



Land Reform (Scotland) Act 2016

2016 asp 18

PART 2

THE SCOTTISH LAND COMMISSION

CHAPTER 3

THE TENANT FARMING COMMISSIONER

Tenant Farming Commissioner: inquiry function

34 Tenant Farming Commissioner: confidentiality of information

- (1) A relevant person must not disclose any information which has been obtained by or on behalf of the Tenant Farming Commissioner for the purposes of an inquiry into a breach of a code of practice unless authorised to do so by subsection (2).
- (2) Disclosure is authorised for the purposes of subsection (1) only so far as—
 - (a) it is necessary for the purpose of enabling or assisting the exercise by the Tenant Farming Commissioner of the Commissioner's functions under this Act,
 - (b) it is made with the consent of each person to whom the information relates,
 - (c) it is made for the purposes of civil proceedings,
 - (d) it is made for the purposes of a criminal investigation or criminal proceedings or for the purposes of the prevention or detection of crime,
 - (e) it is made in pursuance of an order of a court or tribunal,
 - (f) it is made in accordance with any other enactment requiring or permitting the disclosure.
- (3) A person who knowingly contravenes subsection (1) commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

Status: This is the original version (as it was originally enacted).

- (5) It is a defence for a person charged with an offence under subsection (3) to prove that the person reasonably believed—
- (a) that the disclosure was authorised under subsection (2), or
 - (b) that the information had already lawfully been made available to the public.
- (6) In subsection (1) a “relevant person” means any individual who is or was—
- (a) the Tenant Farming Commissioner (or acting Tenant Farming Commissioner),
 - (b) a Land Commissioner,
 - (c) a member of the Commission’s staff,
 - (d) a person exercising functions on behalf of the Commission or its members.