Tenant Farming Advisory Forum (TFAF)

20th August 2026

Shepherd & Wedderburn, 9 Haymarket Square, Edinburgh

Present: **Actions:**

Rob Black	Tenant Farming Commissioner (Chair)	TFC
Jessie O'Shaughnessy	Scottish Government (SG)	JO
Fiona Leslie	Scottish Government (SG)	FL
Helen Mooney	Scottish Government (SG)	HM
James Muldoon	Scottish Government (SG)	JM
Peter MacDougall	Scottish Land Commission (SLC)	PM
Hamish Trench	Scottish Land Commission (SLC)	HT
Mike Russel	Scottish Land Commission (SLC)	MR
Ellen Grant	Scottish Land Commission (SLC)	EG
Stephen Young	Scottish Land and Estates (SLE)	SY
Jackie McCreery	Scottish Land and Estates (SLE)	JMC
Christopher Nicholson	Scottish Tenant Farmers Association (STFA)	CN
Mike Halliday	Scottish Tenant Farmers Association (STFA)	MH
Duncan McAlister	National Farmers Union Scotland (NFUS)	DM
Rhianna Montgomery	National Farmers Union Scotland (NFUS)	RM
Emma Robertson	Agricultural Law Association (ALA)	ER
Catherine Telfer	Agricultural Law Association (ALA)	CT
Martin Hall	Scottish Agricultural Arbiters' & Valuers' Association (SAAVA/CAAV)	MHA
Rosanna MacKessack-Leitch	Royal Institute for Chartered Surveyors (RICS)	RL

Apologies:

Jeremy Moody	Central Association for Agricultural Valuers (CAAV)	JMO
Heather Bruce	Agricultural Law Association (ALA)	HB
Sarah Jane Laing	Scottish Land and Estates (SLE)	SJ
James Bowie	Royal Institute for Chartered Surveyors (RICS)	JB

1. Welcome and apologies.

TFC welcomes all within first in-person TFAF meeting of 2026. The meeting commenced with a round of introductions to new and visiting TFAF members – MR, EG, CT, RL, MHA, DM

A vote of thanks was recorded to Andrew Wood and Mark Fogden for their contribution to the TFAF.

2. Minutes of last meeting

The minutes of the last meeting held on 31st March 2026 were circulated in draft format prior to the meeting. No further amendments were made therefore the minutes were approved. The minutes will now be finalised and placed on the SLC website.

3. TFC Update

TFC and PM provided an update on progress and developments within the TFC office:

3.1 Expansion of resources within TFC office

TFC noted the newly created role of Tenant Farming Officer (TFO) has been appointed to EG to assist TF office with operations and development. The TF office has also received a new digital shared filing system that will improve efficiencies and data recording. A new useful resource for both tenants, landlords and agents is now available - the Tenant Farming Helpline - on the SLC website. **Action - The TFC encouraged all TFAF to direct contacts to use the Helpline.**

3.2 Summary of Casework

PM gave a summary of casework from the first quarter of 2026. He noted case numbers compared to Q1 2025 were relatively the same and rent review remains to be the case theme of ongoing majority. Assignation of tenancies is a theme of increasing interest as questions are being raised over confidence surrounding fulfilling new

entrant opportunities. **Action: PM to include quarterly figures with the minutes when circulated** *(see Table 1 and Table 2).*

3.3 Increasing TFC profile/ reach

PM described the importance of reaching tenants and landlords that are not associated with member bodies and/or not active online. TF office identifying opportunities to engage with sector both online and in-person -i.e. promotion at events and stakeholder collaborations.

3.4 Spotlight cases

PM highlighted 2 different cases with 1 common concerning theme: where both tenants were told not to seek advice and share content from correspondence to 3rd parties. TFC raised the question of how many tenants are not seeking help and advice because of this issue/ pressure? TFAF was asked to consider the issue:

CN noted that STFA has also received cases where there has been similar misleading information shared to other party.

It was identified that more information relating to both cases would be useful but strict barriers of confidentiality are limiting. PM noted that permission is required from tenants before releasing further details relating to the case. **Action – PM will seek permission from tenants to enable JMC to look into the 2 specific cases.**

General agreement was reached condemning this type of behaviour **Action – JMC to raise a note for SLE members on landlord practice. Action – MH, STFA potentially do the same, both to ask members for feedback.**

TFC specified again the importance of the Tenant Farming Helpline to parties in similar cases as it provides confidential and impartial support. **Action – All TFAF, signpost contacts to the Helpline.**

4. Update on Land Reform Bill

Fiona Leslie - Not met ministers yet. Due to meet them in early September to agree draft timetable for implementation.

