Cabinet Secretary for Climate Action and Rural Affairs
Gillian Martin MSP

Scottish Government
Riaghaltas na h-Alba

T: 0300 244 4000
E: scottish.ministers@gov.scot

Mark Ruskell MSP
Convener
Rural Affairs Committee
Scottish Parliament
rural.committee@parliament.scot

13 November 2026

Dear Convener

Thank you for your letter of 5 November. You asked several questions relating to the Scottish Land Commission (Number of Land Commissioners) Regulations 2026 to support discussions at the Committee meeting on 18 November, which I will answer in turn.

**What is the impact of reducing the number of Land Commissioners from five to four on the Scottish Land Commission's capacity to carry out its work?**

The Scottish Land Commission supports the work and statutory functions of the Land Commissioners, the Tenant Farming Commissioner and – in future – the new Land and Communities Commissioner. Land Commissioners are part time, working two days per month, with the Board meeting monthly. Through their statutory functions the Land Commissioners review the effectiveness and impact of law, policy and practice relating to land in Scotland and make recommendations for change. They advise Scottish Ministers on matters related to land and also promote informed and constructive debate about land reform. Along with the other commissioners they oversee the running of the Commission, including approving key reports, risk and finance. Day-to-day delivery of the work is undertaken by Commission staff under the leadership of the Chief Executive.

In reaching my decision, I took account of the Commission's view that the vacancy has resulted in a small reduction in collective capacity, particularly in relation to human rights and Gaelic language expertise. However, the Commission has also confirmed it continues to have an effective mix of skills and expertise and can continue to operate effectively.

With one Land Commissioner post currently vacant, the Board as a whole currently has five members. In future, following the appointment of the new Land and Communities Commissioner, the Board will again have six members. I consider six members to be reasonable, proportionate and able to fulfil the required governance functions for an organisation of the size and with the responsibilities of the Commission.

The proposal reflects a rebalancing of the Board's composition to accommodate the new Land and Communities Commissioner role rather than a reduction in its overall size. I

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therefore believe that the remaining four Land Commissioners are sufficient in number to fulfil their statutory functions and with the Tenant Farming Commisisoner and the new Land and Communities Commissioner, ensure an appropriate balance of skills, experience and expertise across the Board as a whole.

**What are the cost savings expected to result from the reduction in the number of Commissioners?**

A Land Commissioner receives around £6,105 per year and is appointed for up 24 days per financial year. In addition, expenses may be incurred in connection with the discharge of their duties. Reducing the number of Land Commissioners from five to four will therefore result in a modest recurring reduction in commissioner remuneration and associated expenses. This saving can therefore be used to support staff at the Commission in the delivery of the Commission's day-to-day work.

While the financial saving is modest, the Scottish Government has a responsibility to consider opportunities to ensure that public bodies are appropriately configured and operate efficiently. Where opportunities arise to deliver savings without adversely affecting an organisation's ability to fulfil its functions, it is appropriate that these are taken into account as part of decision making.

**What is the impact on the Commission's work of no longer having a Gaelic-speaking Commissioner, and how was this considered in light of the requirements?**

I recognise the importance of Gaelic in the context of land reform and I was particularly pleased to have a fluent Gaelic speaker at the Scottish Land Commission. This was one of the many skills Dr Macleod brought to his role.

I appreciate the importance of Gaelic language representation on the Commission. Gaelic language skills have been included as a desirable criterion in the current recruitment for a Land and Communities Commissioner and will continue to be reflected in future Commissioner recruitment exercises, with the aim of maximising opportunities to appoint Commissioners with Gaelic language skills.

However, I did not consider that this factor alone warranted undertaking a new recruitment round. Through three different appointment rounds for Land Commissioners, a very small number of applicants have had Gaelic language ability. Therefore, there was no guarantee that a recruitment exercise to recruit a Land Commissioner to fill the vacancy created by Dr MacLeod's departure would lead to the appointment of a Land Commissioner with similar abilities. On balance, I thought the arguments in favour of reducing the number of Land Commissioners outweighed the low likelihood of successfully addressing the loss in Gaelic capabilities brought by Dr Macleod's departure.

I am confident that the current Land Commissioners recognise the importance of Gaelic in the context of Land Reform and am pleased to see the development of its Gaelic Language Plan and the publication of much of their work in Gaelic. Given their ongoing work in this area, I believe the loss of a fluent Gaelic speaker on the Board can be suitably managed at the present time.

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**Was reducing the number of commissioners considered during the development and scrutiny of the Land Reform (Scotland) Act 2025, and if not, why it is being taken forward separately?**

The reduction in the number of Land Commissioners was not considered during the development or parliamentary scrutiny of the Land Reform (Scotland) Act 2025, as the Land Reform (Scotland) Act 2016 already provides powers to amend the number of Land Commissioners by regulations. Given the impact on Scottish Government and Parliamentary time, it would not generally be considered appropriate to make provision in primary legislation for a change that could be delivered through existing secondary legislation powers.

At the time the 2025 Act was being developed and scrutinised, all Land Commissioners remained in post and were serving existing terms of appointment. The unexpected resignation of a Land Commissioner, notified in March 2026 and taking effect on 31 May 2026, subsequently provided an opportunity for Ministers to consider the balance and composition of the Board, including in light of the Commission's functions following the passage of the Land Reform (Scotland) Act 2025 and the requirement to appoint a Land and Communities Commissioner.

Following consideration of these matters, the Cabinet Secretary decided on 22 June 2026 not to backfill the vacancy and instead to bring forward regulations to reduce the number of Land Commissioners from five to four. It was necessary to take this decision before commencing the recruitment process for the Land and Communities Commissioner, to provide clarity on the future composition of the Board and support timely implementation of the Commission's new functions under the 2025 Act.

I hope this is helpful and look forward to meeting the Committee on 18 November.

Yours sincerely,



**GILLIAN MARTIN**

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

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