



Land Reform (Scotland) Act 2016

2016 asp 18

PART 3

INFORMATION ABOUT CONTROL OF LAND ETC.

Procedure for first regulations under section 39

42 Procedure for first regulations under section 39: explanatory document

- (1) The explanatory document referred to in section 40(b)(ii) must—
 - (a) give reasons for the provisions contained in the proposed draft regulations,
 - (b) give details of—
 - (i) any consultation undertaken under section 41,
 - (ii) any representations received as a result of the consultation, and
 - (iii) the changes (if any) made to the proposed draft regulations as a result of those representations.
- (2) Where a person making representations in response to consultation under section 41 has not consented to the disclosure of the representations, the Scottish Ministers must not disclose them under subsection (1)(b)(ii).
- (3) If information in representations made by a person in response to consultation under section 41 relates to another person, the Scottish Ministers must not disclose that information under subsection (1)(b)(ii) if or to the extent that—
 - (a) it appears to the Scottish Ministers that the disclosure of that information could adversely affect the interests of that other person, and
 - (b) the Scottish Ministers have been unable to obtain the consent of that other person to the disclosure.
- (4) Subsections (2) and (3) do not affect any disclosure that is requested by, and made to, a committee of the Parliament charged with reporting on the proposed draft regulations.

Commencement Information

II S. 42 in force at 17.5.2018 for specified purposes by S.S.I. 2018/138, art. 2, sch. 1

Changes to legislation: *Land Reform (Scotland) Act 2016, Section 42 is up to date with all changes known to be in force on or before 03 October 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*

I2 [S. 42](#) in force at 10.1.2020 in so far as not already in force by [S.S.I. 2019/420, reg. 2\(b\)](#)

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[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](#)