



AGRICULTURAL LAW ASSOCIATION

Agricultural Law Association

Starter for Ten 2019 Scotland

Prospectus & Enrolment Form

Wednesday, 4 & Thursday, 5 September 2019
Stirling Court Hotel, University of Stirling, FK9 4AE

Foreword by The Right Honourable Lord Gill

When the consolidating Agricultural Holdings (Scotland) Act 1991 was passed, the law of agricultural holdings in Scotland was for the most part clear if by no means simple. But the present-day state of the law is most unsatisfactory and a further consolidation is long overdue. To those who are new to agricultural law, the subject seems forbidding. Unlike other mainly statutory subjects like company law and tax law, it is not widely taught in the universities. The days are past when a young lawyer or surveyor could pick up a subject like this on the job. It is now a subject that requires serious and systematic study.

Over the last 40 years, the study of the law of agricultural tenancies has benefited greatly from the work of the Agricultural Law Association. Not the least of its achievements in the field of education and training has been its now well-established Starter for Ten course. This has been the means by which many younger lawyers and surveyors have been able to venture with confidence into legal and agency practice in this area.

I am delighted that the ALA has extended the benefit of the Starter for Ten course to the law of Scotland. There has been a need for it for many years. It is all the more necessary now, since the Scottish Parliament in the Agricultural Holdings (Scotland) Act 2003 and in the Land Reform (Scotland) Act 2016 has taken the law of Scotland in new directions.

Scotland is fortunate in having the Scottish Land Court, which has made an outstanding contribution to the development of the law and to an understanding of its principles in a way that the Tribunal system in England and Wales cannot do. The Land Court has built up a solid body of precedent on the many points of law on which English precedents have limited relevance. In that respect Scottish practitioners have a source of surer guidance than their counterparts in England and Wales. The case law of the Land Court will be an important part of the Scottish Starter for Ten course.

For many years lawyers and surveyors in Scotland have been deterred from agricultural practice by the sheer complexity of the Scottish law on the subject and the risks of mistakes that come with it. The ALA is fortunate that Heather Bruce, Emma Robertson and Ross Low have given of their knowledge and their time to devise the new course. The curriculum is comprehensive and demanding; but participation in it will be pleasant and congenial.

This course will provide practitioners with a sure-footed guide to the essentials of the subject and will enable them to take up this fascinating branch of the law without trepidation.

April 2019

Brian Gill

The Association invites applications to attend the 2019 Starter for Ten - Scotland course.

The course is intended for trainees and the recently-qualified but newcomers/those returning to work following absence will find it useful in gaining a sound understanding of this important and complex area of law and practice.

The course is held over two full days with formal teaching and informal workshop sessions. No knowledge is assumed, and no question is considered too basic.

The course will provide 11 hours of CPD.

Due to the approach and structure of the teaching and workshop sessions, places are limited to 20 places.

In the course of the two days, we will cover the following principal areas:

Agricultural Holdings:

A comparison of the principal features of the Agricultural Holdings (Scotland) Act 1991, Agricultural Holdings (Scotland) Act 2003 and Land Reform (Scotland) Act 2016 including Limited Duration Tenancies, Modern Limited Duration Tenancies, Short Limited Duration Tenancies and Grazing Lets; the ways in which these agricultural tenancies are created and terminated; Fixed Equipment, Repairing obligations and enforcement, Conversion of tenancies, Rent Reviews, Succession, Assignation, Tenant's Right to Buy, Resumption, Limited Partnership Tenancies, Partnerships and the implication of partnership dealings on the tenancy

Other Occupations of Land:

Contract Farming arrangements, Licences and Sporting rights

Basic Payment Scheme:

How this interacts with different forms of tenancy (i.e. does it belong to the Landlord or Tenant), Transfer of Entitlements upon termination of tenancy, Breaches and Appeal Process, Pillar 2 subsidies

Scottish Land Court:

Jurisdiction, Court Rules, Outline of procedures, Examples of recent cases, Actions against Tenants, Actions against Landlords

Alternative Dispute Resolution:

The pro's and con's of arbitration, mediation and expert determination

Tenant Farming Commissioner:

Codes of Practice, Guidance Notes and other statutory responsibilities

THE TUTORS:

Heather Bruce, Senior Associate, Turcan Connell

Heather is accredited by The Law Society of Scotland as a specialist in Agricultural Law. She has experience in a wide range of contentious and non-contentious agricultural law matters principally in connection with agricultural holdings and crofting legislation including preparation of leases and agreements; assistance with negotiations in respect of rent review and waygoing claims; and advice in connection with Scottish Land Court applications.

Heather is a trained mediator and founded the Young Mediators Group.

Emma Robertson, Senior Associate, Shepherd + Wedderburn

Emma advises on all aspects of agricultural tenancies and is accredited by the Law Society of Scotland as a Specialist in Agricultural Law. She also acts for landowners in the purchase and sale of estates, farms, forestry and other rural properties. In renewables, she advises landowners and developers on a wide variety of projects including wind turbine developments, hydro schemes and biomass systems. Emma is a member of the Society of Advocates in Aberdeen.

Ross Low, Senior Rural Surveyor, Bidwells

Ross is dual qualified as both a Chartered Rural Surveyor and Scottish Solicitor. During the course of his career, Ross has advised clients on the management of both highland and lowland estates, building up diverse experience which includes the creation and management of contract farming agreements, seasonal grazing lets, agricultural tenancies, leasing of sporting rights, handling the applications for various agri environmental schemes and agricultural subsidies for landowners, landlords and tenants, negotiating agricultural rent reviews and sales of agricultural land to sitting tenants or buying sitting tenants out of their tenancies. In the legal context Ross also has experience of the purchase and sale of estates, farms and forestry as well as general rural residential conveyancing and private client work.

COST:

The total cost is £300 and includes board and lodging at the Stirling Court Hotel and all course materials and will include free membership of the Association for one year.

ENROLMENT:

To enrol on the course, please complete and return the enrolment form below with your remittance either by post or email to: **Agricultural Law Association, PO Box 10489, Oakham, LE15 0GL or enquiries@ala.org.uk**

Deadline for Enrolment: 5pm on Friday, 26 July 2019

If you have any queries, please contact Mike Holland on 07885 643341 or at mike.holland@ala.org.uk

Application for enrolment

Please enrol me on the 2019 Starter for Ten Scotland course:

Name:

Profession:

Address:

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Telephone:

Email:

Dietary requirements:

Areas of Professional Work/Experience to date:

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I enclose a cheque payable to 'Agricultural Law Association' for £300
(VAT is not applicable as the course falls within the Tour Operators Margin Scheme.) or payment will
be made by BACS to:

Account No: 51283383
Sort Code: 40-46-39
Account Name: Agricultural Law Association

