

2016 No. 250 (C. 21)

LAND REFORM

**The Land Reform (Scotland) Act 2016 (Commencement No. 2
and Transitory Provisions) Regulations 2016**

<i>Made</i> - - - -	<i>1st September 2016</i>
<i>Laid before the Scottish Parliament</i>	<i>5th September 2016</i>
<i>Coming into force</i> - -	<i>1st November 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 130(2), (3) and (4) of the Land Reform (Scotland) Act 2016(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Land Reform (Scotland) Act 2016 (Commencement No. 2 and Transitory Provisions) Regulations 2016 and come into force on 1st November 2016.

(2) In these Regulations—

“the Act” means the Land Reform (Scotland) Act 2016;

“the Commission” means the Scottish Land Commission.

Appointed days

2.—(1) 1st November 2016 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in schedule 1 (the subject matter of which is described in column 2 of that table).

(2) Where a purpose is specified in column 3 of that table in relation to any provision specified in column 1, that provision comes into force on 1st November 2016 only for that purpose.

(3) 1st April 2017 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in schedule 2 (the subject matter of which is described in column 2 of that table).

(4) 1st October 2017 is the day appointed for the coming into force of section 22(3)(a)(i) of the Act (functions of the Land Commissioners).

Transitory provision: function of the Commission and members of the Commission

3.—(1) Paragraphs (2) to (4) apply for the period beginning with 1st November 2016 and ending with 31st March 2017.

(2) The function of the Commission is to make such preparations and arrangements as are appropriate and practicable so that the Commission may perform its functions under section 6 of the Act from 1st April 2017.

(3) The function of any member of the Commission appointed during the period referred to in paragraph (1) is to make such preparations and arrangements as are appropriate and practicable so that that member may perform his or her functions under section 22 or, as the case may be, 24 of the Act from 1st April 2017.

(4) For the purposes of—

- (a) sections 7(1)(a)(i), 15(4) and 17(1)(a), (2) and (3) of the Act, the references to the functions of the Commission in those provisions are to be read as if they were to the function set out in paragraph (2);
- (b) sections 7(1)(a)(ii) and (iii), 13(2)(e) and 17(1)(b) and (c) of the Act, the references to the functions of the members of the Commission in those provisions are to be read as if they were to the function set out in paragraph (3); and
- (c) sections 14(1)(b) and 17(5)(b) of the Act, the references to the functions of the Commission and the members of the Commission in those provisions are to be read as if they were to the functions set out in paragraphs (2) and (3) respectively.

Transitory provision: first financial year

4.—(1) For the purposes of sections 19 and 20 of the Act, the first financial year of the Commission is the period beginning with 1st November 2016 and ending with 31st March 2018.

(2) For the purposes of section 20(1)(a) and (3) of the Act and the first financial year, the functions referred to in those provisions are to be read as if they referred to—

- (a) in respect of the period beginning with 1st November 2016 and ending with 31st March 2017, the functions referred to in regulation 3(2) and(3); and
- (b) in respect of the period beginning with 1st April 2017 and ending with 31st March 2018, the functions referred to in sections 6, 22 and 24 of the Act.

ROSEANNA CUNNINGHAM
A member of the Scottish Government

St Andrew's House,
Edinburgh
1st September 2016

SCHEDULE 1

Regulation 2(1) and (2)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST NOVEMBER 2016

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 4(1) to (5)	The Scottish Land Commission	
Section 5	Status	
Section 7	General powers	
Section 10	Membership	
Section 11	Eligibility for appointment	
Section 12(1), (2), (3)(a), (4) and (5)	Disqualification from membership	
Section 12(3)(b)	Disqualification from membership	For the purpose of a tenancy under sections 4 or 5 of the Agricultural Holdings (Scotland) Act 2003
Section 13	Resignation and removal	
Section 14	Remuneration, allowances and pensions	
Section 15	Staff	
Section 16	Validity of things done	
Section 17	Committees	
Section 18	Regulation of procedure	
Section 19	Accounts	
Section 20	Annual report	
Section 21(1)	Application of legislation relating to public bodies: ethical standards in public life	
Section 21(2)	Application of legislation relating to public bodies: freedom of information	
Section 44	Guidance on engaging communities in decisions relating to land	

SCHEDULE 2

Regulation 2(3)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 2017

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>
Section 4(6) to (8)	The Scottish Land Commission
Section 6	Functions of the Commission
Section 8	Strategic plan
Section 9	Programme of work
Section 21(3)	Application of legislation relating to public bodies: public services reform
Section 22(1), (2), (3)(a)(ii) and (iii) and (b), (4) and (5)	Functions of the Land Commissioners
Section 23	Land Commissioners: delegation of functions
Section 24	Functions of the Tenant Farming Commissioner
Section 25	Tenant Farming Commissioner: delegation of functions
Section 26	Acting Tenant Farming Commissioner
Section 27(1), (2)(a) to (f) and (h) to (i) and (3) to (9)	Tenant Farming Commissioner: codes of practice
Section 28	Tenant Farming Commissioner: promotion of codes of practice
Section 29	Application to inquire into breach of code of practice
Section 30	Procedure for inquiry
Section 31	Enforcement powers
Section 32	Notice of non-compliance penalty
Section 33	Report on inquiry
Section 34	Tenant Farming Commissioner: confidentiality of information
Section 35	Protection from actions for defamation
Section 36	Report on agents of landlords and tenants
Section 37	Recommendations by Tenant Farming Commissioner for modern list of improvements
Section 38	Referral of questions of law by Tenant Farming Commissioner to Land Court

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to bringing into force particular sections of the Land Reform (Scotland) Act 2016 (“the Act”).

Regulation 2(1) and schedule 1 appoint 1st November 2016 for the coming into force of the provisions listed there. Regulation 2(2) provides that where a purpose is specified in the third column of the table in schedule 1 the associated provision comes into force only for that purpose. The subject matter of the provisions commenced by schedule 1 are: partial commencement of the Scottish Land Commission and commencement of section 44 of the Act on engaging communities in decisions relating to land.

Regulation 2(3) and schedule 2 appoint 1st April 2017 for the coming into force of the sections listed there, which relate to the Scottish Land Commission. Regulation 2(4) appoints 1st October 2017 for the coming into force of section 22(3)(a)(i) as this is the date when the Land Rights and Responsibilities Statement under Part 1 of the Act must be published and laid before the Scottish Parliament.

Regulation 3 makes provision so that during the period before the Scottish Land Commission is fully commenced the Commission and any Commissioners appointed have the function of getting ready for the point at which they are required to perform their respective full functions under the Act.

Regulation 4 provides that the first financial year runs from 1st November 2016 until 31st March 2018 so that accounting and reporting includes the period during which the Commission is setting up.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Land Reform (Scotland) Act 2016 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provisions of the Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Sections 1 and 2	1st October 2016	2016/193
Section 3	1st October 2017	2016/193
Sections 74 to 82	28th June 2016	2016/193

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