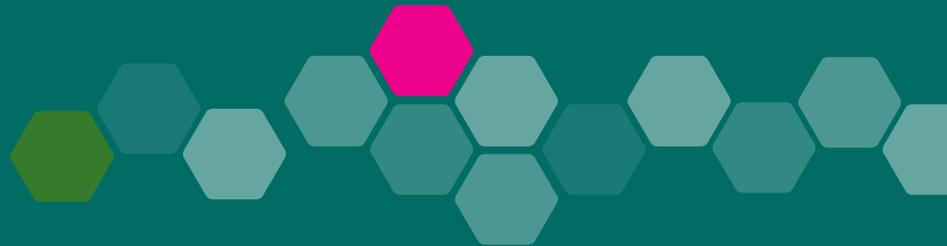




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Tenant Farming Rent Review Survey: Final Report



AGRICULTURE, ENVIRONMENT AND MARINE



Tenant Farming Rent Review Survey

Final Report

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List of acronyms

Abbreviation	Meaning
ADR	Alternative Dispute Resolution
AHLRG	Agricultural Holdings Legislation Review Group
CPI	Consumer Price Index
LDT	Limited Duration Tenancy
LFA	Less Favoured Areas
MLDT	Modern Limited Duration Tenancy
NFUS	National Farmers' Union of Scotland
RAG	Research Advisory Group
RESAS	Rural & Environmental Science and Analytical Services
SAAVA	Scottish Agricultural Arbiters and Valuers Association
SL&E	Scottish Land & Estates
SLDT	Short Limited Duration Tenancy
STFA	Scottish Tenant Farmers Association
TFAF	Tenant Farming Advisory Forum
TFC	Tenant Farming Commissioner

Highlights

What is the report about?

The Land Reform (Scotland) Act 2016 brought forward a number of legal changes to agricultural holdings legislation. One element was to introduce a new process of undertaking rent reviews. Following discussions with key stakeholders and the Tenant Farming Commissioner, the Scottish Government commissioned this research to directly seek the views of tenant farmers on the current rent review process.

What did we do?

This survey of tenant farmers in Scotland was carried out using a mixed methodology comprising a combination of postal, online and telephone interviews. All tenant farmers in Scotland were invited to take part in the research. A total of 1,025 responses were received, a 20% response rate from the tenant farmer population. Of these responses, 80% (816 responses) were completed by post, 16% were completed by telephone (166 responses) and 4% were submitted online (43 responses). This overall level of return provides robust data.

What did we learn?

- Over half of tenant farmers who responded (53%) said they were very or fairly satisfied with the whole rent review process compared to 15% who said they were very or fairly dissatisfied. The remaining 32% were neither satisfied nor dissatisfied.
- Almost half of tenant farmers who responded (47%) said that they find the rent review process very or fairly easy compared to 16% who find the rent review process very or fairly difficult. 37% said the process was neither easy nor difficult.
- Tenant farmers most commonly said that their rent was reviewed every 3-5 years (46%) and 9% said their rent was reviewed every 6-10 years (9%). However, 32% said that there was no set timescale for review and 11% said their rent had never been reviewed. Where respondents could recall when their most recent rent review was, 59% said this was within the last 5 years, 27% said it was between 5 and 10 years ago and 14% said it was more than 10 years ago.
- The vast majority had not had any significant disagreements with their landlord during the rent review process (79%). Where respondents did

have disagreements, this tended to be regarding the rent review itself (11%), fixed equipment (9%) or housing (8%).

- Of these individuals the most common course of action taken to resolve disputes was talking with a professional advisor (50%) or the landlord (50%) to find a solution.
- When asked what could be done to improve their experience of any aspect of the current rent review process the most common responses were:
 - Rent should take into account factors such as type of land, repairs or productivity (12%)
 - Dissatisfaction with agents (8%)
 - Simplify the process/ legislation (6%)
 - Better communication between tenants, landlords and other parties (6%)
- Almost two thirds of respondents (64%) were either not very familiar or not aware of the current rent review legislation. Where this was the case, tenant farmers were less likely to be satisfied with the whole rent review process and less likely to find the process easy than where respondents said that they were very or fairly familiar with the legislation.
- The majority of tenant farmers were male (88%) and over 60 (52%).
- Almost half of all tenancies (42%) had been held by the tenant farmer or their family for 50-100 years and 12% had held the main tenancy for more than 100 years. 10% of tenancies had been held for under 10 years.

What will we do?

Scottish Government will be working with the Tenant Farming Advisory Forum (TFAF) to take forward further work on rent reviews.

Executive Summary

Introduction to the Tenant Farming Rent Review Survey

Tenant farming represents an important part of Scottish agriculture as more than one-fifth (22%) of all farmed land is rented.¹

The Land Reform (Scotland) Act 2016 brought forward a number of legal changes to agricultural holdings legislation. One element was to introduce a new process of undertaking rent reviews.

A code of practice on conducting rent reviews has been issued by Scotland's Tenant Farming Commissioner which outlines guidelines that should be followed to ensure that landlords and tenants reach agreements on rent in a fair and transparent manner.²

Following discussions with key stakeholders and the Tenant Farming Commissioner, the Scottish Government commissioned Research Resource to carry out a survey of tenant farmers in Scotland. The aim of the research was to directly seek tenant farmers' views and experiences of the rent review process.