She noted that there is challenge/threat of other implementation affecting this process significantly. It is clear that there is tension over the volume that the committee has to get through – there are 39 regulating powers in Part 2. Rent review and repairing tenancies is going to be challenging.

MR updated TFAF on plan to appoint the Land and Communities Commissioner in Q1 next year. It is SLC's first priority that the act is implemented and so on with do very best in delivering it.

It was confirmed that there would be no opportunity for members to put thoughts on priorities for implementation to Scot Gov, but will use time limited working groups to assist.

MHA noted that there is a great deal of uncertainty in the sector due to implementation not having commenced. General consensus from room that a priority list of Part 2 implementation would be beneficial however, FL stated that a meeting with ministers must be held first. Furthermore, FL states to SG is keen to engage with sector and that there will be an expectation for stakeholders to give evidence on issues to forward work within implementation. **Action – ALL, identify appropriate individuals across organisations that will engage with SG over implementation. Identify evidence of issues to raise.**

5. TFAF Charter and Next Steps

TFC asks for consensus on the final draft of the TFAF Charter that was circulated prior to the meeting – All agree.

One addition is required to the Charter: describing how membership organisations gather the information and messages from its members that are brought forward to TFAF. **Action - JMC contact TFC regarding context to edit into draft.**

Action – SLC to create final draft design of TFAF Charter.

TFC opens further discussion by stating the need for TFAF members to 'adopt' the Charter and therefore support the sector. It is discussed that in doing so TFAF should showcase its impact at directing course of the tenant sector by having data and evidence there ready to use. TFAF is asked what data is already available. **Action – ALL to identify data and collection methods relative to the sector that can be shared. Share at next TFAF meeting.**

DM confirmed that NFUS has useful data and can share and contribute.

The question was asked on how SG would react and decision-make with tenant farming sector research and data. It was confirmed that it is entirely up to SG what is done with advice and research including decision-making.

FL states that in order to get SG action from research findings, research should follow the same model as the Economic Condition of Crofting: 2019 to 2022 Report. So SG can compare. Could also be less costly.

Taking discussion back to the Charter, in relation to Section 4, TFC highlights the inclusion of a balanced membership within TFAF. It was asked if there needs to be better representation from certain aspects of the sector, particularly new entrants. **Action – All TFAF, identify any gaps in TFAF membership.**

Relating to Section 6, JMC supports the effectiveness of TFAF meeting at a variety of locations. Visits to case studies 'in the field' would be beneficial. **Action – All TFAF seek recommendations and potential sites to visit as part of TFAF.**

6. Housing & Tenanted Sector

TFC raised the topic of Housing & Tenanted Sector in light of the Repairing Standard exemption applying to agricultural housing ending March 2027. Discussions and the Housing Paper from TFAF Feb 2024 meeting were revisited with TFC asking TFAF what actions have happened since and actions can be taken now to improve the situation.

A short discussion followed on about an outstanding issue reported from tenants during the council registration process – specifically that there is not accurate inclusion of agricultural tenants occupying farmhouses, threatening future compliance from 28th March 2027.

TFAF agree that Housing & Tenanted Sector/ Repairing Standard is an issue to explore and forward as a forum.

TFC highlighted that TFAF should go away from meeting and consider what could be done to further work. **Action – All TFAFLL, consider opportunities to find solutions. Discuss at next meeting.**

FL reiterates that TFAF needs to be in full agreement of proposed solutions before SG ministers can take forward – full support is required to place pressure on. **Action – JMC to work with Anna Gardner, look over Housing Paper 2024 and create a proposed agreement to forward to SG.**

MHA initiated another discussion in relation to agents facing issues when dealing with waygo valuations and housing improvements, with and without amnesty agreements. Members noted that uncertainty over the nature and extent of qualifying works, and the distinction between repairs and improvements, is already causing friction.

