POLICY NOTE

THE SCOTTISH LAND COMMISSION (NUMBER OF LAND COMMISSIONERS) REGULATIONS 2026

SSI 2026/284

The above instrument was made in exercise of the power conferred by section 4(5) of the Land Reform (Scotland) Act 2016. The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument is to amend section 4(4)(a) of the Land Reform (Scotland) Act 2016 ("the 2016 Act") to reduce the number of Land Commissioners appointed to the Scottish Land Commission ("the Commission") from five to four.

Policy Objectives

Section 4(4) of the 2016 Act provides that the Commission is to consist of five Land Commissioners and the Tenant Farming Commissioner. The Land Reform (Scotland) Act 2025 ("the 2025 Act") establishes the role of Land and Communities Commissioner who will also be a member of the Commission.

Following the resignation of one of the Land Commissioners, the opportunity was taken to consider the membership of the Commission. Consideration was given to the Commission's current and future functions, including those introduced through the 2025 Act, alongside the Scottish Government's wider programme of public service reform and the need to ensure public bodies operate efficiently and effectively and make best use of public resources. This assessment concluded that the Commission would continue to be able to discharge its statutory functions effectively with four, rather than five, Land Commissioners.

In light of that assessment, the Cabinet Secretary for Climate Action and Rural Affairs decided to lay regulations which, subject to parliament's consideration, will amend the number of Land Commissioners, delivering a modest reduction in costs while maintaining the Commission's ability to carry out its statutory functions.

As the 2016 Act currently provides for five Land Commissioners, this instrument uses the power conferred by section 4(5) of the 2016 Act to reduce the number of Land Commissioners by one, from five to four. The instrument does not alter the functions, powers or duties of the Commission.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 ("the 2024 Act"), the Scottish Ministers certify that, in their view, the Scottish Land Commission (Number of Land Commissioners) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the 2024 Act.

EU Alignment Consideration
This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation
There was no statutory requirement to consult on the instrument. Scottish Government officials informed the Chair and Chief Executive of the Commission of the decision to lay regulations to amend the number of Land Commissioners. The Chair replied and acknowledged the rationale for the decision in the context of public service reform and efficiency measures, while noting the importance of maintaining expertise in relevant areas. No changes to the instrument were made as a result of these discussions.

Impact Assessments
A Child Rights and Wellbeing Impact Assessment has been prepared as required by the 2024 Act.

The instrument is administrative in nature and relates solely to the membership of the Commission. It does not alter the Commission's functions, powers or duties. As a result, no other impact assessments were considered necessary.

Human rights considerations have been taken into account through the impact assessment process. The initial analysis and, where relevant, pre-screening undertaken for the Equality Impact Assessment, Fairer Scotland Duty Assessment, Island Communities Impact Assessment and Consumer Duty Assessment, as well as the Children's Rights and Wellbeing Impact Assessment, did not identify any impacts on the rights, wellbeing or interests of individuals or communities. The instrument makes a technical amendment to reduce the number of Land Commissioners and does not affect individuals' rights, access to services or legal protections. No specific human rights impacts have therefore been identified.

Financial Effects
The Cabinet Secretary for Climate Action and Rural Affairs confirms that no BRIA is required as screening indicates that the instrument has no financial effects on the Scottish Government, local government or on business beyond the budget impact for the Commission.

Scottish Government
Local Government and Communities Directorate

1 October 2026