The survey was carried out using a mixed methodology comprising a combination of postal, online and telephone interviews and took place during April and May 2021. All tenant farmers in Scotland were invited to take part in the research. A total of 1025 responses were achieved across all survey methods. This is a 20% response rate from the tenant farmer population.

Satisfaction with the rent review process

- Overall, just over half of respondents (53%) said they were very or fairly satisfied with the whole rent review process compared to 15% who said they were very or fairly dissatisfied.
- Tenant farmers who were familiar with the rent review legislation were more likely to be satisfied with the process than those who are not. Similarly, where the landlord represents themselves - as opposed to being represented by an agent - satisfaction with the whole process is higher.

¹ Scottish Government (2020) June Agricultural Census 2020. Report available here: <https://www.gov.scot/publications/provisional-results-scottish-agricultural-census-june-2020/>

² Scotland's Tenant Farming Commissioner (TFC) 'Code of Practice – Conducting Rent Reviews' Code of Conduct available here: https://www.landcommission.gov.scot/downloads/5fbcff47f18b4_TFC%20RENT%20REVIEW%20CODE_web.pdf

- Almost half of tenant farmers who responded (47%) said that they find the rent review process very or fairly easy compared to 16% who find the rent review process very or fairly difficult.
- Thinking about different aspects of the rent review process, those rated as most satisfactory were who carries them out (56% very or fairly satisfied) followed by how they are carried out (54% very or fairly satisfied) and frequency (53% very or fairly satisfied). The aspect with the highest level of dissatisfaction is also how they are carried out (16% very or fairly dissatisfied). When asked what could be done to improve their experience of any aspect of the current rent review process, the top 3 answers were for rent to take into account factors such as type of land, repairs or productivity (12%), dissatisfaction with agents (8%), simplifying the process/ legislation (6%) and improvements to communication between tenants, landlords and other parties (6%).

The rent review process

- Tenant farmers' rent reviews are most commonly carried out every 3-5 years (46%). However, 9% said they are carried out less frequently between every 6 and 10 years, 32% said there was no set timescale for rent reviews, 11% said their rent has never been reviewed and 3% were unsure.
- Where respondents were able to answer, the most recent rent review has been carried out in the last 1-5 years for 59% of respondents, between 5 and 10 years ago for 27% of respondents and more than 10 years ago for 14% of respondents. The review prior to that was most likely to have been carried out between 5-10 years ago (43%) or more than 10 years ago (40%). The remaining 17% of respondents have had 2 rent reviews recently within the last 5 years.
- The vast majority said that the rent review process is initiated from the landlord's side (95%).
- Tenant farmers were most likely to represent themselves in a rent review (82%) and just 11% said they use an agent.
- From the landlord side, the landlord's agent was the most likely representative in the rent review (45%). According to respondents, 35% of landlords are represented by a resident factor and 25% represented themselves directly.

Rent review legislation and disputes

- Familiarity with the current rent review legislation was low with just over one third of respondents (36%) saying they were either very or fairly familiar with it. 15% were not very familiar and relied on an agent or other person to guide them and 8% were not very familiar and relied on other organisations. Just under a third (31%) were aware there was legislation but were not familiar with it and 11% were not aware of this legislation.
- All tenant farmers were asked about their familiarity with the Tenant Farming Commissioner's Code of Conduct on rent reviews. There were similar levels of familiarity in this respect with 29% of respondents saying they were very or fairly familiar with this. 13% were not very familiar and relied on an agent or another person to guide them and 9% were not very familiar and relied on other organisations to guide them. Just over 3 in 10 respondents (31%) were aware there was a Code of Practice but were not familiar with it and 18% were not aware at all.
- The vast majority of respondents had not experienced any significant disagreements during the rent review process (79%). Where respondents had experienced issues, this was most likely to be regarding the rent review itself (11%), fixed equipment (9%) or housing related issues (9%).
- Tenant farmers with disagreements were most likely to take action to resolve their dispute by talking with their landlord or representative to find a solution (50%) or talking with a professional advisor to help find a solution (50%). Other actions taken included asking the Tenant Farming Commissioner to assist (13%), seeking legal intervention (21%), using Alternative Dispute Resolution (6%) or using the Land Court process (11%). On the other hand, 13% of tenant farmers who had a dispute have not been successful or tried to resolve their dispute.

Profile of tenant farmers

- The majority of tenant farmers who responded (76%) said they had 1 agricultural tenancy, 16% had 2 tenancies and 8% had 3 or more tenancies.
- In terms of the lease type, the majority of all leases were secure 1991 Act agricultural tenancies (56%), 18% were Short Limited Duration Tenancies, 10% were Limited Duration Tenancies, 5% were Modern Limited Duration Tenancies, 5% were other (non-crofting leases for more than 1 year), 4% were 1991 Act Limited Partner. When asked about the main lease, 63% of the main leases held by respondents were secure 1991 Act agricultural tenancies and 12% were Short Term Limited Duration Tenancies.

