



**SCOTTISH LAND COMMISSION**  
COIMISEAN FEARAINN NA H-ALBA

**Tenant Farming Advisory Forum**

**DRAFT Minutes of the Meeting of the Tenant Farming Advisory Forum (TFAF)  
held on Thursday 4<sup>th</sup> July 2019, NFUS Offices, Ingliston**

**Present:**

Dr Bob McIntosh	Tenant Farming Commissioner
Kate McLeish	Scottish Land & Estates
Christopher Nicholson	Scottish Tenant Farming Association
Andrew McCornick	NFUS
Gemma Cooper	NFUS
Jen Willoughby	Scottish Government
Rob Forrest	SAAVA
Francis Ogilvy	RICS
Jon Robertson	Agricultural Law Association
Sarah Allen	Scottish Land Commission
James MacKessack-Leitch	Scottish Land Commission

**Actions:**

TFC
KM
CN
AM
GC
JW
RF
FO
JR
SA
JML

**1. Welcome and Apologies**

TFC welcomed everyone and thanked NFUS for hosting the meeting.

Apologies from Angus McCall (STFA), David Johnston (SLE), Sarah-Jane Laing (SLE), and Andrew Wood (RICS).

**2. Minutes of the last meeting – 24<sup>th</sup> January 2019**

Agreed.

Matters Arising – members noted the ongoing uncertainty surrounding the application of LBTT to tenants in the case of succession and assignation/relinquishment.

**3. Presentation from Scottish Land Commission – Scale & Concentration Research**

JML provided a presentation on the Land Commissions research into the issues surrounding scale and concentration of land ownership in Scotland, and an overview of the outline recommendations.

JML advised that the Land Commission are currently seeking feedback on the recommendations, and have been hosting a series of workshops for stakeholders across the country, as well as facilitating individual meetings with stakeholders where requested.

JML confirmed that the recommendations are subject to change and refinement, and following stakeholder engagement over the summer the findings will be reported in autumn 2019 and discussed at the SLC conference in October.

Members had a wide ranging discussion on the issues raised through the research and the direction of the recommendations. In particular, members felt the need for a Land Use Strategy as an underpinning framework would be particularly useful. Members also noted the importance of tax and fiscal policy in both driving current behaviour, and the need for change if progress is to be made in addressing some of the issues highlighted.

Action	SA to circulate presentation to group.
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#### 4. Update from TFC

Casework – remains steady, with a rise in contacts over the previous year. Most contacts from tenants, although there has been more contact from landlords and professional, broad subject matter. Expect an uptick in contact in Oct/Nov in line with previous years.

Amnesty – there was a feeling that there had been an increase in uptake over the past six months, but that that was now tailing off. Members were concerned that there are still a number of tenants – particularly older tenants – that have not been reached through the awareness raising campaign, and may not be reached in good time. There was a suggestion that awareness raising in marts may be useful to reach those who don't engage in other ways.

Mediation service – pilot is now being reviewed, although early findings indicate mediation is worthwhile with results exceeding expectations. Members acknowledged this was not an “on demand” or free service provided by SLC, but asked whether any thought had been given to SLC hosting a paid for service.

Action	SLC to consider how they might promote mediation more widely.
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#### 5. Land Mobility

JML presented a paper on Land Mobility covering the broad context, ongoing work within the sector, and the role of SLC and TFAF in supporting land mobility.

Land Matching Service (LMS) – JML indicated that initial groundwork has been completed, and that the service should be launched later this year. Members asked whether the LMS would also facilitate assignation/relinquishment, JML indicated that it would.

Tax – CN raised issues around tax policy, reported that the STFA had had positive discussions with MSPs and others at the Highland Show, and that the conclusion of these discussions was that a roundtable with the Rural Economy and Connectivity (REC) Committee would be welcome. Members agreed this would be useful and suggested a stakeholder discussion with the Cabinet Secretary could take place at the Moy Game Fair. Suggestion to refer to Jeremy Moody's paper <https://landcommission.gov.scot/Jeremy-Moody-April-2018.pdf> which includes reference to the income tax relief scheme in the Republic of Ireland.

RF reported that SAAVA/CAAV are drafting a paper on livestock contracting to help provide some support and guidance.

Action	All to consider how as individuals and collectively joint ventures and land mobility can be supported.
Action	Land Commission to co-ordinate activities coming out of stakeholder meeting on increasing confidence in tenant farming

## 6. SG Update

JW provided an update on Scottish Government restructuring. The Agricultural Holdings team now sit within the new Sustainable Land Use and Rural Policy (SLURP) Directorate.

Assignations and Relinquishments – JW indicated the necessary legislation should be in force by the end of 2019. JW indicated there were a couple of technical issues still to be resolved by SG lawyers, specifically the definition of a “Person progressing in farming”, and the application of the legislation to limited partnerships.

Rent Reviews – JW reported that the timescale for implementation is not clear, the blockage being SG resourcing. It was confirmed that there will be a TFC code launched alongside once the legislation is brought into force.

Repairing Leases – JW indicated that these are on the same timescale as the rent reviews.

Other provisions in the 2016 Act will not come into effect in the near future.

There was no further update on the repairing standard for housing as related to agricultural holdings.

## 7. AOB

There was no other business.

## 8. Date of next meeting

Members agreed to be flexible. Likely next meeting in January 2020.