



**FARM
ADVISORY
SERVICE**



House keeping



- Welcome
- Toilets
- Fire Drill
- Photographs / Filming

Farm Advisory Service

**One-to-one grant support
and advisory services**

One-to-one grant support and advisory services

One-to-one support services and funding* available:

- Integrated Land Management Plans (ILMP) - Up to £1,200 per plan
- Specialist advice - Up to £1,000 funding for public good advice and £500 for business efficiency advice
- Carbon audits - Up to £500 per audit, per annum
- Mentoring for new entrants to farming - Up to 4 days one-to-one consultancy time with a personal mentor

* Terms and conditions apply. See www.fas.scot for full details.

Integrated Land Management Plans (ILMPs)



ILMPs provide a clear, achievable, step-by-step action plan to help you achieve your business goals.

- Available to all registered farmers/crofters
- The start point for an ILMP is your vision for the business
- ILMPs look at the full spectrum of business sustainability
- Up to **£1,200 worth of funding per plan**, to cover a maximum of 80% of the costs.
- Farmer to pay any costs above this threshold, plus VAT.

Take a deeper look at specific issues of concern or interest to your business.

You can also choose to benefit from up to two further specialist advice plans, covering:

- climate change, adaptation & mitigation
 - soil & nutrient management
 - biodiversity, habitat & landscape management
 - woodland management & conservation
 - water pollution, prevention & control
 - organics
 - archaeological & historic site advice
- Up to **£1,000 funding*** for public good advice
 - **£500 for business efficiency advice.**
 - (Farmer to pay any costs above this threshold, plus VAT)

*Funding relates to advisory costs, not capital.

A Carbon audit will help you see where performance improvements and savings can be made.

- Up to **£500 of funding available** for an experienced advisor to undertake a Carbon Audit of your business
- Identify the efficiency with which resources are used.
- Benchmark your farm's performance
- Identify areas for improvement, receive a tailored action plan
- Farmers are encouraged to have an annual Carbon Audit

Benefit from being paired with an experienced farmer in your sector

Up to **4 days of FREE**, one-to-one Mentoring support available.

- Foster long-term farmer-to-farmer relationship

Open to new farmers/crofters and those who have set up business in the last 5 years.

Typical skills that mentors can offer include:

- Experience of running a farm business
- Traditional skills (e.g. stone walling and hedge laying)
- Food and drink industry experience

Claim the support you are entitled to

Take advantage of government funding to create a more sustainable and profitable future for your farm or croft.

FAS can help you benefit from:

- **Expert advice** tailored to the specific **needs of your business**
- **Save on the cost** of private audits and reviews
- Access secure, **subsidised funding** for specialist consultancy
- **Identify future growth areas** for your business
- Understand of how you are **performing compared with similar enterprises**
- **Safeguard against** potential **risks** to income

Contact us



Get in touch. We are here to help you succeed.

Visit www.fas.scot for further information about the support available, or contact:

T: 0300 323 0161

E: advice@fas.scot



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA



- **Bob McIntosh: Tenant Farming Commissioner**

Experience:

Retired public servant with extensive experience in public policy:

SG Director for Environment and Forestry 2012-2015

Director of Forestry Commission Scotland

Board Member of Highlands and Islands Enterprise



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The Role and Functions of the Tenant Farming Commissioner

Bob McIntosh
Tenant Farming Commissioner



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Background

2015 Agricultural Holdings Review

- Concerns over the state of landlord/tenant relationships
- ‘Them and Us’ Culture.
- Recommendation that Government should help to facilitate the efforts of industry leaders to improve relationships
- Creation of TFC role to act in an ombudsman type role
- Interim Adviser post created



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Land Reform (Scotland) Act 2016

- Tenant Farming Commissioner role created
- Scottish Land Commission created
(6 Commissioners, including the TFC)
- Executive NDPB
- CEO and staff located in Inverness
- Operational from 1/4/17



