



University of Glasgow Policy Scotland

URBAN LAND REFORM BRIEFING PAPER NO 5 EXPLAINING STATUTORY RIGHTS OF PRE-EMPTION

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This is one of six briefing papers prepared by Professor David Adams of the University of Glasgow to help explain key proposals for urban land reform made in 2014 by the Scottish Government's [Land Reform Review Group](#) (LRRG) to whom he acted as an independent adviser. This paper focuses on the LRRG's recommendation "that the Scottish Government and local authorities should have a right to register a statutory right of pre-emption over land where that is in the public interest" (see pages 44-45 of the LRRG report).

What are statutory rights of pre-emption?

Statutory rights of pre-emption would enable the Scottish Government and local authorities to exercise first refusal over specified land if it were ever to come up for sale, providing any purchase was in the public interest.

What would be the benefit of statutory rights of pre-emption?

According to the LRRG, there may be circumstances where there is a public interest in acquiring an area of land but not to the extent of warranting compulsory purchase action. In such cases, the local authority might not want to miss the chance to buy the land if it came up for sale. Instead of making a compulsory purchase order, the local authority would apply to register a right of pre-emption over the land. As an example, the report suggested that this might be a good way to make more land available for acute housing need in fragile rural communities.

How would statutory rights of pre-emption work?

The Scottish Government or local authority would first need to register the right of pre-emption in the Land Register. If, in due course, the owner wished to sell, notice would need to be served on the Scottish Government or local authority requiring any purchase to be completed within a specified statutory period and at a fair independent valuation. If the Government or local authority did not wish to purchase, or did not complete within the specified time, the owner would be free to sell to anyone else.