

Chapter 1 - Transparency of land ownership and controlling interests in Scotland

QUESTION 1—Do you have any comments about making information about persons with controlling interests in owners and tenants of land available?

Yes No

Comments:

The Community Woodlands Association fully supports the need for the new register of controlling interests in land in Scotland; we believe that this register should be open and accessible and that only in exceptional circumstances should there be any exemptions from the requirement to declare.

The Community Woodlands Association has engaged with Global Witness on the response to this consultation and we refer you to their consultation response, the arguments and approach within which we agree.

Chapter 2 - Defining a controlling interest and who is a person with a controlling interest in a land owner or tenant

QUESTION 2: In your view, taking in to consideration the contents of this chapter and the associated annex C, what are the key considerations that Scottish Ministers should take in to account in defining a “controlling interest” or “persons with controlling interests in landowners and tenants” for the purposes of these regulations?

Comments:

Chapter 3 - Scope

QUESTION 3: In your opinion, should the regulations apply to all types of land?
Please give details.

Yes No

Comments:

QUESTION 4: Do you think that particular categories of land should be exempt?

Yes No

QUESTION 5: If YES, please give details.

Comments:

QUESTION 6: In your view, for the purposes of these regulations, should 'land' have the same meaning used for Land Registration purposes (outlined above)?

Yes No

Comments:

QUESTION 7: In your opinion, should the regulations also apply where the proprietor of land that is not recorded in the Register of Sasines or registered in the Land Register because either:-

- i. The property was acquired prior to the Register of Sasines commencing in 1617;
- ii. They have acquired a personal right to property, but have not yet registered the deed in their favour in the Land Register?

Yes No

QUESTION 8: In your opinion, should the regulations apply where a tenant in a high value lease that is not a long lease (a lease of 20 years or fewer) falls within the definition of persons with controlling interests in landowners and tenants?

Yes No

QUESTION 9: In your opinion, are there instances where natural persons who own land in their own name have an undisclosed relationship with another person who has a controlling interest in land? For instance if the land in question is an asset of a partnership or trust, or part of a trust arrangement?

Yes No

QUESTION 10: In light of the contents of this consultation, and this chapter in particular, can you foresee any ways in which the obligations under these regulations could be avoided, and, if so, what could the Scottish Government do to combat this?

Yes No

Comments:

Chapter 4 - Where the information should be held and what information should be disclosed

QUESTION 11: In your opinion, should a new register of persons with controlling interests in landowners and tenants be created?

Yes No

QUESTION 12 What would the advantages be?

Comments:

QUESTION 13 What would the disadvantages be?

Comments:

QUESTION 14: In your view, in addition to the names of “persons with controlling interests in landowners and tenants” should other information about them be disclosed?.

Yes No

QUESTION 15: If YES, how would disclosure of that information fulfil the regulations’ aim(s) (as per Chapter 1 and your answer to question 1)?

Comments:

QUESTION 16: If NO, why not?

Comments:

QUESTION 17: In your view, should information about the nature and extent of a person's "controlling interest" be disclosed?

Yes No

QUESTION 18: In your views, should the nature and extent of a person's "controlling interest" be disclosed on a public register?

Yes No

Comments:

QUESTION 19: If YES, how would this information fulfil the purpose of the regulations' aims?

Comments:

QUESTION 20: If NO – why not? Please give details

Comments:

QUESTION 21: Thinking about the information which in your view should be disclosed, are you aware of any potential sensitivities relating to this? Please give details.

Yes No

Comments:

QUESTION 22: If YES – in your view what are the advantages of keeping this information up to date?

Comments:

QUESTION 23: If NO – why not? Please give details.

Comments:

QUESTION 24: In your view, are there instances in which the information about the nature and extent of a person's "controlling interest" is commercially sensitive and should not be revealed?

Yes No

QUESTION 25: If YES, please explain why you think that this information should not be revealed?

Comments:

QUESTION 26: If NO – why not? Please give details.

