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**DELIVERING IMPROVED TRANSPARENCY OF LAND OWNERSHIP**

**IN SCOTLAND: CONSULTATION ON DRAFT REGULATIONS**

**HOMES FOR SCOTLAND RESPONSE**

**09 NOVEMBER 2018**

**ABOUT HOMES FOR SCOTLAND**

Homes for Scotland is the voice of the home building industry.

With a membership of some 200 organisations together providing 95% of new homes built for sale in Scotland each year as well as a significant proportion of affordable housing, we are committed to improving the quality of living in Scotland by providing this and future generations with warm, sustainable homes in places people *want* to live.

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**IN SCOTLAND**

**General Comments**

On behalf of Homes for Scotland, I have read these consultation papers to identify any possible impacts on our members that require comment, support or objection. The proposals do not seem to target the home-building industry as there is already transparency on its land-ownership and because none of the arrangements that are proposed to be subject to the new regulations relate in any obvious way to home builders.

My attention has, though, been directed to some parts of the draft regulations and consultation papers that could contain inadvertent or unclear implications for our members and others, and hope these can be clarified, addressed and, if necessary, re-consulted on before any regulations are brought into effect. They are identified in my responses to selected consultation questions.

Homes for Scotland would be very happy to discuss any of the above or to answer any arising questions. If more information is required, please let me know.

**Q1: Form of the Register**

This newly registrable information should wherever possible be homed in an existing register or other similar database. The decision to establish a brand new and distinct register will perpetuate and feed the complex web of places in which information on land uses is held. That works against the transparency agenda.

**Q8: A Criminal Offence**

As noted in our Q1 response, there is some uncertainty in the application of Part 1 of Schedule 1. It would be inappropriate to make it a criminal offence to fail to disclose information if it is not absolutely crystal clear to whom and to what “contractual or other arrangements” the regulations apply. Homes for Scotland therefore objects to the proposals for criminal offences.

**Q12: Examples of Contractual Arrangements**

As far as I can see, the register should not impact on our members as, where, they own land, this is already registered through existing channels. It also appears the register would not require options to be registered. I say that because the word ‘option’ and no wording that appears to cover options appears in the consultation document, whilst other matters are clearly articulated.

I am not a lawyer, however, and am advised that, as drafted, Part 1 of Schedule 1 is too loosely worded and, in consequence, could be interpreted as applying to option agreements and, also, to purchasers of new homes whose entry date has had to be extended. We don’t believe either of these things are intended. If they are, please record a Homes for Scotland objection to this part of the regulations due to a of lack of openness and clarity in the consultation documents as to their full implications.

**Q13: Other Contractual Arrangement**

Unless there was a further consultation, Homes for Scotland would strongly object to the addition of home-building related interests / persons / entities / contractual or other arrangement to the regulations where they have not been clearly and unambiguously identified in these consultation papers.

**Q26: Exclusion of Public Authorities and Others**

The proposal to exempt public bodies is counterintuitive if transparency is the goal, and if we are to achieve a greater feeling of partnership and parity of responsibility between the public and private sectors.

Ends.

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