- One quarter (25%) of all tenancies were up to 20 hectares in size and 22% were between 51-100 hectares. The main tenancy size was most commonly 51-100 hectares (22%).
- Almost half of all tenancies (42%) had been held by the tenant farmer or their family for 50-100 years and 12% had held the main tenancy for more than 100 years. Just 10% of tenancies had been held for under 10 years.
- A total of 62% of respondents said that their principal residence is on their main tenancy.
- The landlord for the tenancy was most commonly either an individual landowner (34%) or a landowner's Family Trust (34%). 1 in 10 (10%) said that their landlord or landlord trust is related to them.
- The majority of tenant farmers were male (88%) and over 60 (52%).

Conclusions

- The majority of tenant farmers are satisfied with the current rent review process (53%). The majority have been in their tenancies for 50 years or more (54%). Rent is reviewed frequently for nearly half of tenant farmers with 46% stating their rent is reviewed every 3 to 5 years. While it is evident that there is some degree of dissatisfaction with the current rent review process, this is the case for a minority (15%).
- Dissatisfaction generally increases with the length of tenancy, for example 5% of dissatisfaction for those who have held their tenancy for less than 10 years to 19% for tenant farmers who have held their lease for 50 or more years. Furthermore, tenant farmers whose principal residence is on the main tenancy (19%) are more likely to be dissatisfied than other tenant farmers (8%).
- It is clear that familiarity with the legislation is related to tenant farmer satisfaction with the rent review process, with tenant farmers who are familiar with this legislation reporting higher levels of satisfaction.
- Where the rent review process is undertaken by the landlord directly there is also a correlation with satisfaction. Moreover, where this is the case the majority of tenant farmers feel that their relationship with their landlord stays the same through the process.

1. Introduction

1.1. Introduction

This report provides an overview of the key findings of a survey of tenant farmers carried out by Research Resource on behalf of the Rural & Environmental Science and Analytical Services Division (RESAS) of the Scottish Government.

1.2. Background

Tenant farming represents an important part of Scottish agriculture as more than one-fifth (22%) of all farmed land is rented.³

The Land Reform (Scotland) Act 2016 brought forward a number of legal changes to agricultural holdings legislation, following recommendations made by the Agricultural Holdings Legislation Review Group (AHLRG) in their Final Report, titled 'Review of Agricultural Holdings Legislation' (2015).⁴ The report indicated that there was a degree of stakeholder dissatisfaction in particular with the process for agreeing fair and reasonable rents.

One element was to introduce a new process of undertaking rent reviews. Following discussions with key stakeholders and the Tenant Farming Commissioner, the Scottish Government commissioned this research to directly seek the views of tenant farmers on the current rent review process

A code of practice has been issued by Scotland's Tenant Farming Commissioner (TFC) on conducting rent reviews which outlines guidelines that should be followed to ensure that landlords and tenants reach agreements on rent in a fair and transparent manner.⁵

Research Resource, on behalf of the Scottish Government, carried out a survey of tenant farmers in Scotland in order to seek views from this group on the current rent review system, which is legislated for in Section 13 of the Agricultural Holdings (Scotland) Act 1991.

³ Scottish Government (2020) June Agricultural Census 2020. Report available here:

<https://www.gov.scot/publications/provisional-results-scottish-agricultural-census-june-2020/>

⁴ 'Review of Agricultural Holdings Legislation' (2015) Report available here:

<https://www.webarchive.org.uk/wayback/archive/20170701144607/http://www.gov.scot/Publications/2015/01/5605/downloads>

⁵ Scotland's Tenant Farming Commissioner (TFC) 'Code of Practice – Conducting Rent Reviews' Code of Conduct available here:

https://www.landcommission.gov.scot/downloads/5fbcff47f18b4_TFC%20RENT%20REVIEW%20CODE_web.pdf

1.3. Aims and Objectives

The key objective of the survey was to directly seek tenant farmers' views on the current rent review process.

Specifically, the research was designed to address the following questions:

- How often do rent reviews take place and when was the rent last reviewed?
- To what extent are tenant farmers satisfied with the process of rent reviews, particularly in relation to frequency, timing and who they are carried out by?
- What can be done to improve tenant farmers' experiences of the rent review process?
- To what extent are tenant farmers satisfied with their relationship with the landowner?
- What can be done to improve the rent negotiation process between tenant farmers, landowners and their agents?

The research was designed to capture measurable and consistently collected data in order to provide a robust and reliable evidence base to inform any decisions regarding the rent review process going forward.

1.4. Research Method

The survey was carried out using a mixed methodology comprising a combination of postal, online and telephone interviews.

A self completion survey was sent to 5,268 tenant farmers on 20th April 2021. The database of tenant farmers was sourced from the Scottish Government's June Agricultural Census. The database did not include crofters or seasonal lets.

The final research questions and survey design was developed in discussion with and agreed by stakeholders through the Research Advisory Group (RAG), which included representatives from the National Farmers' Union of Scotland (NFUS), the Scottish Tenant Farmers Association (STFA) and the Scottish Agricultural Arbiters and Valuers Association (SAAVA).

Cognitive testing was carried out with a group of tenant farmers recruited by the RAG stakeholders at an online focus group. The purpose of this was to test the questionnaire to investigate the way respondents understood, processed and responded to questions and to explore whether the questions, response options and any instructions were interpreted as intended.