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Functions of the TFC

- Prepare and promote codes of practice.
- Inquire into alleged breaches.
- Prepare a report on the operation of agents of landlords and tenants.
- Make recommendations for improvements to Ag. Holdings legislation.
- Recommend additions to the schedule 5 list of improvements
- Refer questions of law to the Land Court
- Work with the Land Commissioners on matters relating to agriculture and agricultural holdings.
- Exercise any other functions conferred on the TFC

Must exercise the functions with a view to encouraging good relations between landlords and tenants



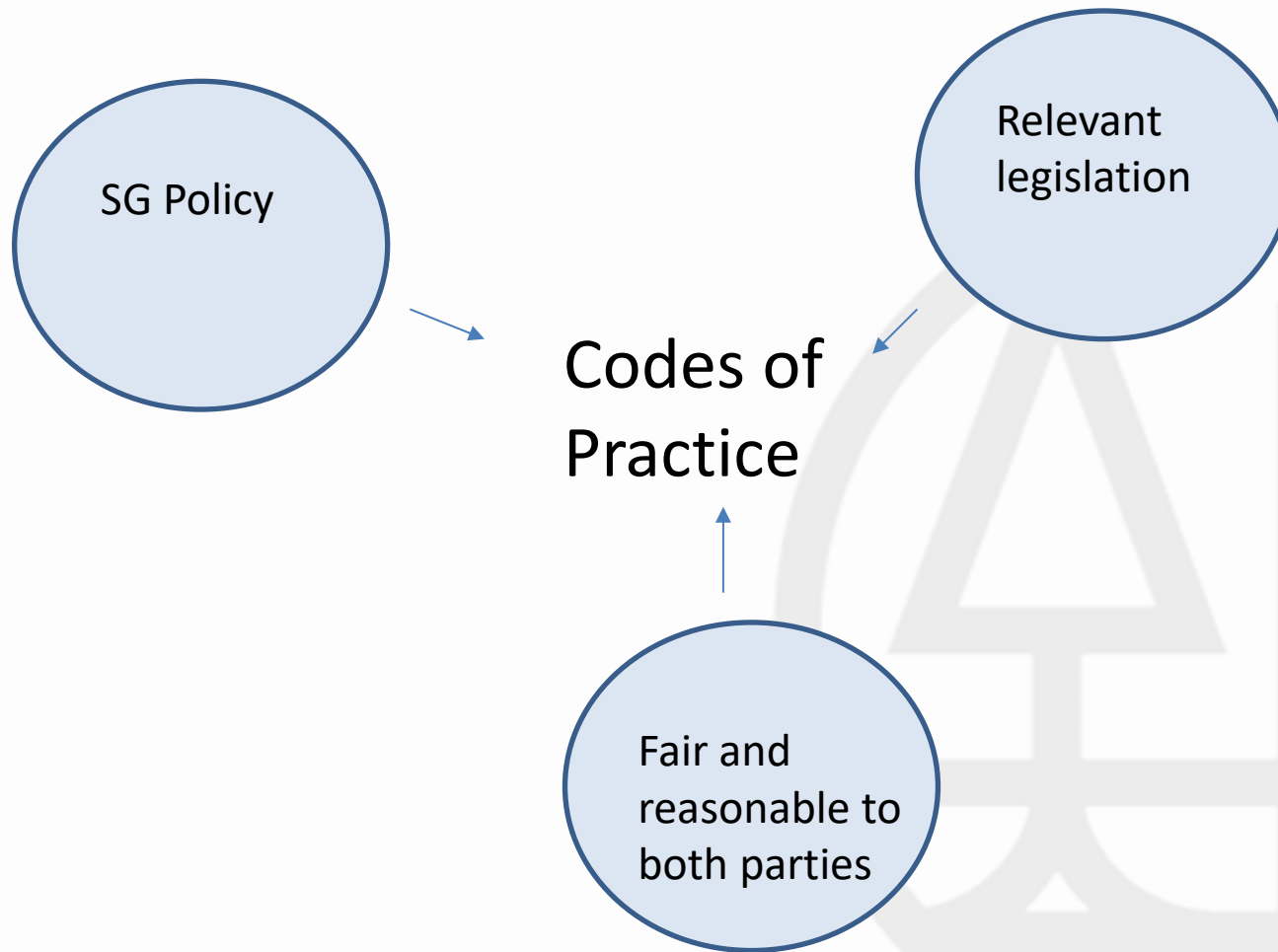
Codes of Practice

- Prescribe procedures and behaviours that will govern the conduct of landlords, tenants and their agents in key areas of interaction and negotiation.
- Set within the context of the legal framework
- Produced in association with the main industry bodies (SLE; STFA; NFUS; SG; RICS)