TFAF agreed that the creation of guidance would support valuers during the process, however, would not be a complete solution. The question was asked if SG could commission the guidance. **Action – ScotGov to confirm whether they can fund guidance by SAAVA on Waygo valuations.**

FL added that TFAF should consider the relation of grants into Housing context. She confirmed that to qualify for housing related grant subsidy, the house must be at substantial state of repair.

7. Repairing Tenancies

JMC opened this item with a review from looking back at the parliamentary process regarding repairing tenancies.

Firstly, a mention was made around the alternative options within relinquishment as landlords are favouring not to lease back out farms. Linking tenancies to funding, particularly to new entrants is an opportunity. It was noted that making types of duration tenancies more flexible in terms of repairing leases would also be good.

JMC stated the benefits and challenges to Repairing Tenancies:

a. principal of the model is good;

b. Lending: a 35-year term is favourable to banks and may make loans easier to secure. However, new entrant tenant farmers may still struggle to obtain finance because they lack assets acceptable as security.

c. but the 5year repairing period realistically may be too short for extensive repairs, however this is just the minimum period and parties can agree longer.

d. 35year commitment may be too long for some landlords and tenants, i.e. middle- aged farmer. Entrants may be more inclined to agree alternative contracts.

e. Tax is an issue

The finance and securities issue, linked back to issues raised in 6. Housing & Tenanted Sector discussions surrounding waygo valuations and extent of tenant improvements affecting basis of loan securities. It was highlighted that the issue of valuation at the end of tenancy should be resolved.

Examples of poorly dealt with waygos are arising. The problem is deterring tenants from doing investments into MLDTs and LDTs. The threat of waygo related disputes and Land Court makes tenants chose to end tenancies with nothing.

TFC stated that it is important for TF office to have these cases brought to them and recorded. To understand the extent of the issue.

FL highlights that before any work is done to develop Repairing Tenancies, rent review implementation must be done first, but the intention is to implement repairing tenancies.

Discussion followed regarding issue of community groups managing tenancies poorly due to lack of knowledge and understanding of ag holding legislation before and during ownership. CN noted that charity-based community groups have tax exemption. **Action – FL, TFC, PM discuss this community groups – tenancies issue in separate meet.**

8. AOB

8.1 Tulchan Estate

CN raised point ongoing at Tulchan Estate. The sale of the estate presents a strong example of bad practice in land ownership/sale; exemption to tenants on right to buy, no communication to tenants regarding sale/ new landlord, tax avoidance, no ongoing opportunities etc.

TFAF agreed 2 parts to this issue: 1. A potential gap in policy/legislation 2. Failure in best practice of land ownership

Before further actions taken, TFAF agreed to gain solid facts on situation to ensure the known situation is the true situation. **Action – HT contact agent/ factor to understand current ownership status of Tulchan.**

Tulchan discussion was concluded by noting that Scot Gov is actively looking at how the issue of sale of share circumventing tenants' right to buy can be addressed in Scotland, despite company law being reserved.

8.2 Arbitration update

MHA asks if there are any updates on arbitration. FL responds that there is something in development in relation to arbitration. It was also stated on behalf of SG that it is their clear advice that mediation must involve using professional accredited and qualified mediators. **Action – HB, speak about alternative dispute resolution at next TFAF meeting.**

8.3 Conflict of interest during legal representation

Final AOB presented the 'growing' issue received by several members where a conflict of interest arises when the tenant and landlord have the same legal representation (whether same professional individual or legal firm).

CN stated that it is becoming more difficult for tenants to find legal representation due to the issue – partly because it will be mostly the tenant that will lose solicitor over the landlord during a conflict of interest.

The discussion followed that there have been examples where the legal process has gone on a significant time before the conflict of interest has been raised forth. ER confirmed that adhering legal firm policy, the conflict of interest should not be happening at such late stage. However, it was concluded that despite firm policy, cases following this theme remain to be happening. TFAF discussed that parties involved within this type of issue, should report it to the Law Society.

9. Date of Next meeting

End of Nov proposed. **Action - Decide within next 2 weeks from 20th Aug Meeting.**

Summary of Actions

3.1 Action - The TFC encouraged all TFAF to direct contacts to use the Helpline.

3.2 Action: PM to include quarterly figures with the minutes when circulated.

3.4 Action – PM will seek permission from tenants to enable JMC to look into the 2 specific cases.

Action – JMC to raise a note for SLE members on landlord practice.

