



The Scottish Parliament
Pàrlamaid na h-Alba

Roseanna Cunningham MSP
Cabinet Secretary for Environment,
Climate Change and Land Reform

c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

By email only

(RNID Typetalk calls welcome)
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28 September 2016

Dear Roseanna,

Appointments to the Land Commission

The Scottish Parliament has a role in approving the proposed Land Commissioners and the Tenant Farming Commissioner (TFC) before they are appointed by the Scottish Government, as set out principally in sections 10(2) and 11(4) of the Land Reform (Scotland) Act 2016.

We understand that the recruitment process is underway and the Scottish Government plans to provide a list of nominees to the Parliament (including the proposed Chair of the Commission) around the end of October. When we met with you in June, you also stated your desire to confirm those appointments by the end of the year, subject to parliamentary approval, and have the Commission up and running by April 2017.

The Committee has discussed its approach to engaging in the appointments process for the Land Commissioners and Tenant Farming Commissioner. In considering this it will wish to be satisfied that this process is appropriate, fair and will result in a Commission that reflects the requirements as set out in the Act.

We agreed that it would be helpful to write to the Scottish Government requesting information on that process in advance of the nominations being received by the Parliament. That would afford the Committee an opportunity to clarify any outstanding points, or explore the Scottish Government's approach further, before receiving and considering the proposed Commissioners.

We also agreed to hold public pre-appointment hearings with the proposed Commissioners. Once Parliament receives the nominees, and in advance of the hearings, the Committee intends to seek further information from each of

the proposed Commissioners to inform our scrutiny by way of a CV and a short statement of suitability for the post of Land Commissioner.

In reviewing the proposed Commissioners the Committee will wish to consider their combined expertise and experience in relation to the requirements set out in section 10 and 11 of the Act and the selection criteria used by the Scottish Government.

In considering both the process and the nominees the Committee would welcome an early response from you on the following points:

- confirmation of the timetable for selection and appointment
- the approach to advertising and identifying potential candidates
- further detail on the criteria for selection and any weighting (to ensure the criteria applied reflects the intention and wording as set out in the Act)
- the information requested from the candidates (or the application form)
- the selection process once applications were received
- The mechanism used for ensuring fairness and transparency in the appointments process (in the absence of oversight of the Commissioner for Ethical Standards and Public Appointments) and plans to bring the appointments process for Land Commissioners within the scope of the Commissioner
- Scottish Government plans to lay a statement of compliance with duties under subsections (1) to (3)
- How this approach is consistent with the requirements under sections 10 and 11

We look forward to hearing from you at the earliest opportunity.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Graeme Dey', with a stylized flourish at the end.

Graeme Dey MSP

Convener

Environment, Climate Change and Land Reform Committee

C.C. Stephen Sadler, Head of Land Reform Unit, Scottish Government.