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Codes of Practice





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Complaints System

- Informal approach to TFC
- Formal complaint
- Investigation by TFC
- Power to require parties to provide information
- TFC publishes decision and recommendations
- No sanction but ‘name and shame’.
- Decision admissible as evidence in the Land Court.



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Other TFC Activities

- Advisory forum
- Guidance notes
- Relevant research and data gathering





Current Codes

- The Amnesty on Tenants Improvements.
- Planning the Future of Limited Partnerships
- Managing the Relationship Between Agricultural and Sporting Tenants
- Maintaining the Repair and Maintenance Obligations of Tenants and Landlords



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The Amnesty on Tenants' Improvements



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Key Features

- 3 years from June 2017. Any notices must be served before the end of the 3 year period.
- Opportunity to agree a definitive list of tenants improvements which may be eligible for compensation.
- No change to the current position regarding when compensation payment takes place.
- Allows some claims to be made where the proper notification procedure were not followed.
- Onus is on the tenant to initiate the process but expect landlords to help establish evidence.



Restrictions on Claiming

Part 1 improvements requiring landlord's consent

- Cannot claim for an improvement which was carried out without the landlord's consent or where consent was given but the improvement was significantly different from that agreed.

Part 2 (requiring notification only) and Part 3 improvements (no notice required).

- Cannot claim if the improvement was done despite a landlord's objection or where the improvement was significantly different from that notified.

Updated list of modern improvements will not be in scope.
Restrictions on claiming can be lifted by mutual agreement



The Process

- Tenant initiates.
- Tenant and landlord assemble and share all relevant information.
- Tenant produces list of improvements claimed.
- On farm meeting to discuss.
- Written record of agreements reached.
- Use ADR mechanisms if necessary to resolve disagreements
- If tenant still unsatisfied can issue amnesty notice. Landlord can object and tenant can refer to the Land Court

Remember to keep the record updated in the future!



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Code of Practice

Planning the Future of Limited Partnerships



Planning the Future of Limited Partnerships

- Many coming to the end of their term.
- Early discussion of the next step is in the interests of both parties.
- Aspirations of both parties to be discussed with aim of mutual agreement.
- No notices to be issued before these discussions have taken place



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Code of Practice

Managing the Relationship between Agricultural
Tenants and the Holder of Sporting Rights



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Managing the Relationship between Tenants and Sporting Rights Holders

- **Good communication essential** (names of contacts; shooting dates; access arrangements etc)
- **Local memorandum of understanding can be useful**
- **Don't forget sub-tenants.**
- **Game damage covered**



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Code of Practice
The Maintenance of the Condition of Tenanted
Agricultural Holdings



Repair and Maintenance Obligations.

Key principles

Landlords and tenants should:-

- comply with their legal obligations
- regularly meet to discuss the condition of the holding and to agree on a schedule of work.
- maintain and retain effective records of agreements made and repairs done
- agree an appropriate approach to preparation and maintenance of a record of condition



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What can I do for you

- Prepare codes for all major areas of interaction between landlords and tenants.
- Ensure that the codes are followed.
- Help landlords and tenants resolve issues without resorting to the Land Court or making a complaint about a breach of a code.
- Commission research and data gathering and generate discussion about the future of the tenant farming sector.
- Advise the Scottish Government on legislation.



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Contacting me

tfc@landcommission.gov.scot

Land Commission Scotland website has a tenant farming section.





