

Scottish Tenant Farmers Association News Release

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STFA calls for the sale of a £25m Highland sporting estate to be put on hold

The Scottish Tenant Farmers Association is calling for the sale of a Highland sporting estate to be put on hold until the concerns of tenant farmers who stand to be deprived of their statutory right to buy on the estate can be addressed.

Billed as the most expensive sporting estate ever to be marketed and described as the “ultimate utopia for the passionate sportsman”, the Tulchan Sporting Estate Limited, owned by the Litchfield family, has recently appeared on the market with a price tag of £25m. However, although the glossy brochure extols the superlative advantages of this “sporting and wildlife paradise” it barely mentions the existence of a number of let farms whose tenants will not be able to take advantage of the pre-emptive right to buy enjoyed by tenants on other estates due to a loophole in the legislation.

As far back as 2002, STFA pointed out to the government that if the land being offered for sale was owned by a company, the sellers could legally avoid the tenants’ pre-emptive right to have first refusal over the land even if they had registered their interest in buying the land with Registers of Scotland. Tulchan Estate is owned by a limited company and it is the company which is for sale rather than the land itself, thus avoiding the pre-emptive right to buy.

Commenting on the situation STFA Director, Angus McCall said; “Although this sale is being conducted within the letter of the law it is deeply disappointing that the sellers seem to be ignoring the spirit of the law in Scotland which allows a tenant with a secure tenancy to have the right of make an offer for his farm if the landlord decides to sell. STFA has raised this issue over the years and the recent Agricultural Holdings Review group recommended that this loophole be closed. To date the Scottish Government has failed to tackle this glaring omission.

“STFA is now calling for the sale of Tulchan Estate to be halted until the plight of the 5 tenants on the estate has been addressed. It is an appalling state of affairs that the Tulchan tenants are being denied a right afforded to other tenants and a say in their future just because of the structure of ownership and a flawed legal technicality. STFA has raised the issue with the government farm tenancy adviser Andrew Thin in an attempt to delay the proposed sale of Tulchan Estate to allow negotiations to take place between the landlord’s agents and the tenants.

“It is expected that Andrew Thin will be contacting the tenants concerned with a view to brokering discussions about the future of the tenanted farms. It would appear that the selling agents have also expressed a willingness to speak to the tenants and discuss alternative options. STFA has welcomed these moves but will be keeping a watchful eye on developments and assisting the tenants to reach agreements which will safeguard their future security and the viability of their businesses.

“This whole episode flies in the face of the intention of the Land Reform Act to simplify the pre-emptive right to buy process and make it easier for tenants to buy their land by including provisions which remove the need for tenants to register their interest in land in order to qualify for a right of pre-emption. STFA will be pressing government to take steps to close this and other legal loopholes but, in the meantime will be recommending that codes of practice be drawn up to ensure that any tenant farmer who is not able to exercise his right to buy through a technicality, either is given the opportunity to offer for his land or at the very least receives suitable recompense and fair treatment if and when his farm is being sold.”

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