Stakeholders were asked to complete the survey themselves and this was followed up with a detailed discussion in order to understand tenant farmers' perceptions of the questionnaire, and to identify any potential challenges they may face in completing it. The findings from this exercise were then fed back to the Project Manager along with recommendations on how the survey could be adjusted in order to improve the quality of data or response rates.

A copy of the questionnaire is provided in Annex 1. The front page of the questionnaire included a link to an online version which could be completed in place of the postal survey if desired. A further 8 tenant farmers requested a questionnaire to be sent as they did not recall receiving the initial survey invitation by post. These tenant farmers were sent a link to the online survey for completion.

Telephone research was then carried out with a sample of tenant farmers in order to increase the response rate to the survey and ensure that as representative a response as possible was achieved. Tenant farmers from underrepresented regions or farm types that had low response rates were targeted by telephone in an attempt to boost the response rate for these respondents and reduce the impact of non-response bias on the survey results. The telephone research was carried out between 17th and 31st May 2021.

1.5. Sample Size

A total of 1,025 responses were received, a 20% response rate from the tenant farmer population. Of these responses, 80% (816 responses) were completed by post, 16% were completed by telephone (166 responses) and 4% were submitted online (43 responses). This overall level of return provides robust data, accurate to +/-2.73% of the overall tenant farmer level (based upon the 95% level of confidence and a 50% estimate). Analysis of subgroups will be less robust. Please see Annex 2 for the level of confidence on different estimates and for subgroup analysis.

Of the initial 5,268 tenant farmer addresses, 243 were returned as undeliverable or were considered out of scope for some other reason such as the land no longer being farmed, no longer rented or the named respondent had died. 1,025 responses is therefore a 20% response rate from the tenant farmer population.

Table 1.1 below shows the number of interviews achieved and the response rate by geographical area according to the Agricultural Census. As shown, the response rate was much lower in the Highlands and Islands than in other areas. The results were therefore weighted to reflect the distribution of tenant farmers by regional location. The final column in the table shows the weighted profile of responses by broad geographical area.

Table 1.1 Respondents by area

	Total tenant farming population	% of tenant farming population	Interviews	Unweighted %	Response rate	Weighted %
Central Scotland ⁶	1175	23.4%	237	23.1%	20.2%	23.4%
Highlands and Islands	1748	34.8%	257	25.1%	14.7%	34.8%
North East Scotland	770	15.3%	193	18.8%	25.1%	15.3%
Southern Scotland	1331	26.5%	338	33.0%	25.4%	26.5%
Grand Total	5024	100.0%	1025	100.0%	20.4%	100.0%

⁶ Please note that Central Scotland combines Eastern Scotland and West Central Scotland due to the small number of tenant farmers located in West Central Scotland. 179 tenant farmers (4%) are located in West Central Scotland.

Table 1.2 Respondents by farm type

	Total tenant farming population	% of tenant farming population	Interviews	Unweighted %	Response rate	Weighted %
General cropping	335	6.7%	89	8.7%	26.6%	8.5%
General cropping; forage	903	18.1%	98	9.6%	10.9%	10.6%
LFA Cattle & Sheep	2175	43.7%	471	46.0%	21.7%	46.8%
Mixed holdings	521	10.5%	149	14.5%	28.6%	14.0%
Non-LFA Cattle & Sheep	376	7.5%	72	7.0%	19.1%	6.4%
Specialist cereals	355	7.1%	86	8.4%	24.2%	8.1%
Specialist dairy	161	3.2%	37	3.6%	23.0%	3.1%
Specialist horticulture & permanent crops	48	1.0%	12	1.2%	25.0%	1.2%
Specialist pigs	28	0.6%	3	0.3%	10.7%	0.3%
Specialist poultry	34	0.7%	2	0.2%	5.9%	0.2%
Unclassified	45	0.9%	3	0.3%	6.7%	0.4%
Grand Total	4981	100.0%	1022	100.0%	20.6%	100.0%

1.6. Interpreting results

When reporting the data in this document, in general, percentages in tables have been rounded to the nearest whole number. Columns may not add to 100% because of rounding or where multiple responses to a question are possible.

All tables have a descriptive and numerical base, showing the respondent population or population subgroup examined in it. Due to the self-completion nature of the survey, the base for each question varies slightly. Where respondents have left a question blank, these have generally been excluded from the base.

