



Land Reform (Scotland) Act 2016

2016 asp 18

PART 2

THE SCOTTISH LAND COMMISSION

CHAPTER 1

THE COMMISSION

Membership

10 Membership

- (1) The Scottish Ministers are to appoint the members of the Commission.
- (2) The Scottish Ministers may appoint a person as a member only if the Scottish Parliament has approved the appointment.
- (3) Each member is to be appointed for such period, not exceeding 5 years, as the Scottish Ministers may determine.
- (4) Subject to sections 11, 12 and 13, an appointed member holds and vacates office on such terms and conditions as the Commission may, with the approval of the Scottish Ministers, determine.
- (5) The Scottish Ministers may reappoint as a member a person who is or has been a member.
- (6) Subsections (2) and (3) apply to a reappointment under subsection (5) as they apply to an appointment under subsection (1).
- (7) The Scottish Ministers must select one of the Land Commissioners to chair the Commission.

11 Eligibility for appointment

- (1) In appointing members to the Commission, the Scottish Ministers must—

Status: This is the original version (as it was originally enacted).

- (a) have regard among other things to the desirability of the Commission (taken as a whole) having expertise or experience in—
 - (i) land reform,
 - (ii) law,
 - (iii) finance,
 - (iv) economic issues,
 - (v) planning and development,
 - (vi) land management,
 - (vii) community empowerment,
 - (viii) environmental issues,
 - (ix) human rights,
 - (x) equal opportunities,
 - (xi) the reduction of inequalities of outcome which result from socio-economic disadvantage, and
 - (b) encourage equal opportunities and in particular the observance of the equal opportunity requirements.
- (2) In appointing the Land Commissioners, the Scottish Ministers must take every reasonable step to ensure that at least one of the Commissioners is a speaker of the Gaelic language.
 - (3) In appointing the Tenant Farming Commissioner, the Scottish Ministers must ensure that the person appointed has expertise or experience in agriculture.
 - (4) When the Scottish Ministers refer an appointment to the Scottish Parliament for approval under section 10(2), they must lay before the Scottish Parliament a statement as to how they have complied with the duties in subsections (1) to (3).
 - (5) In subsection (1) “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part 2 of schedule 5 of the Scotland Act 1998.

12 Disqualification from membership

- (1) A person may not be appointed as a member of the Commission if that person is or has been at any time during the previous 12 months—
 - (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament,
 - (c) a member of the European Parliament,
 - (d) an officer-holder of the Scottish Administration,
 - (e) a councillor of any local authority.
- (2) A person may not be appointed as the Tenant Farming Commissioner if that person is the owner or tenant of land subject to a relevant tenancy.
- (3) In this Part “relevant tenancy” means—
 - (a) a tenancy to which the 1991 Act applies, or
 - (b) a tenancy under sections 4, 5, 5A or 5C of the 2003 Act (new types of tenancy).
- (4) A person’s appointment as a member ceases if, during the person’s period of appointment, any of subsection (1)(a) to (e) applies to that person.

- (5) A person's appointment as the Tenant Farming Commissioner ceases if, during the person's period of appointment, subsection (2) applies to that person.

13 Resignation and removal

- (1) A member of the Commission may resign at any time by giving notice in writing to the Scottish Ministers.
- (2) The Scottish Ministers may by giving notice in writing revoke the appointment of a person as a member if satisfied that the person—
- (a) is insolvent,
 - (b) has been convicted of a criminal offence in relation to which the member has been sentenced to imprisonment for a period of 3 months or more,
 - (c) is incapacitated by physical illness or mental disorder,
 - (d) has been absent from meetings of the Commission for a period exceeding 6 months without the permission of the Commission, or
 - (e) is otherwise unable or unfit to exercise any of the functions of a member or is unsuitable to continue as a member.
- (3) For the purposes of subsection (2)(a) a person becomes insolvent when—
- (a) the person's estate is sequestrated,
 - (b) the person grants a trust deed for creditors or makes a composition or arrangement with creditors,
 - (c) a voluntary arrangement proposed by the person is approved,
 - (d) the person's application for a debt payment programme is approved under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002, or
 - (e) the person becomes subject to any other kind of order or arrangement analogous to those described in paragraphs (a) to (d) anywhere in the world.