



Land Reform (Scotland) Act 2016

2016 asp 18

PART 2

THE SCOTTISH LAND COMMISSION

CHAPTER 3

THE TENANT FARMING COMMISSIONER

Tenant Farming Commissioner: inquiry function

34 Tenant Farming Commissioner: confidentiality of information

- (1) A relevant person must not disclose any information which has been obtained by or on behalf of the Tenant Farming Commissioner for the purposes of an inquiry into a breach of a code of practice unless authorised to do so by subsection (2).
- (2) Disclosure is authorised for the purposes of subsection (1) only so far as—
 - (a) it is necessary for the purpose of enabling or assisting the exercise by the Tenant Farming Commissioner of the Commissioner's functions under this Act,
 - (b) it is made with the consent of each person to whom the information relates,
 - (c) it is made for the purposes of civil proceedings,
 - (d) it is made for the purposes of a criminal investigation or criminal proceedings or for the purposes of the prevention or detection of crime,
 - (e) it is made in pursuance of an order of a court or tribunal,
 - (f) it is made in accordance with any other enactment requiring or permitting the disclosure.
- (3) A person who knowingly contravenes subsection (1) commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

Changes to legislation: Land Reform (Scotland) Act 2016, Section 34 is up to date with all changes known to be in force on or before 25 May 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

- (5) It is a defence for a person charged with an offence under subsection (3) to prove that the person reasonably believed—
- (a) that the disclosure was authorised under subsection (2), or
 - (b) that the information had already lawfully been made available to the public.
- (6) In subsection (1) a “relevant person” means any individual who is or was—
- (a) the Tenant Farming Commissioner (or acting Tenant Farming Commissioner),
 - (b) a Land Commissioner,
 - (c) a member of the Commission's staff,
 - (d) a person exercising functions on behalf of the Commission or its members.

Commencement Information

II S. 34 in force at 1.4.2017 by S.S.I. 2016/250, reg. 2(3), sch. 2

Changes to legislation:

Land Reform (Scotland) Act 2016, Section 34 is up to date with all changes known to be in force on or before 25 May 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.

[View outstanding changes](#)

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](#)