2. About the Farm Business

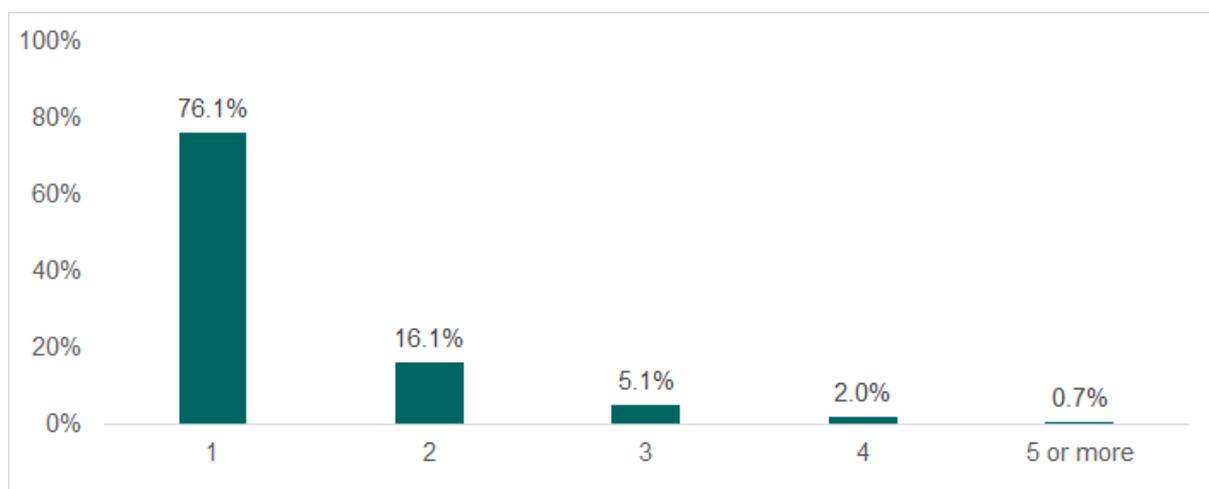
2.1. Summary of key points

- The majority of tenant farmers who responded (76%) had 1 agricultural tenancy. 16% had 2 tenancies and the remainder had 3 or more. Tenant farmers' main lease was most likely to cover 51-100 hectares (22%) and be a secure 1991 Act agricultural tenancy (63%).
 - Less Favoured Areas (LFA) Beef & Sheep (53%) was the most commonly noted type of farming carried out.
 - Over 4 in 10 respondents (42%) said that they or their family have had their main tenancy for between 50 and 100 years.
-

2.2. Agricultural Tenancy Type

Firstly, in terms of *all* leases 76% of tenant farmers who responded said they had 1 agricultural tenancy, 16% had 2 tenancies and 8% had 3 or more tenancies. This equates to a total of 1,373 tenancies from those who responded.

Figure 2.1 Number of tenancies



Unweighted base: n=1,014

In terms of the lease type for all leases, the majority were Secure 1991 Act agricultural tenancies (56%) and a further 18% were Short Limited Duration Tenancies. These were also the lease types respondents were most likely to select as their main lease type.

Table 2.1 Agricultural Lease Type

Lease type	All % (n=1,373)	Main % (n=1,025)
Secure 1991 Act agricultural tenancy	55.7%	63.4%
1991 Act Limited Partnership	4.3%	3.9%
Short Limited Duration Tenancy (SLDT)	17.6%	12.3%
Limited Duration Tenancy (LDT)	9.8%	8.1%
Modern Limited Duration Tenancy (MLDT)	5.2%	4.2%
Other (non-crofting) lease for more than 1 year	5.2%	5.4%
Don't know/ no response	2.3%	2.7%

Note

Main is where the tenant had more than 1 tenancy.

4 in 10 of all tenancies were 50 hectares or less (40%), 38% were between 51 and 200 hectares and 21% were 200 hectares or more. In terms of the main tenancy, 34% were 50 hectares or less, 41% were between 51 and 200 hectares and 24% were 200 hectares or more.

Table 2.2 Agricultural Tenancy Size for All Tenancies and Main Tenancy

Tenancy size	All % (n=1,373)	Main % (n=1,025)
Up to 20 ha	24.6%	20.2%
21-50 ha	15.6%	13.4%
51-100 ha	21.6%	22.2%
101-200 ha	16.7%	19.0%
201-500 ha	11.6%	13.6%
501 ha or more	9.0%	10.8%
Don't know/ no response	0.9%	0.9%

Note

Main is where the tenant had more than 1 tenancy.

Analysis of the size of the main tenancy by region reveals that tenant farmers located in Southern Scotland (14%) and Highlands and Islands (13%) were more likely to have larger tenancies of 501 hectares or more than tenant farmers living in North East Scotland (2%). Tenant farmers in Highlands and Islands were also the most likely of all regions to have smaller tenancies of less than 20 hectares (30%).

Table 2.3 Agricultural Tenancy Size analysed by Region

Tenancy size	All tenant farmers	Central Scotland	Highlands and Islands	Southern Scotland	North East Scotland
Unweighted base	1016	234	255	334	193
Up to 20 ha	20.4%	18.8%	30.2%	12.6%	14.0%
21-50 ha	13.5%	13.2%	15.3%	10.2%	15.5%
51-100 ha	22.4%	22.6%	17.3%	18.0%	40.9%
101-200 ha	19.2%	23.1%	12.5%	24.0%	20.2%
201-500 ha	13.7%	12.8%	11.4%	21.0%	7.8%
501 ha or more	10.9%	9.4%	13.3%	14.4%	1.6%

2.3. Farming Type

Respondents were asked about all types of farming carried out on their farm(s). Over half of tenancies carried out Less Favoured Areas (LFA) beef and sheep farming (53%). This was followed by general cropping (32%), forage (24%) and non-Less Favoured Areas (LFA) beef and sheep farming (21%).

