



**Agricultural Law Association
Tenant Farming Commissioner: Review of Operation of Agents
Consultation Response**

Introduction

The Agricultural Law Association is the UK's largest professional organisation devoted to the law and business of the countryside. Membership of ALA is open to any professional of whatever discipline advising in rural business. The Association focuses on the law in a non-partisan, apolitical way in order to promote knowledge, understanding and development amongst those who advise rural businesses. The Association has many members who practice in Scotland and has a Scottish Committee devoted to legal and business issues as they impact on agricultural and rural businesses in Scotland.

Question 1

Do/will the TFC's Codes of Practice enable the issues raised concerning the conduct of agents to be addressed? For example when discussing repairs and maintenance obligations, planning the future of Limited Partnerships and (once agreed) rent reviews?

Yes. Clearly set out steps identifying "best practice" will go a long way to addressing the issues raised concerning the conduct of agents. The Association looks forward to working with the Tenant Farming Commissioner in the production of further Codes of Practice in the future and will facilitate discussion on these Codes of Practice at Association training events.

Question 2

What, if anything, could *your* organisation do to address these issues of dissatisfaction – bearing in mind that both the instructions to an agent and the conduct of agents should be fair and reasonable?

The Association are a member organisation with a membership drawn from numerous professions and not a regulatory body in the way that, for example, the Law Society of Scotland or RICS are, and as such there is a limit to the role that the Association can play in addressing these issues of dissatisfaction. The Association can encourage members to behave in an appropriate manner and can provide training on the use of the Codes of Practice at educational events. At our annual conference with the WS Society on 1st June 2018 we are delighted to have the Tenant Farming Commissioner as our keynote speaker, affording the Tenant Farming Commissioner the opportunity to address delegates on these and other very important issues.

Question 3

How could professional bodies and membership organisation's complaint services be improved?

We have no comments to make.



Question 4

Would better awareness of the other party's long term plans improve relationships between landlords and tenants, and/or make it easier for agents to conduct business in a fair and reasonable manner? If so, how could your organisation support clear communications around long term planning?

The findings of the Review certainly suggest that better awareness of the other party's long term plans improves relationships between landlords and tenants. The Association can share such information with members through educational events and by having speakers such as the Tenant Farming Commissioner at such events explain the benefits of such awareness, and ways of imparting such awareness to members.

Question 5

In your opinion, what else could be done to ensure continuous improvement of professionals to the benefit of the agricultural holdings sector?

The Association is very keen on the sharing of knowledge through its program of training and other educational events and believes that including presentations on best practice, and the benefits of following such practice, in such events will contribute to the continuous improvement of professionals to the benefit of the agricultural holdings sector.

Question 6

Are these research findings generally as you would have expected? Please explain.

The membership of the Association has not been surveyed on the outcome of the Review but the Association's Scottish committee, who met with the Tenant Farming Commissioner to discuss the findings of the Review, were of the view that the findings were as would have been expected. This is to the extent that the Scottish Committee were not aware of any significant dissatisfaction from either landlords or tenants as to the operation of agents.

Question 7

Do you have any other observations or comments to make regarding the TFC's review of agents?

We have no further comments to make.

12 April 2018