SHEPHERD+ WEDDERBURN



FARM
ADVISORY
SERVICE

- **Hamish Lean:** Agricultural Solicitor

Experience:

Agricultural and Rural Partner, **Shepherd & Wedderburn**

Accredited Law Society of Scotland specialist since 2000

Member of the Scottish Government AHLRG in 2013

Guest Lecturer in Agricultural Law for University of Aberdeen

Member of Scottish Government group carrying out modelling work for the new rent test



SHEPHERD+ WEDDERBURN

Farm Advisory Service

The Land Reform (Scotland) Act 2016

Tenancy Reforms

Presentation by Hamish Lean

The Scottish Land Commission and the Tenant Farming Commissioner

Parts 2 and of the Land Reform (Scotland) Act 2016

Part 10 of the 2016 Act

Section 85 to 123

What's in force?

What's not in force?

Assignment and succession to agricultural tenancies

Two classes of relatives

A wider class of relative

Near relatives

Near relatives are:

1. A parent of the tenant
2. A spouse or civil partner of the tenant
3. A child of the tenant
4. A grandchild of the tenant
5. A brother or sister of the tenant
6. A spouse or civil partner of such a brother or sister
7. A child of a brother or sister of the tenant
8. A grandchild of a brother or sister of the tenant
9. A brother or sister of the tenant's spouse or civil partner
10. A spouse or civil partner of such a brother or sister
11. A child of such a brother or sister
12. A grandchild of such a brother or sister

Restricted grounds of objection:

1. That the person is not of good character
2. That the person does not have sufficient resources to enable the person to farm the holding with reasonable efficiency
3. That the person has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable the person to farm the holding with reasonable efficiency

Landlord's improvements

Diversification

The tenant's amnesty

Procedure and common misconceptions

Rent

Relinquishment



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F +44(0)1224 623 103

- **Tom Oates** – Land Agent

Experience

Partner in Youngs RPS based in the Alnwick office

Experienced in tenancy work on both sides of the Border

Approved AMC Valuer

RICS Approved Valuer

Auctioneer

Amnesty for Tenant's Improvements

Tom Oates BSc (Hons) MRICS

YoungsRPS
Russell House
Alnwick
Northumberland
NE66 1HB



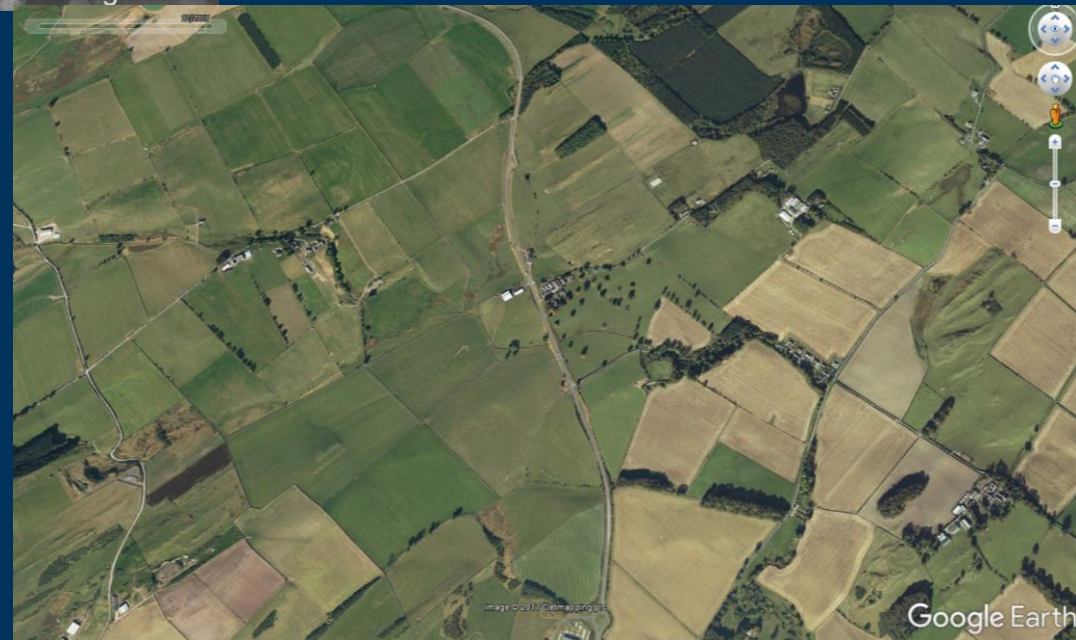






1945

2007





Fences, dykes.

