



Land Reform (Scotland) Act 2016

2016 asp 18

PART 3

INFORMATION ABOUT CONTROL OF LAND ETC.

Information about persons with controlling interests in relation to land

39 Information about persons with controlling interests in owners and tenants of land

- (1) The Scottish Ministers must by regulations make provision—
 - (a) requiring information to be provided about persons who have controlling interests in owners and tenants of land, and
 - (b) about the publication of that information in a public register kept by the Keeper of the Registers of Scotland.
- (2) Regulations under subsection (1) may, in particular, include provision about—
 - (a) which owners and tenants of land the regulations apply to,
 - (b) what constitutes a controlling interest in an owner or tenant,
 - (c) which persons are to be treated as having a controlling interest in an owner or tenant,
 - (d) what information must be provided under the regulations (and the manner in which it is to be provided),
 - (e) the circumstances in which information must be provided under the regulations,
 - (f) publication of information required under the regulations (including the form of the register and the entry of the information in it),
 - (g) the circumstances in which the information entered in the register may be corrected or updated,
 - (h) the circumstances in which a person who has a controlling interest in an owner or tenant can request that information about that person not be published (including, in particular, where the publication of that information might result in the person being at a serious risk of violence or abuse, threat of violence or abuse or intimidation),

Changes to legislation: Land Reform (Scotland) Act 2016, Section 39 is up to date with all changes known to be in force on or before 05 September 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) View outstanding changes

- (i) the effect of providing (or failing to provide) information required under the regulations,
 - (j) sanctions for failure to comply with requirements imposed under the regulations,
 - (k) delegation of functions under the regulations,
 - (l) fees payable in relation to the provision, publication or accessing of information under the regulations,
 - (m) appeals against decisions made under the regulations.
- (3) Regulations under subsection (1) may include provision for offences and civil penalties (including fixed penalties) for failure to comply with requirements imposed under the regulations.
- (4) Where regulations under subsection (1) include provision creating offences—
- (a) they must provide for those offences to be triable summarily only, and
 - (b) they must provide for the maximum penalty for those offences to be a fine, which must not exceed level 5 on the standard scale.
- (5) Where regulations under subsection (1) include provision for the imposition of civil penalties, they must include provision about appeals against decisions to impose those penalties.
- (6) Regulations under subsection (1) may modify any enactment (including this Act).
- (7) The Scottish Ministers must, before laying a draft of any regulations under subsection (1) before the Scottish Parliament, consult—
- (a) the Keeper, and
 - (b) such other persons as they consider appropriate.
- (8) Subsection (7) does not apply if section 40 applies.

Commencement Information

- I1** [S. 39](#) in force at 17.5.2018 for specified purposes by [S.S.I. 2018/138](#), [art. 2](#), [sch. 1](#)
- I2** [S. 39](#) in force at 16.12.2020 in so far as not already in force by [S.S.I. 2020/383](#), [reg. 2](#)

Changes to legislation:

Land Reform (Scotland) Act 2016, Section 39 is up to date with all changes known to be in force on or before 05 September 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.

[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