

Briefing for Day 2 of Stage 2 for the Land Reform (Scotland) Bill

27 January 2016

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

We broadly welcome the Land Reform Bill currently progressing through Holyrood, however the following organisations believe the bill would be greatly strengthened with the inclusion of a **Compulsory Sale Order power** to help bring long term vacant and derelict land and property back into use -:

- [Shelter Scotland](#)
- [Scotland's Towns Partnership](#)
- [Rural Housing Scotland](#)
- [Scottish Empty Homes Partnership](#)
- [Community Land Scotland](#)

We are therefore delighted that Sarah Boyack MSP has brought forward an amendment to include a Compulsory Sale Orders power in this bill.

We strongly support Sarah Boyack MSP's amendment 128

Sarah Boyack

128 After section 65, insert—

<PART

COMPULSORY SALE ORDERS

Compulsory sale orders

- (1) A local authority may, in relation to land within the authority's area which falls within subsection (2), make an order requiring the owner of land specified in the order to offer the land for sale by such method and within such period as is so specified (a —compulsory sale order).
- (2) That land is land which—
 - (a) has been vacant or derelict for a continuous period of at least three years prior to the date on which the compulsory sale order is made, and
 - (b) is—
 - (i) of such type as may be specified, and
 - (ii) no greater in area than the maximum area specified,for the purposes of this section by the Scottish Ministers by regulations.
- (3) A compulsory sale order may be made—
 - (a) on the authority's own initiative, or
 - (b) on an application by a community body.
- (4) The Scottish Ministers may by regulations make further provision in connection with compulsory sale orders.
- (5) Regulations under subsection (4) may in particular include provision about—
 - (a) circumstances in which a compulsory sale order may not be made,
 - (b) any consultation and notification that is to take place before a compulsory sale order may be made,

- (c) information that is to be contained in a compulsory sale order,
 - (d) the ability of local authorities to require the giving of commitments by prospective purchasers as to the future use of land which is subject to a compulsory sale order,
 - (e) whether the owner may refuse to accept offers for land which is subject to a compulsory sale order,
 - (f) circumstances in which a local authority may, following the making of a compulsory sale order, make its own arrangements for the land subject to the order to be sold at public auction,
 - (g) a procedure for any community body which has had a request to a local authority to make a compulsory sale order refused to appeal against that decision,
 - (h) the maintenance by local authorities of registers of vacant or derelict land for the purposes of identifying land which may be made subject to a compulsory sale order.
- (6) In this section— 13

—community body means a body, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (however described) present in the area in which the vacant or derelict land is situated,
—land includes buildings (including residential properties and individual properties within tenements).>

This power would **only be used as a last resort** where other mechanisms to bring long term empty properties and land back into use have failed. The best practice process promoted by the Scottish Empty Homes Partnership to support owners to bring their properties back into use has several steps, the **very last** of which would be the use of this enforcement power.

Local authorities report that current compulsory purchase order legislation is inappropriate for this purpose and as a result they do not use it. Introducing a Compulsory Sale Order would help local authorities and communities tackle the difficult problem of bringing long term empty properties and vacant and derelict land that blight communities back into use. It would do this by giving local authorities a legal right to force long term empty property or derelict land onto the open market for sale with the purpose of securing its reuse.

The challenge of meeting current and existing housing needs across Scotland is a significant one; there are over 150,000 people on housing waiting lists; and bringing more of the 27,000 long term private sector empty homes back into use can contribute to housing supply levels in a very practical and effective way. Empty properties which have stood vacant for years, despite the efforts of local authorities to support owners to bring them back into use, would provide homes again and help reinvigorate both town centres and rural communities.

The amendment also encompasses the situation of vacant and derelict land which can blight communities when that land remains in that condition. The amendment would not only create an incentive to develop this land, it would also provide an effective sanction when land is not developed.

This amendment would add an important additional weapon in the armoury of communities and local authorities in dealing with long term vacant and derelict land and properties, and in promoting better economic and environmental conditions in communities.



COMMUNITY*
LAND SCOTLAND

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