



Land Reform (Scotland) Act 2016

2016 asp 18

LAND REFORM (SCOTLAND) ACT 2016

PART 1

LAND RIGHTS AND RESPONSIBILITIES STATEMENT

- 1 Land rights and responsibilities statement
- 2 Publication and review of land rights and responsibilities statement
- 3 Duty to promote land rights and responsibilities statement

PART 2

THE SCOTTISH LAND COMMISSION

CHAPTER 1

THE COMMISSION

Establishment

- 4 The Scottish Land Commission
- 5 Status

Functions of the Commission

- 6 Functions of the Commission
- 7 General powers

Strategic plan and programme of work

- 8 Strategic plan
- 9 Programme of work

Membership

- 10 Membership
- 11 Eligibility for appointment

- 12 Disqualification from membership
- 13 Resignation and removal

Remuneration and staff

- 14 Remuneration, allowances and pensions
- 15 Staff

Operational matters

- 16 Validity of things done
- 17 Committees
- 18 Regulation of procedure

Accounts and annual report

- 19 Accounts
- 20 Annual report

Application of public bodies legislation

- 21 Application of legislation relating to public bodies

CHAPTER 2

THE LAND COMMISSIONERS

Functions of the Land Commissioners

- 22 Functions of the Land Commissioners

Land Commissioners: delegation of functions

- 23 Land Commissioners: delegation of functions

CHAPTER 3

THE TENANT FARMING COMMISSIONER

Functions of the Tenant Farming Commissioner

- 24 Functions of the Tenant Farming Commissioner
- 25 Tenant Farming Commissioner: delegation of functions
- 26 Acting Tenant Farming Commissioner

Tenant Farming Commissioner: codes of practice

- 27 Tenant Farming Commissioner: codes of practice
- 28 Tenant Farming Commissioner: promotion of codes of practice

Tenant Farming Commissioner: inquiry function

- 29 Application to inquire into breach of code of practice
- 30 Procedure for inquiry
- 31 Enforcement powers
- 32 Notice of non-compliance penalty
- 33 Report on inquiry

- 34 Tenant Farming Commissioner: confidentiality of information
- 35 Protection from actions for defamation

Tenant Farming Commissioner: review of operation of agents

- 36 Report on operation of agents of landlords and tenants

Tenant Farming Commissioner: modern list of improvements

- 37 Recommendations by Tenant Farming Commissioner for modern list of improvements

Tenant Farming Commissioner: power to refer questions of law to Land Court

- 38 Referral of questions of law by Tenant Farming Commissioner to Land Court

PART 3

INFORMATION ABOUT CONTROL OF LAND ETC.

Information about persons with controlling interests in relation to land

- 39 Information about persons with controlling interests in owners and tenants of land

Procedure for first regulations under section 39

- 40 Procedure for first regulations under section 39
- 41 Procedure for first regulations under section 39: consultation
- 42 Procedure for first regulations under section 39: explanatory document

Information relating to proprietors of land etc.

- 43 Power of Keeper to request or require information relating to proprietors of land etc.

PART 4

ENGAGING COMMUNITIES IN DECISIONS RELATING TO LAND

- 44 Guidance on engaging communities in decisions relating to land

PART 5

RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

Key terms

- 45 Meaning of “land”
- 46 Eligible land
- 47 Eligible land: salmon fishings and mineral rights
- 48 Eligible land: tenant’s interests
- 49 Part 5 community bodies
- 50 Provisions supplementary to section 49
- 51 Interpretation of Part

Register of Applications by Community Bodies to Buy Land

- 52 Register of Applications by Community Bodies to Buy Land

- 53 Inclusion in New Register of applications for right to buy abandoned, neglected or detrimental land

Applications for consent

- 54 Right to buy: application for consent
55 Right to buy: application procedure
56 Right to buy: Ministers' decision on application
57 Ballot to indicate approval for purposes of section 56
58 Right to buy same land exercisable by only one Part 5 community body
59 Consent conditions
60 Notification of Ministers' decision on application

Procedure following consent

- 61 Effect of Ministers' decision on right to buy
62 Confirmation of intention to proceed with purchase and withdrawal
63 Completion of purchase
64 Completion of transfer
65 Assessment of value of land etc.
66 Acquisition of interest of tenant over land: allocation of rents etc.

Compensation

- 67 Compensation
68 Grants towards liabilities to pay compensation

Appeals and references

- 69 Appeals to sheriff
70 Appeals to Lands Tribunal: valuation
71 Reference to Lands Tribunal of questions on applications
72 Agreement as to matters appealed

Mediation

- 73 Mediation

PART 6

ENTRY IN VALUATION ROLL OF SHOOTINGS AND DEER FORESTS

- 74 Repeal of exclusion of shootings and deer forests from valuation roll
75 Valuation of shootings and deer forests
76 Net annual value of deer forests

PART 7

COMMON GOOD LAND

- 77 Change of use of land forming part of the common good

PART 8

DEER MANAGEMENT

- 78 Functions of deer panels
79 Review of compliance with code of practice on deer management

- 80 Deer management plans
- 81 Power to require return on number of deer planned to be killed
- 82 Increase in penalty for failure to comply with control scheme

