



Land Reform (Scotland) Act 2016

2016 asp 18

PART 12

GENERAL AND MISCELLANEOUS

125 General interpretation

In this Act—

- “the 1991 Act” means the Agricultural Holdings (Scotland) Act 1991,
- “the 2003 Act” means the Agricultural Holdings (Scotland) Act 2003,
- “Land Court” means the Scottish Land Court.

126 Subordinate legislation

- (1) Each power of the Scottish Ministers to make regulations under this Act includes power—
 - (a) to make different provision for different purposes,
 - (b) to make any incidental, supplementary, consequential, transitional, transitory or saving provision which they consider appropriate.
- (2) Regulations under—
 - (a) section 4(5),
 - (b) section 52(10)(b),
 - (c) section 54(5)(a) or (c),
 - (d) section 55(4),
 - (e) section 56(9),
 - (f) section 57(2),
 - (g) section 57(8),
 - (h) section 67(5),
 - (i) section 68(6),
 - (j) subject to subsection (3)(m), section 127(1),are subject to the negative procedure.
- (3) Regulations under—

Status: Point in time view as at 16/12/2020. This version of this part contains provisions that are prospective.
Changes to legislation: Land Reform (Scotland) Act 2016, PART 12 is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) section 24(5),
 - (b) section 39(1),
 - (c) section 46(2)(b) or (e),
 - (d) section 46(3),
 - (e) section 48(1)(c),
 - (f) section 49(1)(c),
 - (g) section 49(8),
 - (h) section 49(9)(a),
 - (i) section 50(4),
 - (j) section 52(7),
 - (k) section 61(1),
 - (l) section 61(3),
 - (m) section 127(1) which add to, replace or omit the text of an Act,
- are subject to the affirmative procedure.

(4) This section does not apply to regulations under section 130(2).

127 Ancillary provision

- (1) The Scottish Ministers may by regulations make such incidental, supplementary, consequential, transitional, transitory or saving provision as they consider appropriate for the purposes of or in connection with this Act or any provision made under it.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).

128 Crown application

- (1) The Crown is not criminally liable in respect of any contravention of provision made in regulations under section 39.
- (2) But the Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (2), this Act applies to persons in the public service of the Crown as it applies to other persons.

Commencement Information

II S. 128 in force at 16.12.2020 by S.S.I. 2020/383, reg. 2

129 Minor and consequential modifications

- (1) Schedule 1, which contains minor amendments and amendments consequential upon the provisions of Part 5, has effect.
- (2) Schedule 2, which contains minor amendments and repeals, and amendments and repeals consequential upon the provisions of Part 10, has effect.

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Commencement Information

- I2** S. 129(1) in force at 27.6.2018 by S.S.I. 2018/138, art. 3, sch. 2
- I3** S. 129(2) in force at 23.12.2016 for specified purposes by S.S.I. 2016/365, reg. 2, sch. (with regs. 3-15)
- I4** S. 129(2) in force at 30.11.2017 for specified purposes by S.S.I. 2017/299, reg. 2, sch.

PROSPECTIVE

130 Commencement

- (1) This section and sections 125 to 127 and 131 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Different days may be appointed for different purposes.
- (4) Regulations under subsection (2) may include transitional, transitory or saving provision.

131 Short title

The short title of this Act is the Land Reform (Scotland) Act 2016.

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