



# Land Reform (Scotland) Act 2016

## 2016 asp 18

### PART 2

#### THE SCOTTISH LAND COMMISSION

### CHAPTER 3

#### THE TENANT FARMING COMMISSIONER

##### *Functions of the Tenant Farming Commissioner*

## 24 Functions of the Tenant Farming Commissioner

- (1) The functions of the Tenant Farming Commissioner are—
  - (a) to prepare codes of practice on agricultural holdings in accordance with section 27,
  - (b) to promote the codes of practice in accordance with section 28,
  - (c) to inquire into alleged breaches of the codes of practice in accordance with sections 29 to 34,
  - (d) to prepare a report on the operation of agents of landlords and tenants in accordance with section 36,
  - (e) to prepare recommendations for a modern list of improvements to agricultural holdings in accordance with section 37,
  - (f) to refer for the opinion of the Land Court any question of law relating to agricultural holdings in accordance with section 38,
  - (g) to collaborate with the Land Commissioners in the exercise of their functions to the extent that those functions relate to agriculture and agricultural holdings,
  - (h) to exercise any other functions conferred on the Commissioner by any enactment.
- (2) The Tenant Farming Commissioner must exercise the Commissioner's functions with a view to encouraging good relations between landlords and tenants of agricultural holdings.
- (3) The Scottish Ministers must—

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**Changes to legislation:** Land Reform (Scotland) Act 2016, Cross Heading: Functions of the Tenant Farming Commissioner is up to date with all changes known to be in force on or before 06 September 2023. 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) View outstanding changes

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- (a) review the Tenant Farming Commissioner's functions before the end of the period of 3 years beginning with the day on which this section comes into force,
  - (b) publish the findings of the review as soon as practicable.
- (4) In carrying out a review under subsection (3), the Scottish Ministers must—
  - (a) invite the Tenant Farming Commissioner to give views on the operation of the Commissioner's functions and, in particular, on whether the Commissioner's powers are sufficient in relation to the Commissioner's duties,
  - (b) invite such other persons appearing to Ministers to have an interest in the Commissioner's functions to give views on the operation of those functions, and
  - (c) have regard to any such views.
- (5) Following review under subsection (3), the Scottish Ministers may by regulations modify subsection (1) to—
  - (a) amend the functions of the Tenant Farming Commissioner,
  - (b) remove functions from the Tenant Farming Commissioner,
  - (c) confer new functions on the Tenant Farming Commissioner.

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**Commencement Information**

**I1** [S. 24](#) in force at 1.4.2017 by [S.S.I. 2016/250](#), reg. 2(3), [sch. 2](#)

## 25 Tenant Farming Commissioner: delegation of functions

- (1) The Tenant Farming Commissioner may authorise the following to exercise such of the Commissioner's functions, and to such extent, as the Commissioner may determine—
  - (a) any Land Commissioner,
  - (b) any committee,
  - (c) any employee of the Commission,
  - (d) any other person.
- (2) But the Tenant Farming Commissioner may not authorise the function under section 24(1)(f) to be exercised by any other person.
- (3) Nothing in subsection (1) affects the responsibility of the Tenant Farming Commissioner for the exercise of the Commissioner's functions.

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**Commencement Information**

**I2** [S. 25](#) in force at 1.4.2017 by [S.S.I. 2016/250](#), reg. 2(3), [sch. 2](#)

## 26 Acting Tenant Farming Commissioner

- (1) The Scottish Ministers may appoint a person to carry out the functions of the Tenant Farming Commissioner during a period in which the office is vacant (an “acting Tenant Farming Commissioner”).

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- (2) A person who is disqualified for appointment as Tenant Farming Commissioner is also disqualified for appointment as acting Tenant Farming Commissioner.
- (3) A person appointed as acting Tenant Farming Commissioner—
  - (a) may, by giving notice in writing to the Scottish Ministers, resign at any time,
  - (b) may be dismissed by the Scottish Ministers at any time,
  - (c) in other respects, holds appointment on such terms and conditions as the Scottish Ministers may determine.
- (4) While holding appointment as acting Tenant Farming Commissioner, a person is to be treated as the Commissioner for all purposes other than those of sections 13 and 14.

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**Commencement Information**

**I3** [S. 26](#) in force at 1.4.2017 by [S.S.I. 2016/250](#), reg. 2(3), [sch. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2017/299, regs. 5-14, by [S.S.I. 2017/370](#) reg. 34