



Andy Wightman
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Our Reference: 202600533858
Your Reference: Andy Wightman

24 August 2026

Dear Andy Wightman,

Thank you for email of 20 August 2026 in which you asked: "Given the statutory duty to have 5 commissioners, why has CabSec decided not to recruit a replacement? Surely Ministers are in breach of their legal duty under s.4 of the 2016 Act?"

Earlier this year, following the resignation of a Land Commissioner, the Cabinet Secretary decided to lay regulations under section 4(5) of the Land Reform (Scotland) Act 2016 ("the 2016 Act") to amend subsection (4)(a) so as to alter the number of Land Commissioners at the Scottish Land Commission.

In reaching this decision, Scottish Ministers considered the Commission's current and future functions, including those introduced through the Land Reform (Scotland) Act 2025, alongside the Scottish Government's wider programme of public service reform. This includes a continuing focus on ensuring that public services are delivered efficiently and effectively, while making the best use of public resources.

The Cabinet Secretary is writing to the relevant Parliamentary Committee and intends to lay a Scottish Statutory Instrument, subject to the negative procedure, to amend the number of Land Commissioners specified in the 2016 Act from five to four.

Although there will be a vacancy pending that amendment coming into force, Scottish Ministers have considered the requirements of the 2016 Act and remain satisfied that they are acting in accordance with them.

Yours sincerely