Scottish Land Commission
Coimisean Fearainn na h-Alba

Scottish Land Commission
An Lòchran
10 Inverness Campus
Inverness
IV2 5NA

10 November 2026

Mark Ruskell MSP
Convener
Rural Affairs Committee

Dear Mark

Scottish Land Commission (Number of Land Commissioners) Regulations 2026 (SSI 2026/284)

I refer to your letter of 5 November and set out below the information in relation to the three aspects of the committee's request.

For context, I also confirm that while the board of the Commission was disappointed not to be able to replace the vacancy for a Land Commissioner, particularly given Dr MacLeod's skill set and contributions, we understand the Cabinet Secretary's decision and the imperative to operate efficiently. I attach for information my response to notification of this decision from our sponsor team, which provides the board's view.

In relation to the three questions you ask:

1. *'the implications of reducing the number of Land Commissioners from five to four for the Commission's work, governance and ability to fulfil its statutory functions and any other capacity implications'*

The impact is a small reduction in the collective capacity of the board and specifically in relation to human rights and to the Gaelic language. I address the latter issue below but as Dr MacLeod was taking forward on behalf of the Board the development and updating of our approach to human rights there has inevitably been a hiatus in continuing our discussions with external partners about this.

However, overall we believe we continue to have an effective mix of skills among the Land Commissioners and the board as a whole, which will be further augmented with appointment of a Land and Communities Commissioner. In addition, as a small body we are used to seeking external expertise, perspective and experience when needed.

In relation to the corporate governance of the Commission, I therefore confirm that we will be able to continue to operate effectively with a board of Commissioners that

remains at six, rather than rising to seven, on appointment of the Land and Communities Commissioner.

2. *'the financial implications from the reduction in the number of Commissioners'*

The annual fee cost for a Land Commissioner (at 26/27 costs) is £6,105. This is based on the current day rate of £254.38 per day with a commitment of 2 days/month.

The average travel and subsistence budget for a Commissioner is approximately £3,000pa.

Taking into account a modest annual budget for training and development we therefore estimate the total saving to the Commission to be up to £10,000pa.

3. *'the impact on the Commission's work of no longer having a Gaelic-speaking Commissioner, including on the delivery of the Commission's Gaelic language plan, which Hamish Trench referred to in evidence to the Committee'*

The Land Reform (Scotland) Act 2016 requires at section 11(2) that '*In appointing the Land Commissioners, the Scottish Ministers must take every reasonable step to ensure that at least one of the Commissioners is a speaker of the Gaelic language'*.

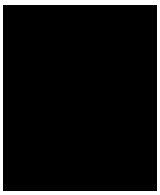
Since Dr MacLeod stepped down from the board in May, we do not currently have a Gaelic speaking Commissioner. We would expect that this would be considered as a highly desirable criteria in future Commissioner recruitment and I personally regard this as important not least because I was active in supporting the legislative requirement stated above.

The practical impact in the meantime is that we are not able to offer opportunities to engage with a Commissioner in Gaelic, or to engage fully through Gaelic media via a Gaelic-speaking spokesperson.

We have recently consulted on our second Gaelic Language Plan, which recognises the strong relationship between land, language and communities and we are committed to increasing the visibility and use of Gaelic in the Commission. Without a Gaelic-speaking Commissioner we will still be able to deliver on the majority of commitments in the new Plan. The gap will be in public and stakeholder engagement where we are not currently able to offer Gaelic-speaking opportunities, although as a Gaelic learner I did record a message in Gaelic inviting participation in the consultation on the plan.

I trust this helps the Committee's consideration of this matter and we would of course be happy to provide any further information as required.

Yours as ever



Michael Russell
Chair

Annex
Email from Michael Russell to Deputy Director, Land Reform, Rural & Islands Policy 25 June 2026:

Dear

Thank you for your email regarding the recruitment of a replacement Commissioner for Dr Calum MacLeod. I am replying on behalf of the Commission.

Clearly we are disappointed that the Cabinet Secretary has decided not to authorise a recruitment but we understand the imperative regarding public service reform and the need to secure efficiencies wherever possible.

Dr MacLeod brought a unique skill set to his work in the Commission and we will need to consider how best we compensate for that loss. I personally regard the presence of a Gaelic speaking Commissioner as highly desirable and indeed I recall making that point when on the Committee which considered the Bill in 2015. The importance of human rights as a driver for land reform is also of great significance and whilst we welcome the likely introduction of a Human Rights Bill in the coming Parliamentary term we will need to find ways to ensure that the issue feeds directly into our work as a Commission and into the advice we give to Government. We have, as you know, been in dialogue with Professor Alan Miller about that issue and that connection will need to be intensified as we seek the right way forward.

As you indicate some fine tuning of the specification for the new Land and Communities Commissioner may be of assistance in moving forward on this matter but it will also be important for all the other Commissioners to be aware of, and involved in, the actions we will need to take. On a positive note, that outcome may help to underline the collegiate nature of the Commission' decision making processes which I believe it is very important to nurture particularly at this time.

I can of course assure you that you we will endeavour to ensure that the efficiency and effectiveness of the Commission will not be adversely affected by this change and I am sure you will keep us informed as to the progress of the SSI and the firming up of the timetable for recruiting the Land and Communities Commissioner

Regards as ever

Michael