Rural Payments and Inspections Directorate



Map 1 of 2

Land Parcel System Version Date : 09 July 2013

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/// areas granted with cattle

— dykes topped by tenant

- - - dykes made stockproof by tenant

— fence by tenant

- - - scare fence by tenant

△ cattle handling pens

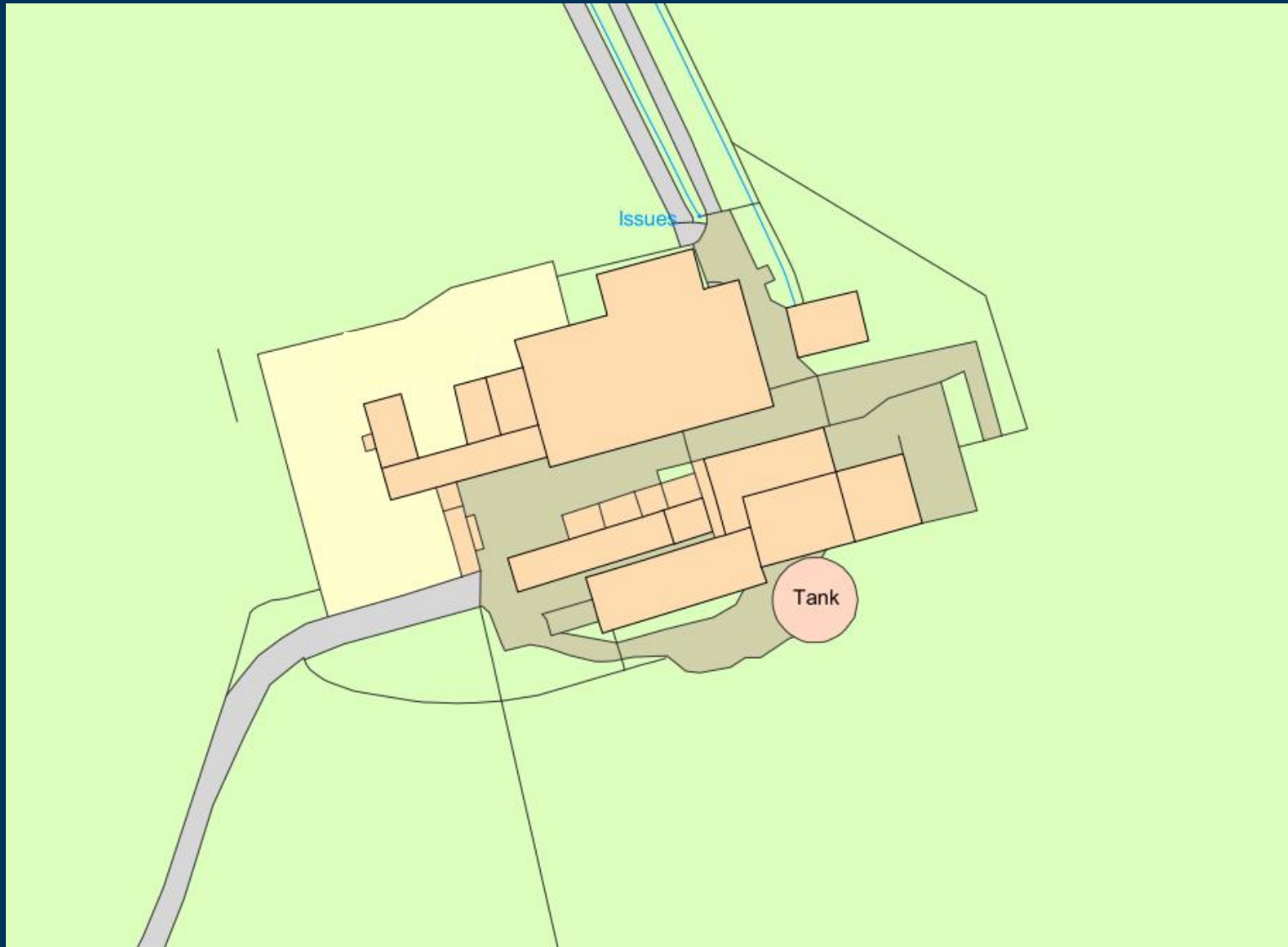
+ + + dykes topped 50:50 with neighbour

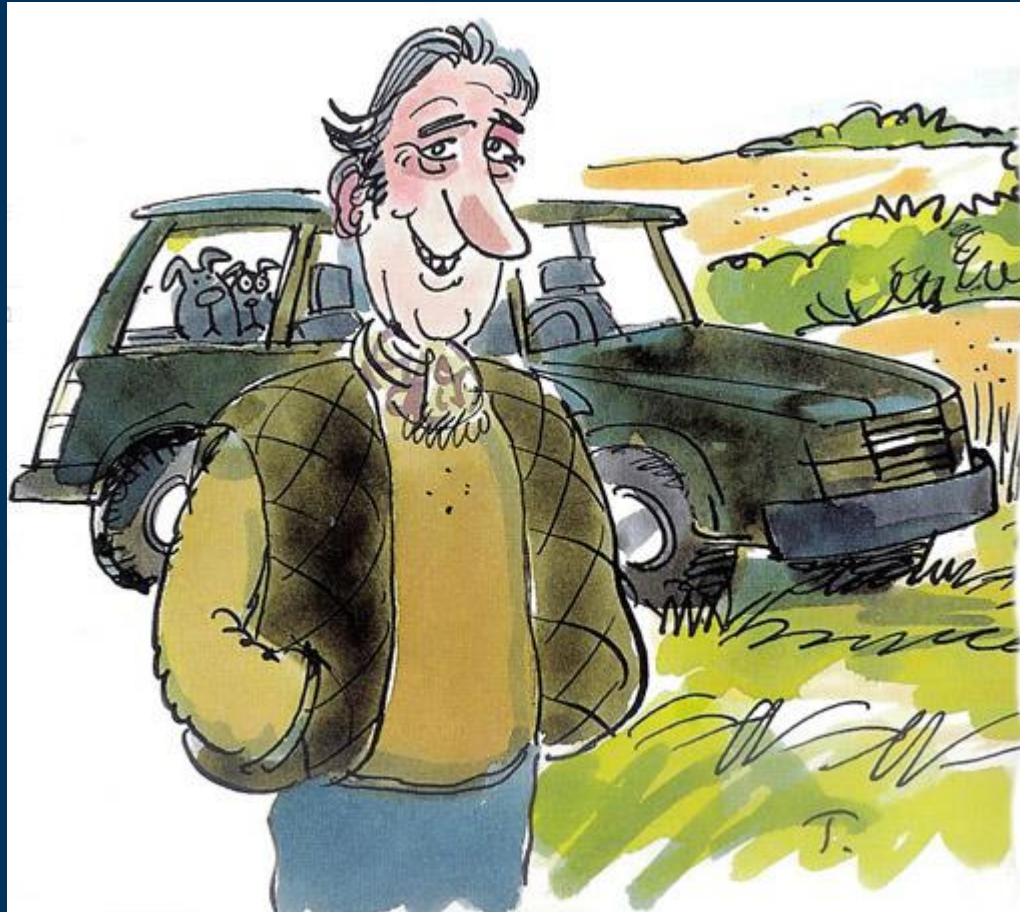
- + - + dykes made stockproof 50:50 with neighbour

