

# LAND REFORM (SCOTLAND) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 – the Scottish Land Commission**

#### **Chapter 3 – the Tenant Farming Commissioner**

#### **Tenant Farming Commissioner: inquiry function**

#### **Section 32 – Notice of non-compliance penalty**

94. **Section 32** makes provision about the content of a notice of a non-compliance penalty given by the Tenant Farming Commissioner under section 31(2) and provides a right of appeal for any person in receipt of such a notice.
95. Subsection (1) sets out the information that must be included in a notice of a non-compliance penalty.
96. Subsection (2) provides that a person served with a notice has the right to appeal to the Scottish Land Court against the notice and sets out the permitted grounds for any appeal. The grounds for appeal are broad and allow, for example, the Court to consider whether a request for confidential information should be upheld.
97. Subsection (3) requires any appeal under subsection (2) to be made within 28 days of the day the notice of non-compliance was received.
98. Subsection (4) provides that, where a non-compliance notice is appealed, the penalty is suspended from the day the appeal is made until the appeal is determined or withdrawn.
99. Subsection (5) allows the Scottish Land Court to overturn, confirm or vary any notice of non-compliance that is appealed.