

Less than two years left under amnesty for agricultural tenants

Tenant farmers across Scotland have less than two years left to consider if they have improvements to notify their landlord about, under the waygo amnesty.

The amnesty, introduced by the Land Reform Act (Scotland) 2016, started last June and runs until 2020. The amnesty

- allows tenants to rectify any outstanding issues around past improvements they've carried out, which should qualify for waygo despite missing notices or consents
- does not apply where the landlord objected to the original improvement notice or the improvement was carried out in a manner significantly different from the original notice
- may be essential when it comes to other aspects of the Land Reform (Scotland) Act 2016, particularly rent reviews and relinquishment of 1991 Act tenancies.

A Code of Practice, produced by the Tenant Farming Commissioner, Bob McIntosh together with bodies such as NFU Scotland, Scottish Tenant Farmers Association and Scottish Land & Estates explains how the amnesty works and how landlords and tenants work together in a fair and transparent manner to agree a definitive list of tenants improvements which may be eligible for compensation at waygo

Mr McIntosh said, "With only two years remaining of the amnesty, I urge all tenants to decide as soon as they can whether to use it - or not. It can take a bit of time to pull together all the evidence tenants may need to submit through an amnesty notice, so it's best not to leave it too late.

"The amnesty is a one-off opportunity for tenants to ensure that past improvements are eligible for compensation at waygo."

The definition of an improvement is broad and includes any buildings including houses and cottages. It also includes improvements to

- land such as ditches, drainage, removal of stones and other obstacles to cultivation
- field boundaries
- access improvements

The amnesty notice must set out the details of the improvement and why it is fair and equitable for compensation to be payable at termination of the tenancy, even though the correct procedure may not have been followed at the time the improvement was made.

To aid tenant farmers and landlords with the amnesty process CAAV and SAAVA have developed model forms of a Tenancy Agreement and an example of how to list and describe items to include as a schedule in the Agreement. The model forms can be found on the Land Commission's website www.landcommission.gov.scot/tenant-farming.