

LAND REFORM (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – the Scottish Land Commission

Chapter 3 – the Tenant Farming Commissioner

Functions of the Tenant Farming Commissioner

Section 25 – Tenant Farming Commissioner: delegation of functions

60. **Section 25** makes provision for when the Tenant Farming Commissioner can delegate functions and to whom those functions can be delegated.
61. Subsection (1) gives the Tenant Farming Commissioner the power to authorise another person to exercise some, part of or all of the Tenant Farming Commissioner’s functions. This includes the Land Commissioners, a committee of the Commission, and an employee of the Commission.
62. Subsection (2) sets out an exception to subsection (1) and makes clear that the Tenant Farming Commissioner cannot delegate the power under section 24(1)(f) and section 38 to refer for the opinion of the Land Court any question of law relating to agricultural holdings. That is a discretion which only the Commissioner can exercise.
63. Subsection (3) makes clear that the Tenant Farming Commissioner remains responsible for the exercise of the Commissioner’s functions, even if some, or part of those functions are delegated to another person.