

A Vision for Land Tenure 2020

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This presentation includes personal views which may not necessarily reflect those of any organisation with which I have an association.

Land Tenure

- Land tenure and land ownership are not the same thing.
- Land tenure systems determine who can use what land or other resources for how long and under what conditions.
- Tenure may include:
 - Private tenure (ownership)
 - Leased tenure (tenanting)
 - Communal tenure (members of the community have rights)
 - Open access tenure (no one is excluded from having rights)
 - State tenure

Land Tenure and Land Use

- Land use is a key to societal success in terms of:
(a) economics: (b) socio-economics: (c) ecological-economics: (d) political-economics.
- Land use is thus of central importance in all societies.
- Land use is always a consideration in public policy.
- **Questions:**
Do land tenure and land use equate as the same thing?
Are policy objectives in land use inhibited by the prevailing systems of land tenure?

Models of Land Tenure

Extreme Model

All land held by one person either on a market or totalitarian basis

State Ownership



Non-Market Model

Each citizen holds a share of land on a philanthropic or community basis.

Liberalisation
of Markets



Market Model

Land tenure determined by a market-based system but with society-acceptable tenure systems and land access.

Community
Protection



Points of Note

- There is no single ubiquitous model of land tenure.
- The model adopted can vary between states and within between regions.
- In a democracy, it is ultimately determined by the collective will of the people.
- **BUT** liberal democracies generally embrace the UN and/or European conventions on human rights.

Thus land tenure systems reflect a democratic balance between individual rights and the rights of communities and/or the State.

Scottish Land Tenure System

- Based on more than Acts of Parliament (Agricultural Holdings Acts).
- Includes provisions for specified contracts between tenants and landowners.
- Seeks to set out in law tenants and landowners rights and responsibilities.
- Incorporates processes for determining disputes.
- Can be further modified by step by step legislation.
- It can prove relatively complex in operation.
- It can be challenged by rapidly developing land use change.

Tenant Farming Forum

Who's around the table? STFA, NFUS, SLE, RICS, SAAVA: Scottish Law Society and Scottish Government attend.

Established post-2003 with the purpose of:

- Providing a representative forum to build consensus.
- Contributing to an understanding of the significance, and the practical implications of legislation.
- Raising awareness of issues that may act as impediments.
- Formulating views and opinions on developing 'best practice'.
- Consulting and liaising with government.
- Visioning how the future of the sector can be assured.

Recent Legislative Involvements

Public Services Reform (Agricultural Holdings) (Scotland) Order 2011

- 'Two man' unit changed to 'viable unit'.
- Provisions for post lease agreements.
- Reduction of minimum term of LDT.
- Conversion of SLDT to LDT.
- Provisions for fixed equipment.

Agricultural Holdings (Amendment) (Scotland) Bill 2012

- Extension of 'near relative' to include grandchildren.
- Upward only rent reviews.
- VAT rate changes.

Topics Being Addressed

TFF has taken a route map approach to understanding the barriers to progress and to seek solutions.

- Rent reviews
- Dispute resolution
- Equipment and repair issues
- Waygo arrangements
- Investment
- Diversifications, including forestry
- Succession and Assignations
- (New Entrants)

The primary purpose of the TFF is to help to promote a healthy farm tenanted sector in Scotland.

The **TFF vision** is for a sector in which:

- Prospective tenants can gain access to land.
- There is mobility both for retirements and new entrants.
- There is mutual understanding, respect and agreement between tenants and landowners.
- There is a minimum of uncertainty about the security of each party's interests.
- There are sustainable outcomes for both tenant and landowner, as well as for the land, buildings and environment they hold in trust.

As we face the gathering storm arising from population growth, climate change, energy supply and issues of food security!



In Scotland we are trying to see some blue sky!





That's All Folks!

Trend in Scottish Tenancies

