reform-scotland-bill-5/>