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Rural Economy and Connectivity Committee Comataidh Eaconomaidh Dùthchail is Co- cheangailteachd

Subordinate legislation considered by the Rural Economy and Connectivity Committee on 27 January 2021



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Rural Economy and Connectivity Committee

Remit: To consider and report on matters relating to the rural economy within the responsibility of the Cabinet Secretary for the Rural Economy and Tourism and matters falling within the responsibility of the Cabinet Secretary for Transport, Infrastructure and Connectivity.



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Scottish Liberal
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Executive summary

1. This report details the Rural Economy and Connectivity Committee's consideration of the following instrument —

- Agricultural Holdings (Relinquishment and Assignment) (Application to Relevant Partnerships) (Scotland) Regulations 2021

The Committee agreed to recommend to the Parliament that it approves the instrument.

Agricultural Holdings (Relinquishment and Assignment) (Application to Relevant Partnerships) (Scotland) Regulations 2021 [draft]

The Committee reports to the Parliament as follows—

2. On 27 January 2021, the [Agricultural Holdings \(Relinquishment and Assignment\) \(Application to Relevant Partnerships\) \(Scotland\) Regulations 2021 \[draft\]](#) were laid before the Parliament. The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

3. The purpose of this instrument is to make regulations to modify the process under new Part 3A of the Agricultural Holdings (Scotland) 1991 Act for tenant farmers with a limited partnership secure tenancy under sections 110 and 111 of the Agricultural Holdings (Scotland) Act 1991, to enable those tenant farmers to relinquish their tenancy to their landlord for compensation but without them being able to assign the tenancy to a new entrant or person progressing in farming.

Delegated Powers and Law Reform Committee consideration

4. The Delegated Powers and Law Reform Committee considered this at their meeting [22 December 2020](#) and agreed not to draw the Parliament's attention to the instrument on any grounds within its remit.

Rural Economy and Connectivity Committee consideration

5. At its meeting on 27 January 2021, the Rural Economy and Connectivity Committee took evidence on this instrument from Fergus Ewing, Cabinet Secretary for Rural Economy and Tourism, and Scottish Government officials. The Committee sought further clarity and information from the Cabinet Secretary and his officials on the following issues—
 - impact on limited farming partnerships
 - the impact on new entrants to the tenancies
 - the numbers and types of people affected

- the length of time taken to prepare the Regulations
 - the process of relinquishing the tenancy and the guidance to be provided for relevant parties
 - how the Scottish Government will promote these Regulations to the relevant individuals and organisations
 - potential loopholes in the Regulations.
6. The Cabinet Secretary subsequently moved the following motion in his name—
- Motion S5M-23935— That the Rural Economy and Connectivity Committee recommends that the Agricultural Holdings (Relinquishment and Assignment) (Application to Relevant Partnerships) (Scotland) Regulations 2021 [draft] be approved.
7. The Committee agreed the motion without division.
8. Full details of the Committee's consideration of the instrument can be found in the [Official Report](#) of the meeting (due to be published on 1 February 2021).

Recommendation

9. The Rural Economy and Connectivity Committee recommends to the Parliament that the Agricultural Holdings (Relinquishment and Assignment) (Application to Relevant Partnerships) (Scotland) Regulations 2021 [draft] be approved.