Comments

Chapter 5 - The duty to provide the information

QUESTION 27: In your view, should a duty to provide information about persons with controlling interests in landowners and tenants apply to landowners and tenants with titles in the Land Register or Register of Sasines and:

- I. Land owners and tenants where the property was acquired prior to the Register of Sasines commencing in 1617;
- II. Land owners or tenants who have acquired a personal right to property, but have not yet registered the deed in their favour in the Land Register; or
- III. Tenants in a high value lease that is not a long lease (a lease of 20 years or fewer)?

Yes No

QUESTION 28: If NO, why not?

Comments:

QUESTION 29: If YES, in your view what are the advantages of this arrangement?

Comments:

QUESTION 30: If YES, in your view what are the disadvantages of this arrangement?

Comments:

QUESTION 31: In your view, should a duty to provide information apply to the “person with the controlling interest”?

Yes

No

If no, why not?

Comments:

QUESTION 32: If NO, why not?

Comments:

QUESTION 33: If YES, in your view what are the advantages of this arrangement?

Comments:

QUESTION 34: If YES, in your view what are the disadvantages of this arrangement?

Comments:

QUESTION 35: In your view or experience, are there parties who serve as intermediaries between registered proprietors and persons with a controlling interest in land?

Yes No

QUESTION 36: If YES to Q35, in what scenarios do you think that there are parties who serve as intermediaries between registered proprietors and persons with a controlling interest in land?

Comments:

QUESTION 37: If YES, in what capacity are there parties who serve as intermediaries between registered proprietors and persons with a controlling interest in land?

Comments:

QUESTION 38: In your view, should a duty to provide information apply to such intermediaries?

Yes No

QUESTION 39: If NO, why not?

Comments:

QUESTION 40: If YES, in your view what are the advantages of this arrangement?

Comments:

QUESTION 41: If YES, in your view what are the disadvantages of this arrangement?

Comments:

QUESTION 42: In your view, should the duty to disclose information about any person with a controlling interest in a landowner or tenant apply either when a person is a person with a controlling interest in a landowner or tenant when the regulations come into force, or becomes a person with a controlling interest in a landowner or tenant when the regulations are in force?

Yes No

Comments:

QUESTION 43: If NO, why not?

Comments:

QUESTION 44: If YES, in your view what are the advantages of this arrangement?

Comments:

QUESTION 45: In your view, should a civil penalty be imposed for failure to comply with any of the duties contained in the regulations? YES/NO. Please give details.

Yes No

Comments:

QUESTION 46: In your view, should failure to comply with any of the duties contained in the regulations be a criminal offence? YES/NO. Please give details.

Yes No

Comments:

QUESTION 47: In your view, should an application for land registration be rejected if the applicant fails to supply information about any “person with controlling interest”? Please give details

Yes No

Comments:

QUESTION 48: In your view, should an application for land registration be rejected if the applicant fails to certify that no such “person with controlling interest” exists? Please give details.

Yes No

Comments:

QUESTION 49: In your view, taking in to consideration all of the sanctions and enforcement options set out in this chapter, what mechanisms would be most appropriate to enforce the duty to provide information? Please explain your answer.

Comments:

QUESTION 50: In your view, are there instances in which there should be exemptions?

Yes

No

Comments:

QUESTION 51: If NO, why not?

Comments:

QUESTION 52: If YES, in your view what is the justification for such exemptions?

Comments:

Chapter 6 - Assessing impact

QUESTION 53: Please tell us about any potential impacts, either positive or negative, that you consider that the proposals in this consultation may have in respect of equality issues. Please be as specific as possible.

Comments:

QUESTION 54: Please tell us about any potential costs and burdens that may arise as a result of the proposals within this consultation, and any increase or reduction in the burden of regulation for any sector. Please be as specific as possible.

Comments:

QUESTION 55: Please tell us about any potential impacts, either positive or negative, upon the privacy of individuals that may arise as a result of any of the proposals contained in this consultation. Please be as specific as possible.

Comments:

QUESTION 56: Please tell us about any potential impacts, either positive or negative, that any of the proposals in this consultation may have on the environment. Please be as specific as possible.

Comments: