

2018 No. 138 (C. 11)

LAND REFORM

**The Land Reform (Scotland) Act 2016 (Commencement No. 8
and Saving Provision) Regulations 2018**

<i>Made</i> - - - -	<i>1st May 2018</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd May 2018</i>
<i>Coming into force</i> - -	<i>17th May 2018</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. 8 and Saving Provision) Regulations 2018 and come into force on 17th May 2018.

(2) In these Regulations—

“the 2003 Act” means the Land Reform (Scotland) Act 2003(b); and

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

Appointed days

2.—(1) 17th May 2018 is the day appointed for the coming into force of the provisions of the 2016 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 17th May 2018 only for that purpose.

3. 27th June 2018 is the day appointed for the coming into force of the provisions of the 2016 Act specified in column 1 of the table in schedule 2 (the subject matter of which is described in column 2 of that table).

Saving provision: ballot procedure

4. The modification made by paragraph 1(3) of schedule 1 of the 2016 Act(c) (right to buy land to further sustainable development: minor and consequential modifications) has no effect in

(a) 2016 asp 18 (“the 2016 Act”).

(b) 2003 asp 2.

(c) Schedule 1 of the 2016 Act is commenced by these Regulations.

relation to a ballot where a balloter was appointed under section 51A(1) of the 2003 Act^(a) (ballots under section 51 of the 2003 Act: appointment of balloter, etc.) prior to 27th June 2018.

ROSEANNA CUNNINGHAM
A member of the Scottish Government

St Andrew's House,
Edinburgh
1st May 2018

^(a) Section 51A was inserted by section 49 of the Community Empowerment (Scotland) Act 2015 (asp 6).

SCHEDULE 1

Regulation 2(1) and (2)

PROVISIONS OF THE 2016 ACT COMING INTO FORCE ON 17TH
MAY 2018

<i>Column 1 Provisions of the 2016 Act</i>	<i>Column 2 Subject-matter</i>	<i>Column 3 Purpose</i>
Section 39	Information about persons with controlling interests in owners and tenants of land	For the purpose of consultation in accordance with section 41(1) and (2) of the 2016 Act.
Section 40	Procedure for first regulations under section 39 of the 2016 Act	For the purpose of consultation in accordance with section 41(1) and (2) of the 2016 Act.
Section 41	Procedure for first regulations under section 39 of the 2016 Act: consultation	
Section 42	Procedure for first regulations under section 39 of the 2016 Act: explanatory document	For the purpose of consultation in accordance with section 41(1) and (2) of the 2016 Act.

SCHEDULE 2

Regulation 3

PROVISIONS OF THE 2016 ACT COMING INTO FORCE ON 27TH JUNE 2018

<i>Column 1</i> <i>Provisions of the 2016 Act</i>	<i>Column 2</i> <i>Subject-matter</i>
Section 52(1), (10)(a), (10)(c), (11), (12) and (13)	Register of Applications by Community Bodies to Buy Land
Section 52(10)(b) so far as it is not already in force	Register of Applications by Community Bodies to Buy Land
Section 53	Inclusion in the New Register of applications for right to buy abandoned, neglected or detrimental land
Section 129(1)	Minor and consequential modifications
Schedule 1	Right to buy land to further sustainable development: minor and consequential modifications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to bringing into force particular provisions of the Land Reform (Scotland) Act 2016 (“the 2016 Act”). The Bill for the 2016 Act received Royal Assent on 22nd April 2016. Sections 125 to 127, 130 and 131 came into force on 23rd April 2016.

Section 39(1) of the 2016 Act requires the Scottish Ministers to make provision, by regulations, requiring information to be provided about persons who have controlling interests in owners and tenants of land, and about the publication of that information in a public register kept by the Keeper of the Registers of Scotland. Such regulations are subject to the affirmative procedure. In respect of the first regulations made under section 39(1), section 40 of the 2016 Act require the Scottish Ministers to have consulted in accordance with section 41 and, following that consultation, to have laid before the Scottish Parliament proposed draft regulations and an explanatory document prepared in accordance with section 42 of the 2016 Act.

Regulation 2 and schedule 1 appoints 17th May 2018 for the coming into force of section 41 of the 2016 Act. Section 41 sets out the consultation requirements that the Scottish Ministers are required to follow under section 40(a) of the 2016 Act, in respect of the first regulations made under section 39(1).

Regulation 2 and schedule 1 also appoints 17th May 2018 for the coming into force of sections 39, 40 and 42 of the 2016 Act. However, those sections are commenced on that day only for the limited purpose of the Scottish Ministers undertaking consultation on the first proposed draft regulations and the associated proposed explanatory document, in accordance with section 41(1) and (2) of the 2016 Act.

Regulation 3 and schedule 2 appoints 27th June 2018 for the coming into force of the provisions specified in column 1 of the table in schedule 2.

Section 52 of the 2016 Act requires the Keeper to establish and keep a register to be known as the Register of Applications by Community Bodies to Buy Land.

Section 53 of the 2016 Act amends Section 97F of the Land Reform (Scotland) Act 2003 (“the 2003 Act”), which was inserted by section 74 of the Community Empowerment (Scotland) Act 2015, so as to include applications for the community right to buy abandoned, neglected or detrimental land in the register established under section 52.

Schedule 1 of the 2016 Act contains minor and consequential amendments to the Land Reform (Scotland) Act 2003.

Regulation 4 provides that the modification made by paragraph 1(3) of schedule 1 of the 2016 Act has no effect in respect of a ballot conducted by a community body where, prior to the coming into force of these Regulations on 27th June 2018, a balloter has been appointed under section 51A(1) of the 2003 Act.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

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

<i>Provisions of the 2016 Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 1	1st October 2016	S.S.I. 2016/193
Section 2	1st October 2016	S.S.I. 2016/193
Section 3	1st October 2017	S.S.I. 2016/193
Section 4(1) to (5)	1st November 2016	S.S.I. 2016/250
Section 4(6) to (8)	1st April 2017	S.S.I. 2016/250

<i>Provisions of the 2016 Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 5	1st November 2016	S.S.I. 2016/250
Section 6	1st April 2017	S.S.I. 2016/250
Section 7	1st November 2016	S.S.I. 2016/250
Section 8	1st April 2017	S.S.I. 2016/250
Section 9	1st April 2017	S.S.I. 2016/250
Section 10	1st November 2016	S.S.I. 2016/250
Section 11	1st November 2016	S.S.I. 2016/250
Section 12(1), (2), (3)(a), (4) and (5)	1st November 2016	S.S.I. 2016/250
Section 12(3)(b) (partially)	1st November 2016	S.S.I. 2016/250
Section 13	1st November 2016	S.S.I. 2016/250
Section 14	1st November 2016	S.S.I. 2016/250
Section 15	1st November 2016	S.S.I. 2016/250
Section 16	1st November 2016	S.S.I. 2016/250
Section 17	1st November 2016	S.S.I. 2016/250
Section 18	1st November 2016	S.S.I. 2016/250
Section 19	1st November 2016	S.S.I. 2016/250
Section 20	1st November 2016	S.S.I. 2016/250
Section 21(1) and (2)	1st November 2016	S.S.I. 2016/250
Section 21(3)	1st April 2017	S.S.I. 2016/250
Section 22(1), (2), (3)(a)(ii) and (iii) and (b), (4) and (5)	1st April 2017	S.S.I. 2016/250
Section 22(3)(a)(i)	1st October 2017	S.S.I. 2016/250
Section 23	1st April 2017	S.S.I. 2016/250
Section 24	1st April 2017	S.S.I. 2016/250
Section 25	1st April 2017	S.S.I. 2016/250
Section 26	1st April 2017	S.S.I. 2016/250
Section 27(1), (2)(a) to (f) and (h) to (i) and (3) to (9)	1st April 2017	S.S.I. 2016/250
Section 28	1st April 2017	S.S.I. 2016/250
Section 29	1st April 2017	S.S.I. 2016/250
Section 30	1st April 2017	S.S.I. 2016/250
Section 31	1st April 2017	S.S.I. 2016/250
Section 32	1st April 2017	S.S.I. 2016/250
Section 33	1st April 2017	S.S.I. 2016/250
Section 34	1st April 2017	S.S.I. 2016/250
Section 35	1st April 2017	S.S.I. 2016/250
Section 36	1st April 2017	S.S.I. 2016/250
Section 37	1st April 2017	S.S.I. 2016/250
Section 38	1st April 2017	S.S.I. 2016/250
Section 44	1st November 2016	S.S.I. 2016/250
Section 52 (partially)	23rd April 2018	S.S.I. 2018/99
Section 74	28th June 2016	S.S.I. 2016/193
Section 75	28th June 2016	S.S.I. 2016/193
Section 76	28th June 2016	S.S.I. 2016/193
Section 77	28th June 2016	S.S.I. 2016/193
Section 78	28th June 2016	S.S.I. 2016/193
Section 79	28th June 2016	S.S.I. 2016/193
Section 80	28th June 2016	S.S.I. 2016/193
Section 81	28th June 2016	S.S.I. 2016/193
Section 82	28th June 2016	S.S.I. 2016/193
Section 83	31st December 2016	S.S.I. 2016/372
Section 84	31st December 2016	S.S.I. 2016/372

<i>Provisions of the 2016 Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 85(1) and (3) (partially)	23rd December 2016	S.S.I. 2016/365
Section 85 (for all remaining purposes)	30th November 2017	S.S.I. 2017/299
Section 86	30th November 2017	S.S.I. 2017/299
Section 87	30th November 2017	S.S.I. 2017/299
Section 88	30th November 2017	S.S.I. 2017/299
Section 89 (partially)	23rd December 2016	S.S.I. 2016/365
Section 89 (for all remaining purposes)	30th November 2017	S.S.I. 2017/299
Section 90	30th November 2017	S.S.I. 2017/299
Section 91	30th November 2017	S.S.I. 2017/299
Section 92 (partially)	23rd December 2016	S.S.I. 2016/365
Section 98 (partially)	23rd December 2016	S.S.I. 2016/365
Section 100 (partially)	23rd December 2016	S.S.I. 2016/365
Section 101 (partially)	23rd December 2016	S.S.I. 2016/365
Section 102 (partially)	23rd December 2016	S.S.I. 2016/365
Section 103	23rd December 2016	S.S.I. 2016/365
Section 104	23rd December 2016	S.S.I. 2016/365
Section 105	30th November 2017	S.S.I. 2017/299
Section 107	23rd December 2016	S.S.I. 2016/365
Section 108(2) and (3)(a)(ii) and (b)	23rd December 2016	S.S.I. 2016/365
Section 108 (for all remaining purposes)	30th November 2017	S.S.I. 2017/299
Section 109	23rd December 2016	S.S.I. 2016/365
Section 110 (partially)	23rd December 2016	S.S.I. 2016/365
Section 111(2) and (4) (partially)	23rd December 2016	S.S.I. 2016/365
Section 112	13th June 2017	S.S.I. 2017/20
Section 113	13th June 2017	S.S.I. 2017/20
Section 114	13th June 2017	S.S.I. 2017/20
Section 115	13th June 2017	S.S.I. 2017/20
Section 116	13th June 2017	S.S.I. 2017/20
Section 117	13th June 2017	S.S.I. 2017/20
Section 118	13th June 2017	S.S.I. 2017/20
Section 119	23rd December 2016	S.S.I. 2016/365
Section 120	23rd December 2016	S.S.I. 2016/365
Section 121	23rd December 2016	S.S.I. 2016/365
Section 122	23rd December 2016	S.S.I. 2016/365
Section 123	23rd December 2016	S.S.I. 2016/365
Section 124	23rd December 2016	S.S.I. 2016/365
Section 129(2) and schedule 2 so far as they relate to paragraphs 1 to 6, 8 and 9 of schedule 2.	30th November 2017	S.S.I. 2017/299
Section 129(2) and schedule 2 so far as they relate to paragraph 7(1) of schedule 2 (partially)	23rd December 2016	S.S.I. 2016/365
Section 129(2) and schedule 2 so far as they relate to paragraph 7(1) of schedule 2 (partially)	30th November 2017	S.S.I. 2017/299
Section 129(2) and schedule 2 so far as they relate to paragraph 7(2) to (16)(a) and (17) to (28) and (30)(a) of schedule 2	30th November 2017	S.S.I. 2017/299
Section 129(2) and schedule 2 so far as they relate to paragraphs 7(16)(b) and 14 to 19 of schedule 2	23rd December 2016	S.S.I. 2016/365

<i>Provisions of the 2016 Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 129(2) and schedule 2 so far as they relate to paragraph 7(29) and (30)(b) of schedule 2 (partially)	23rd December 2016	S.S.I. 2016/365

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