



# 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in which a person who has a controlling interest in an owner or tenant can request that information about that person not be published (including, in particular, where the publication of that information might result in the person being at a serious risk of violence or abuse, threat of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),

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*Status: This is the original version (as it was originally enacted).*

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- (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.