

# LAND REFORM (SCOTLAND) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 12 – General and Miscellaneous**

##### ***Section 125 – General interpretation***

760. This section expands the short references used in the Act, for economy of space, to give their full meanings: “the 1991 Act” for the Agricultural Holdings (Scotland) Act 1991; “the 2003 Act” for the Agricultural Holdings (Scotland) Act 2003; and “Land Court” for the Scottish Land Court.

##### ***Section 126 – Subordinate legislation***

761. Subsection (1) allows the Scottish Ministers to use powers to make regulations under the Act to make different provision for different purposes and to make incidental, supplementary, consequential, transitory, transitional or saving provision as they consider appropriate.
762. Subsection (2) lists the delegated powers in the Act that are subject to negative procedure.
763. Subsection (3) lists the delegated powers in the Act that are subject to affirmative procedure.
764. Subsection (4) excludes commencement regulations made under section 130(2) from the application of section 126.

##### ***Section 127 – Ancillary provision***

765. Subsection (1) confers powers on the Scottish Ministers enabling them to make such incidental, supplementary, consequential, transitional, transitory or saving provision as they consider appropriate for the purpose of giving full effect to this Act or any of its provisions.
766. Subsection (2) states that any regulations made under the powers of subsection (1) may modify any enactment (including this Act).

##### ***Section 128 – Crown application***

767. By virtue of section 20 of the Interpretation and Legislative Reform (Scotland) Act 2010, the Act applies to the Crown in Scotland. However, subsection (1) absolves the Crown of any criminal liability, should it be in contravention of regulations made under section 39, on right of access to information on persons in control of land. Instead, subsection (2) provides for the Court of Session to declare such an act to be unlawful.
768. Amendments and insertions into the Agricultural Holdings Acts 1991 and 2003 also apply to the Crown in Scotland by virtue of section 79 of the 1991 Act and section 95 of the 2003 Act respectively.

***Section 129 – Minor and consequential modifications***

769. This section introduces schedule 1, which makes minor and consequential amendments to existing legislation in consequence of Part 5 of the Act. It also introduces schedule 2, which makes minor and consequential amendments to existing legislation in consequence of changes made in Part 10 of the Act to agricultural holdings legislation.

***Section 130 – Commencement***

770. Subsection (1) provides that sections 125 to 127, 130 and 131 come into effect on the day after Royal Assent and subsection (2) allows for commencement by regulations for the remaining sections.

***Section 131 – Short title***

771. This section provides for this Act, once enacted, to be referred to as the Land Reform (Scotland) Act 2016.