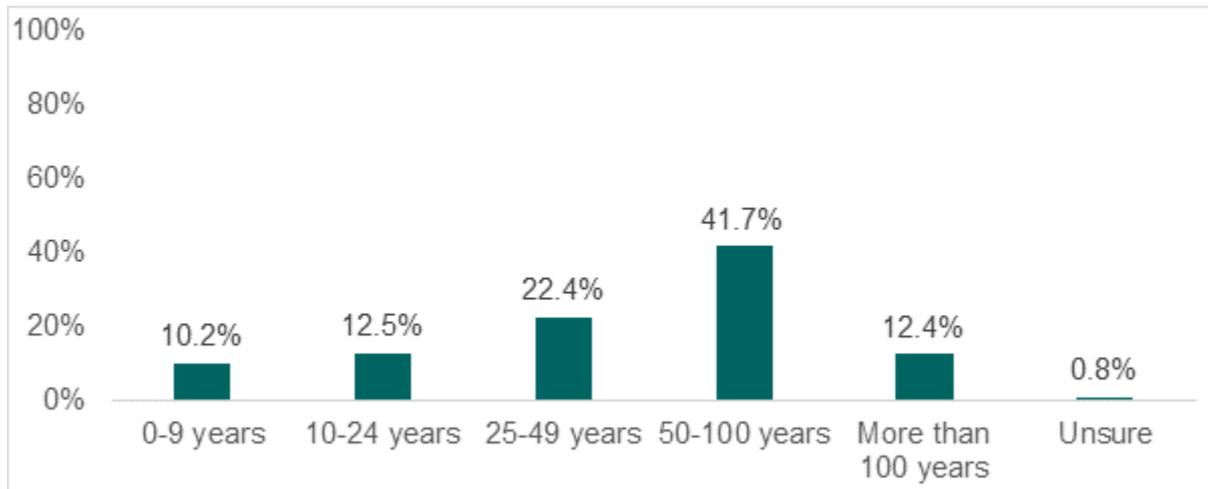
Table 2.4 Farming type

Unweighted base, n=1012	%
LFA Beef & Sheep	53.4%
General cropping	31.9%
General cropping; forage	24.2%
Non-LFA Beef & Sheep	20.9%
Specialist cereals	11.3%
Mixed holdings	10.7%
Diversified activity	6.6%
Specialist dairy	4.0%
Specialist poultry	1.7%
Specialist horticulture & permanent crops	1.4%
Specialist pigs	0.8%
Other	0.3%

2.4. Length of Tenancy

Over half (54%) of respondents said either they or their family has had their main tenancy (even if the type has changed) for 50 years or more.

Figure 2.2 Length of tenancy



Unweighted base: n=973

2.5. Principal Residence

Over 6 in 10 respondents said their principal residence is on the main tenancy (62%).

2.6. Age and Gender

In terms of the age profile of respondents, very few were aged 40 and under (8%), 40% were aged between 41 and 60, 31% were aged between 61 and 70 and 21% were aged 71 and over.

The vast majority of respondents were male (88%) and 12% were female. Males were more likely to have multiple tenancies (26%) than females (11%).

2.7. Landlord Description

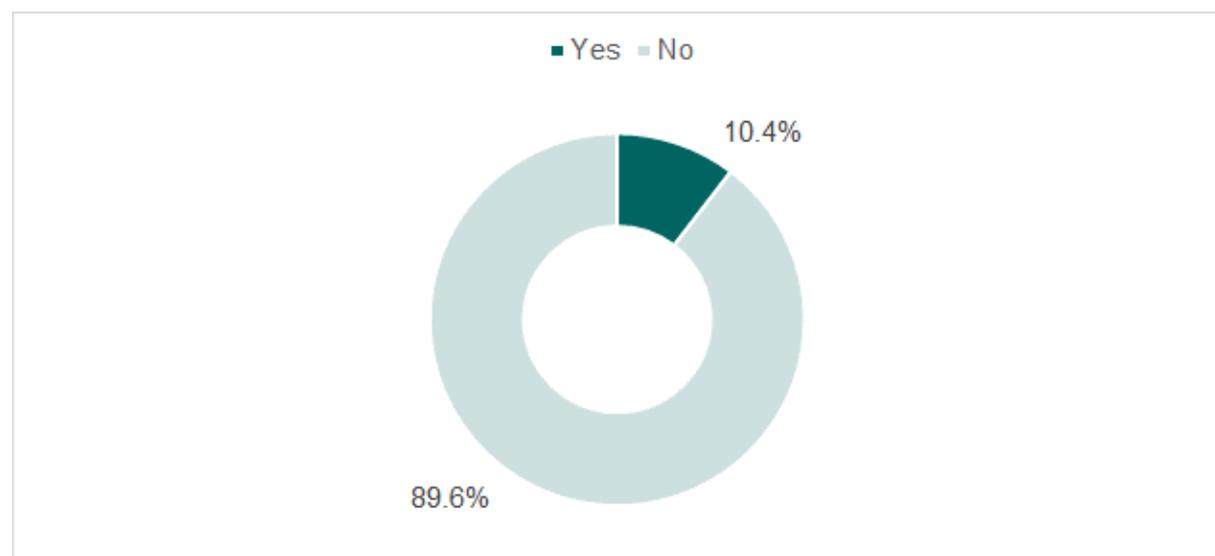
Just over a third of respondents described their landlord for their main lease as being an individual landowner (34%) and the same percentage said their landlord was a Landowner's family trust (34%).