+ + + fences 50:50 with neighbour

Counter	Land Parcel Identifier	Area(ha)
1	NX4143730305	2.78
2	NX4185608517	4.21
3	NX4187596756	8.58
4	NX41696036384	11.17
5	NX4173036305	0.53
6	NX41838637853	12.98
7	NX4183566547	13.42
8	NX41846037893	2.25
9	NX42069037744	11.63
10	NX4210936915	11.25
11	NX42198037479	11.39
12	NX4220036386	14.47
13	NX4236037255	10.84
14	NX4239236797	9.95
15	NX4243036972	12.19
16	NX42439037783	0.24
17	NX4249437592	6.25
18	NX42528037085	5.82
19	NX4258936702	4.11
20	NX4261136135	9.93
21	NX42634036300	8.65
22	NX4265537492	6.06
23	NX42708037871	8.45
24	NX4272836951	4.71
25	NX4280037208	11.23
26	NX4285036453	4.85
27	NX43077037346	5.96
28	NX4309136960	9.95
29	NX4312335778	9.57
30	NX4312336471	2.58
31	NX4317335375	2.84
32	NX4319535520	26.51
33	NX4326836814	7.34
34	NX43271037421	2.08
35	NX4329336162	18.91
36	NX4337237209	4.27
37	NX4337708674	4.16
38	NX43519037046	8.07
39	NX4360835853	17.64
40	NX4363106178	0.23
41	NX4364836549	24.25
42	NX4382435569	29.02
43	NX4394039498	14.29
44	NX4399036189	24.2

Total Area: 419.81 Ha









COREY AMARO



Land Reform (Scotland) Act 2016

2016 asp 18

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THE COMMISSION

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Agreements made during amnesty period

117 Amnesty agreements

- (1) Where no compensation is payable for a relevant improvement under section 34 of the 1991 Act or, as the case may be, under section 45 of the 2003 Act because a relevant requirement has not been met, the landlord and tenant may nonetheless enter into an agreement in writing during the amnesty period (an "amnesty agreement") that the landlord will compensate the tenant for the improvement on the tenant quitting the holding at the termination of the tenancy.
- (2) Section 53 of the 1991 Act and section 59 of the 2003 Act do not apply where an amnesty agreement has been entered into.
- (3) The amount of compensation payable under an amnesty agreement must be as set out in section 36 of the 1991 Act or, as the case may be, in section 47 of the 2003 Act.
- (4) In subsection (1) a "relevant requirement" is a requirement, imposed by virtue of Part 4 of the 1991 Act or by virtue of Chapter 1 of Part 4 of the 2003 Act, compliance with which would entitle a tenant to compensation under section 34 of the 1991 Act or, as the case may be, under section 45 of the 2003 Act.

Resolution of disputes

118 Arbitration and other dispute resolution

- (1) In the 1991 Act—
 - (a) in section 61 (agreement to refer matters to arbitration)—
 - (i) in subsection (1), after "this Act" insert "or section 116 of the Land Reform (Scotland) Act 2016",
 - (ii) in subsection (2)—
 - (A) "8(6)," is repealed,
 - (B) "39," is repealed,
 - (b) in section 61A(5) (arbitration: procedure etc.), after "this Act" insert "or of section 116 of the Land Reform (Scotland) Act 2016",
 - (c) in section 61B (clauses in leases as to resolution of disputes), after "under this Act" insert "or under section 116 of the Land Reform (Scotland) Act 2016".
- (2) In section 1(7A) of the Scottish Land Court Act 1993, for "or the Agricultural Holdings (Scotland) Act 2003" substitute ", the Agricultural Holdings (Scotland) Act 2003 or section 116 of the Land Reform (Scotland) Act 2016".
- (3) In the 2003 Act—
 - (a) in section 78 (agreement to refer matters to arbitration)—
 - (i) in subsection (1), after "this Act" insert "or by virtue of section 116 of the Land Reform (Scotland) Act 2016",
 - (ii) in subsection (2), for "section 21, 22 or 49(2)" substitute "section 21 or 22",
 - (b) in section 79(5) (arbitration: procedure etc.), after "this Act" insert "or by virtue of section 116 of the Land Reform (Scotland) Act 2016",

corbis.





"Nothing personal, Mr Knight, but I was hoping to speak to one of the others."

Contact Details:



Who:	Website	Phone:
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James Petty	www.bellingram.co.uk	01224 621 300
Martin Hall	www.drrural.co.uk	0131 449 6212
Tom Oates	www.youngsrps.com	07785 926 306
Farm Advisory Service	www.fas.scot	0300 323 0161

Thank You

