

AGRICULTURAL LAW ASSOCIATION

Scotland and Wales Conference Round-up 2026



The ALA would like to express its appreciation to all speakers for their insightful, engaging, and valuable contributions to Conferences held in Scotland and Wales in recent weeks.

The ALA and WS Society Joint Conference on Agriculture, 5 June 2026

The Scottish Conference is held as a collaboration between the ALA and the WS Society and is chaired by Heather Bruce, Turcan Connell. The event is held in the prestigious Signet Library in the heart of Edinburgh's Old Town with catering by Heritage Portfolio.

The Conference began with Michael Upton, Advocate, providing an informative update on case law, including leases, livestock, forestry, and legal procedures, directly addressing ongoing legal challenges faced by practitioners. He reviewed significant decisions from the Supreme Court, the Court of Appeal, and the Scottish Land Court and Tribunal, such as *Cobden v Cobden*, which has implications for business partnerships and land management strategies.

Roxlena Ltd v Ramblers' Association was among the other cases analysed by Michael Upton, in which the validity of a statutory declaration of public footpaths by a county council depended on whether there had been twenty years of continuous public use without interruption. The footpath had not been used for four months in 2001, when it was closed by a Statutory Order issued by the Council due to an outbreak of foot-and-mouth disease in livestock. Lewison L.J held that a period of non-use was not the same as an 'interruption' of use.

Then came a dynamic double act from Alan Barr of Brodies and Sarah Jackson of Savills discussing Tenancies: Valuing the Invaluable.

Alan Barr began by outlining the legal framework underpinning the valuation of agricultural tenancies, noting that farm tenancies will need to be valued in ways that were not necessary before 6 April 2026. His key point was that tenant interests cannot simply be ignored; they may constitute assets with real, albeit sometimes difficult to quantify, value.

Building on this, Sarah Jackson then presented a case study of a dairy farm in Scotland. She emphasised that factors such as security of tenure and the ability to generate income mean that tenants' interests can carry meaningful financial value, even if they do not resemble traditional assets. The session also discussed the added complexity in intra-family arrangements, where valuation can be more challenging. Interests that might initially seem intangible or "invaluable" must still be assessed with care and justification.

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After a well-earned coffee break featuring delicious Cherry Bakewell Slice and a Carrot cake, the delegates returned to hear Catherine Telfer from Turcan Connell deliver her intriguingly titled session: “Rents without Tenancies and Tenancies without Rents?”

Catherine began by revisiting the requirements of a lease at common law, before quickly demonstrating that things are rarely so straightforward in practice. Through a series of case studies, she explored the delicate relationship between rent and tenancies, highlighting that while rent is a fundamental ingredient, it is not always as clear-cut as a simple monetary payment.

Catherine emphasised that it is not only about whether something looks like rent, but also about whether the parties intend it to be rent. The more problematic “grey areas” were also highlighted, including cases where rent is paid without a tenancy or where occupation continues without rent being accepted. These scenarios, she explained, often turn on the parties’ conduct, correspondence and how quickly they clarify their legal position.

Much like the title suggests, rent and tenancies do not always go hand in hand as neatly as one might expect. In a particularly memorable example, even something as modest as a box of eggs can crack open serious questions about whether rent is truly present.

Next came “Dispute Resolution under The Rural Payment (Appeals) (Scotland) Regulations 2015 – the practicalities,” from Aileen Nimmo and D. Alan Fraser. We were carefully led through the Regulations that provide for the review of certain decisions of the Scottish Ministers regarding the payment of certain agricultural subsidies and other rural payments. After review, a right of appeal of such decisions is provided for to the Scottish Land Court. They guided us through the review and appeals process, explaining what happens when decisions are challenged and the practical steps involved when disputes move from an internal review to the land court.

We delved into the afternoon sessions, starting with the Tenant Farming Commissioner, Rob Black.

Rob delivered his reflections from his first 18 months as the Commissioner. He learned the extent to which perception shapes behaviour and that many debates he has come across have derived from trust, or lack thereof, between parties. Drawing on conversations with tenants, landlords, agents and advisors across the sector, Rob reflected on the complexity of modern tenant farming. While legislation and policy often dominate discussions, he suggested that confidence, communication and relationships are frequently at the heart of both the challenges and successes within the sector.

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Rob spoke about the challenges created by gaps in tenancy data and the risks of relying too heavily on anecdote when shaping policy. He highlighted many examples of successful landlord-tenant relationships that rarely attract attention and suggested that a thriving sector will depend not only on legislation but also on confidence, collaboration, and a willingness to address issues before they become entrenched disputes.

The final session of the day was delivered by Hamish Lean of Shepherd and Wedderburn, who had the challenging role (ably met!) of keeping everyone engaged at the point in the afternoon when both the lunch and wine were beginning to make their presence known.

In his session, “Legislative,” Hamish guided delegates through some of the quirks, unresolved questions, and gaps in agricultural holdings law. Using the Agricultural Holdings (Scotland) Acts of 1991 and 2003, along with recent reforms from the Land Reform (Scotland) Acts of 2016 and 2025, he examined areas where the legislation doesn’t always offer clear answers in practice. Delegates were invited to consider unresolved questions regarding the relinquishment and assignation provisions as well as resumption rights under the Agricultural Holdings (Scotland) Act 2023 in relation to fixed-term tenancies. Despite the passage of time, certain aspects of agricultural holdings legislation remain without definitive judicial clarification.

Looking ahead, Hamish turned to the provision in the Land Reform (Scotland) Act 2025 requiring Scottish Ministers to produce a publicly available model lease for environmental purposes.