Table 2.5 Landlord description

Unweighted base, n=990	%
Landowner's Family Trust	34.3%
Individual landowner	34.1%
Family business	9.1%
Institution (e.g. Crown Estate or Church of Scotland)	9.1%
A limited company	6.2%
A public sector organisation (e.g. Forestry and Land Scotland)	4.5%
Community ownership	1.1%
Charity	1.1%
Other	0.1%
Don't know	2.7%

1 in 10 respondents (10%) said their landlord or landlords trust was related to them.

Figure 2.3 Is your landlord or landlord trust related to you?



Unweighted base: n=997

3. Rent Reviews

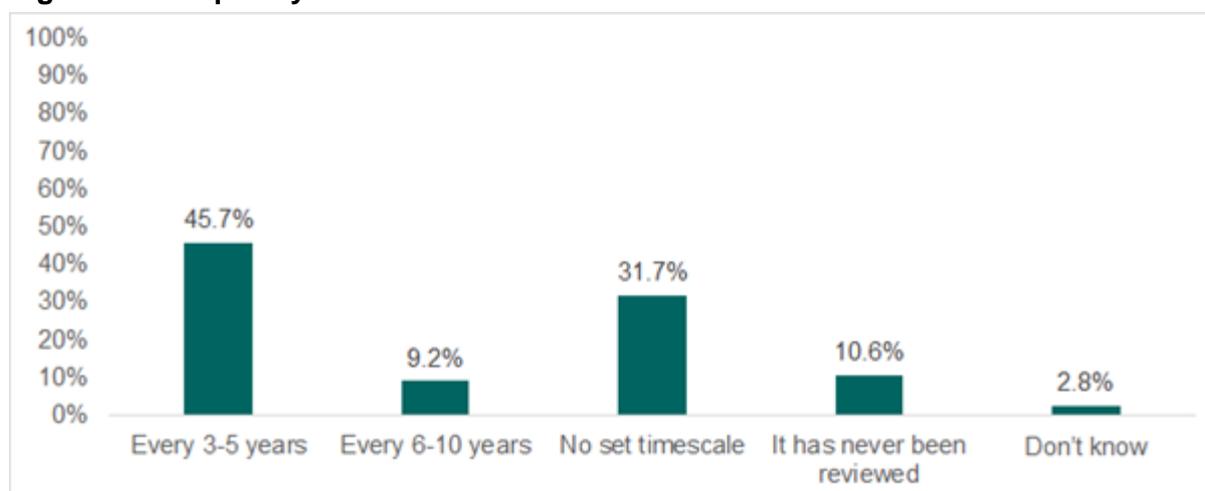
3.1. Summary of key points

- Less than half of respondents said their rent was reviewed on their main lease every 3 to 5 years (46%), 9% said it was every 6 to 10 years, 31% said there was no set timescales and 11% said their rent has never been reviewed.
- Just under 6 in 10 respondents (59%) said their most recent or current review was in the last 1-5 years.
- The vast majority of respondents said the rent review process was normally initiated from the landlord side (including agents) (95%).
- Over 8 in 10 respondents (82%) represent themselves as a tenant in the rent review and just under half (45%) said the landlord’s agent normally represents the landlord in the rent review.
- 3 in 4 respondents (75%) saw no change in their relationship with their landlord during the rent review process. On the other hand, 6% saw an improvement and 12% said the relationship was worse during this time.

3.2. Frequency and Dates of Rent Review

Over 4 in 10 tenant farmers (42%) said there was no set timescale for the review or that it had never been reviewed. Another 4 in 10 respondents (46%) said their rent was reviewed on their main lease every 3 to 5 years and 9% said this was done every 6 to 10 years.

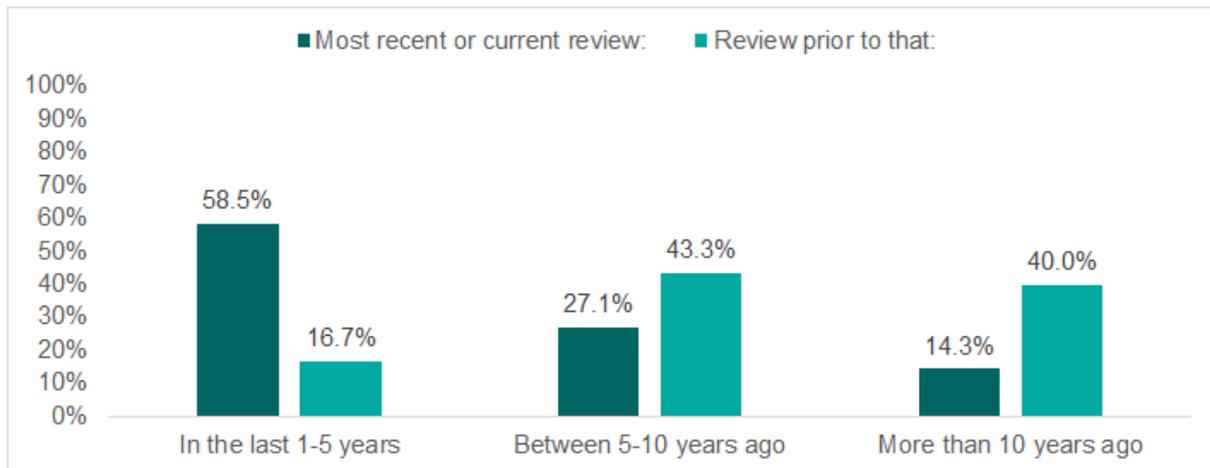
Figure 3.1 Frequency of rent review on main lease



Unweighted base: n=1,011

The majority of respondents who were able to comment said their most recent or current review was in the last 1-5 years (59%). 27% said it was between 5 and 10 years and 14% said it was more than 10 years ago. In terms of the review prior to that, 17% said it was in the last 1-5 years, 43% said it was between 5 and 10 years ago and 40% said it was more than 10 years ago.