Action – MH, STFA potentially do the same, both to ask members for feedback.

Action – All TFAF, signpost contacts to the Helpline.

4. Action – All TFAF, identify appropriate individuals across organisations that will engage with SG over implementation. Identify evidence of issues to raise.

5. Action - JMC contact TFC regarding context to edit into draft.

Action – SLC to create final draft design of TFAF Charter.

Action – All TFAF to identify data and collection methods relative to the sector that can be shared. Share at next TFAF meeting.

Action – All TFAF, identify any gaps in TFAF membership.

Action – ALL seek recommendations and potential sites to visit as part of TFAF.

6. Action – All TFAF, consider Repairing Standard opportunities to find solutions for tenanted sector. Discuss at next meeting.

Action – JMC to work with Anna Gardner, look over Housing Paper 2024 and create a proposed agreement to forward to SG.

Action – ScotGov to confirm whether they can fund guidance by SAAVA on Waygo valuations.

7. Action – FL, TFC, PM discuss this community groups – tenancies issue in separate meet.

8.1 Action – HT contact agent/ factor to understand current ownership status of Tulchan.

8.2 Action – HB, speak about alternative dispute resolution at next TFAF meeting.

9. Action - Decide date for next TFAF meeting

Agenda:

Item no.	Item	Lead
1	Welcome and Apologies	Rob Black
2	Minutes of Last Meeting	Rob Black
3	Tenant Farming Commissioner Update	Rob Black/Peter MacDougall
4	Update on Land Reform Bill	Fiona Leslie/James Muldoon
5	TFAF Charter & Next Steps	Rob Black
6	Housing & Tenanted Sector	Rob Black
7	Repairing Tenancies	Jackie McCreery
8	AOB	All
9	Date of Next Meeting	All

Paper 1: TFAF Charter – Note for Agreement & Next Steps

1. Agreement of the TFAF Charter

Members are asked to agree the Charter as the core foundational document for the Tenant Farming Advisory Forum.

The Charter is intended to remain a living document and may be reviewed and updated as the Forum develops, including where opportunities are identified to strengthen its operation, improve its provisions, or address issues arising through practical experience.

Following agreement of the core Charter, an amendment procedure will be developed. Any substantive amendment to the Charter should be considered by the Forum collectively and agreed on a majority basis.

Members are therefore invited to agree and sign the current version of the Charter as the Forum's foundational document. A professionally designed version will

subsequently be prepared for publication; this will not prevent the agreed version taking effect in the interim.

The TFAF Charter is attached.

2. Next Steps for TFAF

Agreement of the Charter provides an opportunity for members to consider how TFAF should develop its work programme and make best use of the Forum.

TFAF should provide a space not only to discuss current issues affecting the tenanted sector, but to identify areas where the collective knowledge, representation and influence of its members can help develop evidence, improve understanding and support practical outcomes.

Members are therefore invited to consider the subjects and activities which TFAF should take forward over future meetings.

These could include:

• priority topics or emerging issues affecting the tenanted sector which require further consideration;

• areas where additional evidence or research is required;

• potential research projects which TFAF could initiate, commission or support;

• opportunities to identify or pursue funding for relevant research or other work;

• individuals or organisations who could be invited to present evidence, research or experience to the Forum;

• engagement with other sectors, organisations or policy areas where their work intersects with agricultural tenancies;

• meetings with relevant stakeholders, decision-makers, researchers or practitioners;

• opportunities for site visits or meetings outside the normal Forum setting where seeing an issue in practice would improve members' understanding;

• areas where TFAF could facilitate collaboration between member organisations; and

• potential outputs from TFAF, including research, evidence papers, recommendations, guidance or other practical work.

This does not require the Forum to determine a complete work programme at this meeting. The intention is to begin identifying priorities and opportunities which can then be developed into a manageable forward programme of work.

3. Discussion and Decisions Sought

Members are asked to:

A. Agree the TFAF Charter as the Forum's foundational document.

B. Agree that an amendment procedure should be developed to allow the Charter to evolve where required.

C. Identify initial priorities, topics and opportunities which members believe TFAF should consider as part of its future work programme.

D. Consider the types of activity TFAF should use to progress its work, including research, external speakers, stakeholder engagement, site visits, collaborative projects and other appropriate approaches.

