

Call for Evidence

Connectivity in Scotland: Digital Connectivity

December 2025



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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Rural affairs sub-committee welcomes the opportunity to consider and respond to the Scottish Affairs Committee's call for evidence: *Connectivity in Scotland: Digital Connectivity*.¹ The sub-committee has the following comments to put forward for consideration.

Questions

1. What are the main barriers to delivering full-fibre and gigabit-capable broadband in Scotland's rural and island communities?

- How effective has the rollout of Project Gigabit been in Scotland?
- To what extent are UK Government initiatives coordinated with the Scottish Government's R100 programme?
- What lessons can be learned from previous broadband rollout schemes, such as superfast broadband?

We have no comments.

¹ [Connectivity in Scotland: Digital connectivity - Committees - UK Parliament](#)

2. What is the future outlook for 5G deployment in rural Scotland, and what lessons can be taken from the 4G rollout?

- What impact has the Electronic Communications Code had on mast hosting agreements and mobile infrastructure deployment in Scotland?
- What are the implications of landowner resistance or withdrawal from hosting mobile infrastructure in Scotland?

In our view, the Electronic Communications Code (ECC) has had a negative impact on landowners and their willingness to host mobile infrastructure on their land.

In the course of their practise, our members have heard from clients in rural areas that this is primarily due to reportedly aggressive tactics from site finders and operators. Alongside this, we understand that the ECC has led to a reported concurrent decrease in rental income from such infrastructure for such clients. Under the ECC proposed rents, particularly in situations where agreements are being renewed, are lower than commercial terms site providers presently enjoy. This in turn leads to a lack of willingness from site providers to engage when agreements need to be renewed. Recent case law has begun to address this point² but site providers remain reluctant to engage when commercial terms are being materially affected as part of the negotiation of new or replacement agreements.

We consider that the ECC is restrictive and would welcome clarity regarding the purpose of the ECC and precisely what practises are enabled under its provisions. We understand that the ambiguities in the ECC allow site finders and operators to reportedly pursue aggressive tactics, including presenting the powers they have under the ECC to the landowner as if they are equivalent to a compulsory purchase order. This requires Lands Tribunal rulings to clarify.

Furthermore, we consider that the ECC does not operate effectively when in interaction with landlord-tenant relationships. We consider this to be particularly acute where a property has active crofting tenants and agricultural holdings. Consideration should be given to how this can be resolved. Greater clarity on how the ECC interacts with occupier-landowner relationships in general would be welcome.

We suggest consideration should be given to creating an alternative dispute resolution mechanism to prevent matters relating to the ECC arriving at the Lands Tribunal.

² [On Tower UK Limited v David Stephen McLean and Monica Anne McLean 2024 \[LTS\] 26](#)

3) What are the knock-on impacts to transitioning to digital services for those in Scotland's rural communities. This could include but is not limited to: the phase-out of Radio Teleswitch Service (RTS), the move away from analogue landlines and moving towards an online-only television service.

- What support is there for affected households, and is it sufficient?

Connectivity is increasingly becoming an access to justice issue, as court proceedings and other aspects of the justice sector shift online. We therefore stress the importance of ensuring that Scotland's rural communities can obtain justice in a timely and judicious manner and are not subject to digital exclusion.

4) What role could satellite technologies, or other alternative solutions play in improving connectivity in Scotland's remote areas ?

- What are the barriers to adoption of these technologies and how might they be overcome?

We have no comments.



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