



Scottish Land Commission
Coimisean Fearainn na h-Alba

RESOLVING TENANT FARMING DISPUTES

A practical guide to the Tenant
Farming Mediation Scheme

Helping landlords and tenants resolve disputes through independent, confidential mediation.

Disagreements between landlords and tenants can arise for many reasons. If left unresolved, they can become costly, time-consuming and place unnecessary strain on long-standing working relationships.

The Tenant Farming Mediation Scheme offers a practical, confidential way for landlords and tenants to resolve issues without going to court. It's designed to help both sides reach a fair and workable solution through independent mediation, saving time, reducing stress, and supporting constructive relationships.

The scheme is supported by the Scottish Land Commission through the Tenant Farming Commissioner and is designed to make mediation more accessible by providing access to an approved panel of mediators and financial support towards mediation costs. This guide provides practical information about the Tenant Farming Mediation Scheme and can be used as a step-by-step guide to your application.

This guide explains:

- ✓ What mediation is
- ✓ When mediation may be appropriate
- ✓ How the Tenant Farming Mediation Scheme works
- ✓ What support the Scottish Land Commission provides
- ✓ How to apply.





Did you know?

The Scottish Land Commission contributes up to **£1,000** (+VAT) towards the cost of each approved mediation through the Tenant Farming Mediation Scheme, helping to make mediation more accessible for both landlords and tenants.

What is mediation?

Mediation is a voluntary process where an independent, trained mediator helps both parties talk openly, understand each other's point of view, and agree a way forward. It's not about deciding who's right or wrong, it's about finding common ground. Mediation can be used to address a wide range of issues in agricultural tenancies, such as:

- Communication breakdowns or misunderstandings
- Disputes over repairs, maintenance or responsibilities
- Concerns about rent or lease terms
- Questions about waygo, succession or end-of-tenancy arrangements.

The mediator does not make decisions or impose an outcome. Instead, they help both parties discuss the issues openly, understand each other's perspective and work towards an agreed way forward.

Everything discussed during mediation is confidential unless the parties agree otherwise. Mediation can be used alongside professional or legal advice. Choosing mediation does not affect your legal rights.

Am I eligible for the scheme?

You can use mediation at any stage of a disagreement – early, before positions become entrenched, or later, when other routes haven't worked. It can be used alongside professional advice or legal guidance. Mediation is not a substitute for your legal rights, but it can help avoid formal dispute.

The scheme is open to:

- Landlords and tenants
- Agents acting on their behalf
- In certain circumstances, other relevant parties with an interest in the tenancy.

Many agricultural tenancies involve long-standing business relationships, often between families or businesses that have worked together for generations. While disagreements are sometimes unavoidable, they do not always need to result in formal legal proceedings.

Unlike a judge or arbitrator, a mediator does not decide who is right or wrong. Their role is to help both parties communicate more effectively, explore possible solutions and work towards an agreement that everyone can accept.

Mediation is often particularly effective because it not only helps resolve the immediate issue but can also improve communication and preserve working relationships for the future.

Through mediation, many landlords and tenants find that they are able to:



Improve their working relationships

Mediation can help landlords and tenants build respectful and sustainable working relationships.



Reach creative settlements

Unlike court, mediation gives parties the flexibility to explore creative solutions to a wide range of issues and outcomes.



Save time, money and stress

Mediation is typically faster, less costly and less stressful than litigation. It offers a more practical and supportive way to resolve disputes.



Have an equal say

Mediation is facilitated on a fair basis with no party having an advantage over the other.



Maintain confidentiality

Mediation is conducted under an obligation of confidentiality.



Have support from professionals

Valuers, land agents and agricultural consultants bring practical, objective insight into negotiations.

“As a process, mediation is far preferable to the Land Court and any process which encourages discussion, face to face, between the landowner and the tenant has got to be encouraged as most issues can be resolved face to face.” Tenant Farmer

Don't wait until problems become bigger

One of the most important factors in successful mediation is timing.

A significant number of Mediation Scheme applications are received by the Tenant Farming Commissioner after the relationship between the tenant and landlord has already broken down. It is common in this instance that more issues arise, deteriorating the relationship further and making dispute resolution harder to achieve.

The Tenant Farming Commissioner emphasises the value of open and constructive discussions between the tenant and landlord throughout a lease and when issues arise. Seeking advice and using methods such as mediation as early as possible can significantly improve outcomes.



How the scheme works

1

Consider if mediation is right for you

Review the scheme criteria to check your eligibility. See the “Am I eligible for the scheme?” section in this guide, or visit our website.

2

Contact us

We recommend that you contact the TFC team before starting an application to understand the process and confirm your eligibility. They'll help you understand whether mediation is suitable and answer any questions you might have about the process.

3

Submit an application

Download the application form from our website. Once completed it should be returned by email to: tfc@landcommission.gov.scot



4

Application assessed

You'll be informed whether your case can proceed under the scheme.

If you're not eligible for the scheme, you're still welcome to contact any mediator from the panel to discuss options privately (though these would not be funded).

5

Choose a mediator

If your application is accepted, you'll be invited to choose a mediator from the TFC panel of mediators and make arrangements directly with them. The mediator will then contact the parties, either directly or through their legal adviser or agent.

How do I find a mediator?

The TFC panel of mediators is a selected group of experienced, professional mediators with the skills and expertise to support and facilitate constructive discussions between parties in a dispute. Their role is to help parties work towards a resolution in a confidential, fair and impartial way.

Approved applicants to the Mediation Scheme are invited to select a mediator from the panel to support with the process and facilitate mediation sessions.





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Agree costs and terms

Mediators on the TFC's panel can claim up to £1,000 (+VAT) in funding from the Scottish Land Commission toward the cost of each approved mediation.

Parties taking part share the remaining cost equally and make payment directly to the mediator once terms are agreed.

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The mediation process

Once a mediator has been appointed and terms have been agreed, the mediation will begin. Every mediation is different and the exact process will depend on the nature of the dispute and the approach taken by the independent mediator. This might involve everyone meeting together, or the mediator speaking to each party separately.

If both parties reach an agreement, the outcome is normally recorded in a written settlement agreed by everyone involved.

Want to know more about the mediation process?

Our Guide to Alternative Dispute Resolution explains what happens during mediation, what you can expect and the different forms of dispute resolution.



Is mediation right for my situation?

To take part, all parties need to agree to a few simple conditions:

- You've tried to resolve the issue through constructive discussion and, where relevant, followed the Tenant Farming Commissioner's Codes of Practice or sought advice from the TFC.
- Everyone involved is willing to take part in good faith, prepare, and engage constructively.
- The parties agree to share the costs of mediation equally.

If you're unsure whether your situation meets these criteria, you can contact us for advice before deciding.

We recommend contacting the TFC team before you apply, to discuss your situation and eligibility for the scheme.

“Disputes can be stressful, expensive and time-consuming for the parties involved. Where legal and non-legal issues become intertwined, mediation can provide an effective alternative, giving landlords and tenants the opportunity to work towards their own practical solution with the assistance of an independent mediator, rather than having only the legal issues determined by a formal legal process.” Mediator

Ready to take next steps?

Disagreements don't have to end in costly or lengthy legal proceedings. The Tenant Farming Mediation Scheme offers landlords and tenants a confidential, independent and constructive way to work through issues together and find practical solutions.

If you're unsure whether mediation is right for your situation, we're here to help. The Tenant Farming Commissioner's team can talk you through the scheme, explain the eligibility criteria and answer any questions before you apply.

Contact us

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