PART 9

ACCESS RIGHTS

Core paths

- 83 Core paths plans

Court applications

- 84 Access rights: service of court applications

PART 10

AGRICULTURAL HOLDINGS

CHAPTER 1

MODERN LIMITED DURATION TENANCIES

Modern limited duration tenancies

- 85 Modern limited duration tenancies: creation
- 86 Modern limited duration tenancies: subletting
- 87 Modern limited duration tenancies: termination and continuation
- 88 Modern limited duration tenancies: fixed equipment
- 89 Modern limited duration tenancies: irritancy

Conversion of 1991 Act tenancies

- 90 Conversion of 1991 Act tenancies into modern limited duration tenancies

Conversion of limited duration tenancies

- 91 Conversion of limited duration tenancies into modern limited duration tenancies

CHAPTER 2

REPAIRING TENANCIES

- 92 Repairing tenancies: creation
- 93 Repairing tenancies: subletting
- 94 Repairing tenancies: termination, continuation and extension
- 95 Repairing tenancies: fixed equipment
- 96 Repairing tenancies: resumption of land by landlord
- 97 Repairing tenancies: irritancy
- 98 Repairing tenancies: compensation

CHAPTER 3

TENANT'S RIGHT TO BUY

- 99 Tenant's right to buy: removal of requirement to register

CHAPTER 4

SALE WHERE LANDLORD IN BREACH

- 100 Sale to tenant or third party where landlord in breach of order or award

CHAPTER 5

RENT REVIEW

1991 Act tenancies: rent review

- 101 1991 Act tenancies: rent review

*Limited duration tenancies, modern limited duration
tenancies and repairing tenancies: rent review*

- 102 Limited duration tenancies, modern limited duration tenancies and
repairing tenancies: rent review

CHAPTER 6

ASSIGNATION OF AND SUCCESSION TO AGRICULTURAL TENANCIES

Assignment

- 103 Assignment of 1991 Act tenancies
104 Assignment of limited duration tenancies
105 Assignment of modern limited duration tenancies
106 Assignment of repairing tenancies

Succession

- 107 Bequest of 1991 Act tenancies
108 Limited duration tenancies, modern limited duration tenancies and
repairing tenancies: succession

Landlord's objection to tenant's successor

- 109 Objection by landlord to legatee or acquirer on intestacy

CHAPTER 7

RELINQUISHING AND ASSIGNATION OF 1991 ACT TENANCIES

- 110 Tenant's offer to relinquish 1991 Act tenancy
111 Tenant's offer to relinquish 1991 Act tenancy: consequential
modifications

CHAPTER 8

COMPENSATION FOR TENANT'S IMPROVEMENTS

Amnesty for tenant's improvements

- 112 Amnesty for certain improvements by tenant
- 113 Amendment of the Agricultural Holdings (Scotland) Acts
- 114 Amnesty notice

Objection to amnesty notice and referral to Land Court

- 115 Objection by landlord
- 116 Referral to Land Court

Agreements made during amnesty period

- 117 Amnesty agreements

Resolution of disputes

- 118 Arbitration and other dispute resolution

CHAPTER 9

IMPROVEMENTS BY LANDLORD

- 119 Notice required for certain improvements by landlord
- 120 Rent increase for certain improvements by landlord

CHAPTER 10

DIVERSIFICATION

- 121 Use of land for non-agricultural purposes: objection to notice of diversification
- 122 Use of land for non-agricultural purposes: requests for information

CHAPTER 11

IRRITANCY FOR NON-PAYMENT OF RENT

- 123 Irritancy for non-payment of rent

PART 11

SMALL LANDHOLDINGS

- 124 Review of small landholdings legislation

PART 12

GENERAL AND MISCELLANEOUS

- 125 General interpretation
- 126 Subordinate legislation
- 127 Ancillary provision

- 128 Crown application
- 129 Minor and consequential modifications
- 130 Commencement
- 131 Short title

SCHEDULE 1 — RIGHT TO BUY LAND TO FURTHER SUSTAINABLE
DEVELOPMENT: MINOR AND CONSEQUENTIAL
MODIFICATIONS

- 1 Land Reform (Scotland) Act 2003

SCHEDULE 2 — AGRICULTURAL HOLDINGS: MINOR AND
CONSEQUENTIAL MODIFICATIONS

PART 1 — MODERN LIMITED DURATION TENANCIES AND REPAIRING
TENANCIES

- 1 Sheriff Courts (Scotland) Act 1907
- 2 Law Reform (Miscellaneous Provisions) (Scotland) Act 1985
- 3 1991 Act
- 4 Crofters (Scotland) Act 1993
- 5 Children (Scotland) Act 1995
- 6 Town and Country Planning (Scotland) Act 1997
- 7 2003 Act
- 8 Antisocial Behaviour etc. (Scotland) Act 2004
- 9 Housing (Scotland) Act 2006

PART 2 — SALE WHERE LANDLORD IN BREACH

- 10 2003 Act

PART 3 — RENT REVIEWS

- 11 1991 Act
- 12 2003 Act
- 13 Agricultural Holdings (Amendment) (Scotland) Act 2012

PART 4 — ASSIGNATION AND SUCCESSION

- 14 Succession (Scotland) Act 1964

- 15 1991 Act

- 16 2003 Act

- 17 Agricultural Holdings (Amendment) (Scotland) Act 2012

PART 5 — GENERAL MODIFICATIONS

- 18 1991 Act

- 19 2003 Act