

Richard Lochhead, the [Cabinet Secretary for Rural Affairs and Environment](#) for the past six years, told a conference yesterday that “*the future of land tenure is one of the biggest issues facing the future development of rural Scotland*“. [Here is his speech in full](#). He was speaking at a National Farmers Union Scotland (NFUS) seminar entitled [A Vision for Land Tenure: 2020](#). (1)

In his speech he announced a new review of farm tenancy legislation.

Now this is interesting because the [Land Reform Review Group](#) (LRRG) has been given the task of coming up with radical proposals to take forward land reform but, in its [Interim Report](#) published last week, it said that it would be taking no further interest in land tenure as it affected Scotland’s tenant farmers (see my [previous post](#) for a fuller discussion). This was a shock to all those who had submitted evidence on the topic and particularly to tenant farmers many of whom, as the report noted, were “*fearful of speaking at open meetings, or even of putting their concerns on paper, because of possible recriminations should their landlord hear they were expressing these views in public.*” They thus (mistakenly as it happens) placed some faith in this independent review of land reform to address their concerns. Yesterday, Mr Lochhead announced a separate review of agricultural tenancies.

All of which is rather confusing. The rationale for a separate review was that two separate reviews were promised in the SNP election manifesto in 2011. The relevant part of Lochhead’s speech is as follows.

11. This event is very timely, because we are at an important stage of the government’s work in this area.

12. That work includes two separate reviews, as set out in our election manifesto back in 2011.

13. The first review is the one being run by the Land Reform Review Group, who recently published their interim report.

14. That report set out a range of areas to be investigated more fully during the next phase. The group’s intention is to collect more evidence, by speaking to those involved at the heart of those issues, before presenting recommendations to the Scottish Government.

15. Meanwhile, the government has also been committed to a separate review of farm tenancy legislation.

He then continues,

22. However there’s one thing I can make clear even today.

23. We were always committed to two separate reviews, and now the Land Reform Review Group has decided to focus on other issues for the remainder of their work.

24. So I want to confirm today that all the issues on farm tenancies raised during the Land Reform Review Group’s work will not be lost. They will be carried forward and looked at very carefully in the farm tenancies review.

I have read the [SNP election manifesto](#) carefully and the topic is covered on page 39. It states that,

“We will amend the Agricultural Holdings Act to support tenant farmers and will work to encourage new entrants. We also believe that when a farm business is being passed from one generation to the next it should be easier for the successor to build a home on the farm where required.”

So no mention of a review there – simply a clear commitment to amend the legislation which most Governments do by holding a consultation, drafting legislation and introducing a Bill to Parliament. (see UPDATE below)

On the same page, under the heading “Land Reform” it states that,

“We believe it is time for a review of Scotland’s land reform legislation. For example, we believe the current period for three months for communities to take advantage of their right of first purchase is too short, and we would wish to see it extended to six months. We will establish a Land Reform Review Group to advise on this and other improvements which we will legislate on over the course of the next five years.”

Scotland’s land reform legislation is the body of statute that emerged from the work of the Land Reform Policy Group chaired by Lord Sewel from 1997-1999. it is all laid out on the [Scottish Government’s website](#) and it includes the question of agricultural holdings legislation which also formed an explicit part of the remit of the LRRG ([Annex A here](#)).

So the LRRG is the **only** “Review” that was promised in the manifesto. (although see UPDATE 1427 hrs below – there is a 2nd review but it is tightly defined)

The task of the LRRG is to “review Scotland’s land reform legislation“.

Why, then has the LRRG dropped this topic and why is the Minister misleading us by suggesting that “we were always committed to two separate reviews“? when they were not?

Why, if farm tenancies were indeed “always” to be the subject of a separate review, was this not made clear at the beginning of the LRRG process?

Why, if farm tenancies were “always” to be the subject of a separate review, were tenants led to believe that the LRRG would be considering these issues, were encouraged to provide evidence and indeed were involved in face to face meetings in the field?

Did Scottish Ministers exert any influence over the LRRG to drop any further consideration of farm tenancies?

Land reform is an integrated programme of work designed to do four things.

1. reform land tenure
2. redistribute land
3. provide a fiscal framework for land & property
4. establish appropriate governance arrangements for land relations

That, more or less, is what the Land Reform Policy Group did in 1977-1999.

Why is the Scottish Government messing around with this issue and passing one of the most pressing land reform issues to another as yet unknown review process to be announced “*after the summer break*“?

What on earth is going on?

(1) two of the presentations given at the seminar are available – [Phil Thomas](#), Chair of Tenant Farming Form and [Clive Phillips](#) of Brodies, Solicitors.

UPDATE 1427 hours 29 May

I am wrong in claiming that there was only one review promised in the manifesto. There was in fact a second one in the “Farmign manifesto” but it is restricted as outlined below)

Richard Lochhead has responded to my blog [on twitter](#) by claiming that “*commitment was in our farming manifesto & was welcomed by tenant farmers*”

I must admit I forgot that the SNP had a [farming manifesto but here it is](#).

Point 15 on page 2 seems to be what Richard is referring to and it states that “*We will work with the sector to increase the amount of land available for rent and bring in the legislative changes already proposed and review the effectiveness of the amended act within 18 months.*”

This refers to the [Agricultural Holdings \(Amendment\) \(Scotland\) Act 2012](#) which received Royal Assent 12 July 2012

The review promised in the farming manifesto is **only of this amended Act** and this act alone.

This review then does not address the many issues tenant farmers raised with LRRG and the manifesto said intended that it would.

The question remains (an extra one now actually)

Why is LRRG no longer looking at this?

Is the manifesto review (the point 15 one) going to be wider than it said it would be?