Dr Nerys Llewelyn-Jones closed the successful Conference by tying together various aspects of each presentation with similar experiences across the border.

Wales ALA Conference

The Wales ALA Conference looked a little different this year, with attendees logging in from homes and offices across Wales and settling in with their morning coffee for a day of updates, discussion, and insight into the latest developments affecting the agricultural sector.

The morning began with a policy and scheme update from David Ashcroft from the Welsh Government, who provided the latest position on the Sustainable Farming Scheme 2026. As expected, the objectives extend beyond food production and include tackling climate change, enhancing biodiversity, improving ecosystem resilience and supporting rural communities.

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The Scheme is structured around three distinct layers: the Universal Layer, the Optional Layer, and the Collaborative Layer. The SFS Dashboard will play an important role in confirming progress and completion of Universal Actions. While advanced payments will be based on SFS eligibility and the Single Application Form, farmers must complete all Universal Actions and update their dashboard by 15 January 2027 to receive the balance of their payment.

Sophie Walker then provided an overview of the New Wales Tourism Code, which introduces major changes for accommodation providers, including mandatory visitor levies and licensing requirements. The first change is the statutory registration scheme, which starts on October 1, 2026. All providers offering overnight stays in Wales must register with the Welsh Revenue Authority.

Delegates also learned about the visitor levy, which local authorities can introduce from April 1, 2027. Although details are still being finalised, providers can expect regulations covering fire safety, electrical and gas systems, carbon monoxide protection, and insurance. Overall, tourism accommodation in Wales is becoming more regulated, with licensing likely to resemble that of other regulated activities.

Following the break, Wendy Jenkins of CARA took delegates from policy and regulation into the world of business planning and farm performance. Against a backdrop of the transition from BPS to SFS, rising input costs, market volatility and ongoing succession challenges, Wendy's message was straightforward: understanding your business has never been more important. She highlighted the importance of accurate record-keeping, benchmarking, and regular business reviews, particularly as farming businesses continue to adapt to changing support arrangements and economic pressures.

One of the key themes throughout the session was that successful businesses are not necessarily the largest businesses. Rather, they are often the businesses that consistently make informed decisions, control costs and focus on continual improvement. The presentation reinforced the importance of taking a proactive approach and ensuring that clients are not only equipped to respond to change but to plan for it because saying "I'll do it one day" is not the equivalent of a business plan.

We heard from Laura Jones and Georgina Withers-Boalch of the Law Commission, who gave delegates an overview of their recent work and emerging priorities affecting the rural sector.

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A central focus was the Law Commission's scoping report on Agricultural Law in Wales, published in February 2026. The report concludes that the current body of agricultural legislation is extensive, fragmented and, in places, outdated. Looking ahead, the Law Commission outlined its current and potential future projects, including work on agricultural tenancies, environmental legislation and farming (currently focused on England), and ownerless land.

After lunch, we dove straight into "Navigating your financial future in uncertain times", with Geraint Hampson-Jones and Jack Whittaker of RBC Brewin Dolphin. The presentation focused on three core areas: inheritance tax and recent legislative changes, wider market conditions, and what all of this means in practice for individuals and farming businesses. Delegates were reminded that Agricultural Property Relief (APR) and Business Property Relief (BPR) cannot be taken for granted, especially where land use changes, such as diversification into areas like solar, may have unintended tax consequences. Early planning was strongly encouraged, with the reminder that timing can make a significant difference to outcomes.

Mike Holland of the ALA spoke next by guiding delegates through the new Agricultural Landlord and Tenant Code of Practice for Wales. Developed by a Welsh Government-convened expert panel representing a broad spectrum of voices from across the tenanted sector (including NFU Cymru, FUW, CAAV, and TFA Cymru), this voluntary code is designed to encourage clarity, communication, and mutual respect in rental arrangements.

Crucially, it discourages "blanket bans" on participating in environmental and support schemes, prompting parties to negotiate flexibly. The overriding themes are active engagement and doing what is genuinely best for the client. As highlighted in the code, advisers have a proactive responsibility to encourage their clients to abide by it and reflect this commitment clearly in both their agreed terms of reference and their communications with other parties.

Lynda Warren's session focused on offering a broader governance perspective through the work of the Interim Environmental Protection Assessor for Wales (IEPAW).

Her key message was that it is not enough for environmental law to exist; it must function effectively, be clear, and be deliverable in the real world. The IEPAW evaluates whether legal frameworks are accessible and certain, whether practical implementation is effective, and whether the law is truly fit for purpose.

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A striking theme was the recurring gap between legal intention and practical delivery. Lynda highlighted this by drawing on IEPAW's ongoing work regarding Water Quality and Controlled Grassland Burning. There was a clear emphasis on improving evidence bases and strengthening monitoring systems.

The Office of Environmental Governance Wales (OEGW) officially came into force on June 27, 2026. The IEPAW is set to continue its functions until the OEGW is fully up and running (barring any sudden course corrections from the Welsh Government, of course). Once fully functional, this new office will wield significant powers to oversee compliance, conduct investigations, and issue formal compliance notices to public authorities.

Ultimately, the success of both the Scottish and Welsh ALA Conferences underlines just how vital these gatherings are for navigating our rapidly evolving agricultural landscape. A heartfelt thank you to all our speakers for generously sharing their time, expertise, and enthusiasm. Special appreciation also goes to Heather Bruce and Dr Nerys Llewelyn Jones, whose expert chairing kept both conferences running smoothly.

If you missed out this year, there's always next time, so mark your calendars early for 2027! The agricultural sector isn't slowing down anytime soon, and you definitely won't want to miss the lively discussions, invaluable networking, and (with any luck) the much-anticipated return of the in-person buffet.