



# Land Reform (Scotland) Act 2016

## 2016 asp 18

### PART 2

#### THE SCOTTISH LAND COMMISSION

### CHAPTER 3

#### THE TENANT FARMING COMMISSIONER

##### *Tenant Farming Commissioner: codes of practice*

#### **27 Tenant Farming Commissioner: codes of practice**

- (1) The Tenant Farming Commissioner must prepare codes of practice for the purpose of providing practical guidance to landlords and tenants of agricultural holdings and their agents.
- (2) The codes of practice may include, among other things, provision about—
  - (a) negotiating and conducting rent reviews,
  - (b) agreeing and recording improvements by tenants,
  - (c) negotiating the fulfilment of the obligations of landlords and tenants,
  - (d) the conduct of agents of landlords and tenants,
  - (e) the process of succession and assignation,
  - (f) determining compensation at waygo,
  - (g) negotiating the terms of a modern limited duration tenancy and a repairing tenancy,
  - (h) the management of sporting leases, and
  - (i) game management.
- (3) The Tenant Farming Commissioner must from time to time—
  - (a) review the codes of practice,
  - (b) revise the codes if the Commissioner considers it appropriate.

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*Changes to legislation: Land Reform (Scotland) Act 2016, Cross Heading: Tenant Farming Commissioner: codes of practice is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) Before the Tenant Farming Commissioner publishes a code of practice under this section, the Commissioner must consult any persons appearing to the Commissioner to have an interest in the draft code.
- (5) After complying with subsection (4), the Tenant Farming Commissioner must—
  - (a) publish the code in such form as the Commissioner considers appropriate, and
  - (b) lay a copy of the code before the Scottish Parliament.
- (6) Subsections (4) and (5) apply to a revised code of practice as they apply to a code of practice.
- (7) A code of practice published under this section is admissible in evidence in any proceedings before the Land Court.
- (8) If any provision of a code of practice published under this section appears to the Land Court conducting any proceedings to be relevant to any question arising in the proceedings the Land Court must take that provision of the code into account in determining that question.
- (9) Subsections (7) and (8) apply to arbitration proceedings under section 61 of the 1991 Act or section 78 of the 2003 Act as they apply to Land Court proceedings.

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**Commencement Information**

**I1** S. 27(1)(2)(a)-(f)(h)(i)(3)-(9) in force at 1.4.2017 by [S.S.I. 2016/250, reg. 2\(3\), sch. 2](#)

**28 Tenant Farming Commissioner: promotion of codes of practice**

The Tenant Farming Commissioner is to promote the observance of the codes of practice issued under section 27, including by—

- (a) educating and advising about the codes,
- (b) supporting best practice in accordance with the codes among landlords and tenants of agricultural holdings and their agents,
- (c) encouraging good relations among landlords and tenants of agricultural holdings and their agents,
- (d) working in collaboration with other persons (whether in partnership or in other ways),
- (e) contributing to the development and delivery of policies and strategies in relation to agricultural holdings.

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**Commencement Information**

**I2** S. 28 in force at 1.4.2017 by [S.S.I. 2016/250, reg. 2\(3\), sch. 2](#)

**Changes to legislation:**

Land Reform (Scotland) Act 2016, Cross Heading: Tenant Farming Commissioner: codes of practice is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2017/299, regs. 5-14, by [S.S.I. 2017/370 reg. 34](#)