Members may also wish to identify subjects which require further consideration within their own organisations before being proposed formally for inclusion in the TFAF work programme.

Paper 2: Housing and the Tenanted Sector

1. Purpose of this Paper

Housing within the tenanted agricultural sector has previously been considered in some detail by the Tenant Farming Advisory Forum (TFAF), including substantive discussion in February 2024.

With the Forum now taking a more structured approach to identifying and progressing strategic issues affecting the tenanted sector, and with the Repairing Standard applying to agricultural housing from March 2027, it is considered appropriate to revisit this work.

The intention is to build upon, rather than repeat, the work previously undertaken by TFAF.

The purpose of discussion at this meeting is not to reopen previous debates or attempt

to identify solutions. Members are instead asked to consider what has happened since

the previous work, what issues remain or have subsequently emerged, and whether

further collective work by TFAF would be beneficial.

2. Context and Previous Consideration

Housing forms an integral part of many agricultural holdings and sits within a more complex legal and practical framework than conventional residential letting.

From 28 March 2027, the Repairing Standard will apply to houses within agricultural tenancies which have previously been excluded from its application. The principle that those living in agricultural housing should have access to an appropriate standard of accommodation was not disputed during TFAF's previous consideration.

The challenge identified by the Forum concerned how housing requirements interact with agricultural holdings legislation and the respective rights and responsibilities of landlords and tenants.

In February 2024, TFAF considered a discussion paper on responsibility for upgrading houses within agricultural tenancies. This explored, amongst other matters:

- responsibility for different categories of housing within agricultural holdings;
- responsibility for undertaking and funding required works;
- landlord and tenant improvements, compensation and rent;
- access to financial support;
- the interaction between agricultural and residential housing arrangements; and
- potential implications for the future availability of housing within let agricultural holdings.

Following the February 2024 discussion, provisional conclusions were circulated and the then Tenant Farming Commissioner subsequently prepared a summary of recommendations for further consideration by TFAF. While this demonstrated progress towards a possible sectoral position, it is appropriate to establish where that work ultimately reached and what action has taken place since.

With implementation now approaching, there is an opportunity to establish what progress has been made, what issues remain unresolved and whether further work is required.

3. Taking the Work Forward

If members agree that TFAF should continue this work, it is proposed that no substantive conclusions or solutions are sought at today's meeting.

Instead, members are invited to consider:

• what work has been undertaken by their organisations or others since the previous TFAF consideration;

• whether developments in legislation or policy have changed the position;

• what practical, financial or legal issues remain unresolved or are now anticipated;

• what further evidence, research or clarification may be required; and

• whether there are potential approaches or options which should be investigated further.

Consideration may also be given to what expertise, engagement or resources would assist this work, including whether TFAF should engage with relevant Government teams, professional advisers, researchers or other organisations.

The intention would be to establish an agreed scope for further work, allowing evidence and potential options to be properly considered before the Forum seeks to reach conclusions or make recommendations.

4. Discussion and Decisions Sought

Members are asked to consider:

A. Does TFAF agree that further work on housing and the application of the Repairing Standard should be taken forward, building upon the work undertaken in 2024?

If agreed:

B. What has happened since TFAF last considered the issue, and what outstanding or emerging matters require further consideration?

C. What evidence, expertise, engagement or research is required to support that work?

D. What actions should be undertaken between this meeting and the next meeting of TFAF?

The intended outcome from this agenda item is an agreed direction and action plan for further work, rather than an agreed policy position or solution.

Table 1: Subject of casework contact:

Primary Issue	April	May	June	Total
General Legislation		3	0	3
Relinquishment			1	1
Rent Review	1	2	1	4
Waygo	2	1		3
Sporting	1		1	2
Assignation/ Succession	1	1	1	3
New Tenancy/Renewal	1			1
Irritancy			1	1
Other	1		1	2
Lease Terms	1		1	2
Fixed Equipment	2			2
Repairs and Maintenance			1	1
New Entrant			1	1
Resumption			1	1
Total	**10**	**7**	**10**	**27**

Table 2: Source of casework contact:

	April	May	June	Total
Tenant	6	4	6	**18**
Tenant's Agent	0	1	2	**3**
Landlord	1	0	1	**2**
Landlord's Agent	2	1	0	**3**
Third party	1	1	1	**3**
Community Group				
Total	**10**	**7**	**10**	**27**