Figure 3.2 Timings of most recent review and review prior to that



Unweighted base: Most recent or current review, n=690; Review prior to that, n=503

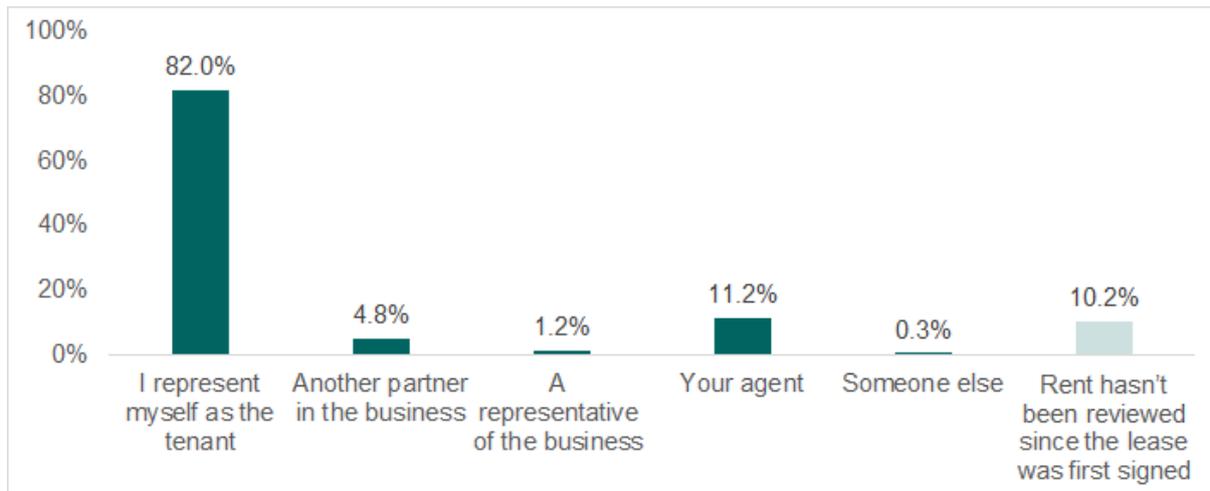
3.3. Initiation of Rent Review Process

The vast majority of respondents (95%) said the rent review process was normally initiated from the landlord’s side (including agents) and the remaining 5% said it was from the tenant farmer’s side (including agents).

3.4. Representation in the Rent Review

Over 8 in 10 respondents represent themselves as a tenant farmer in the rent review (82%).

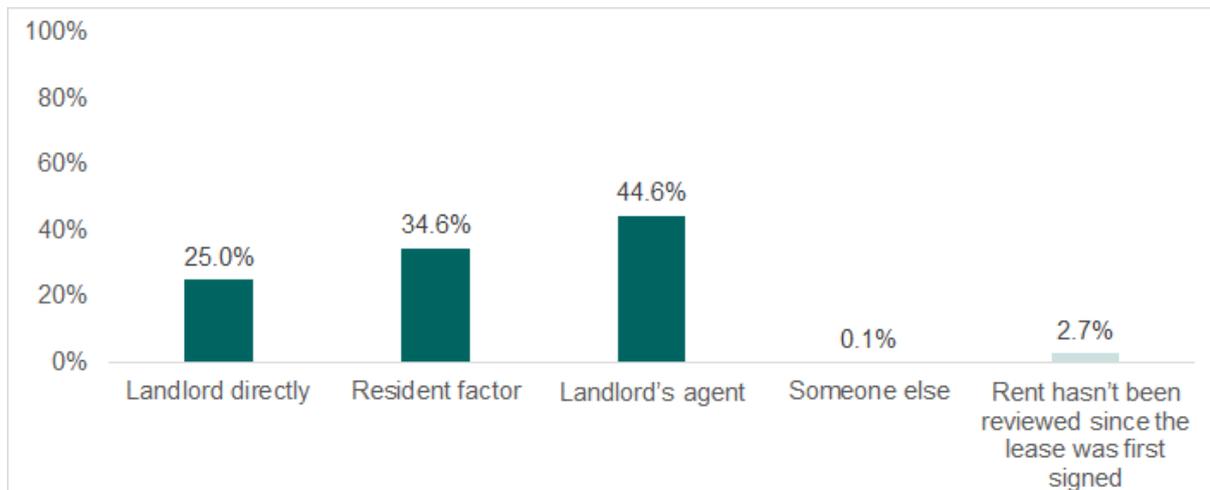
Figure 3.4 Representation of the tenant in the rent review



Unweighted base: n=990

Just under half of survey respondents said the landlord's agent normally represents the landlord in the rent review (45%), 35% said it was usually the resident factor and 25% said the landlord represents themselves directly.

Figure 3.4 Representation of the landlord in the rent review

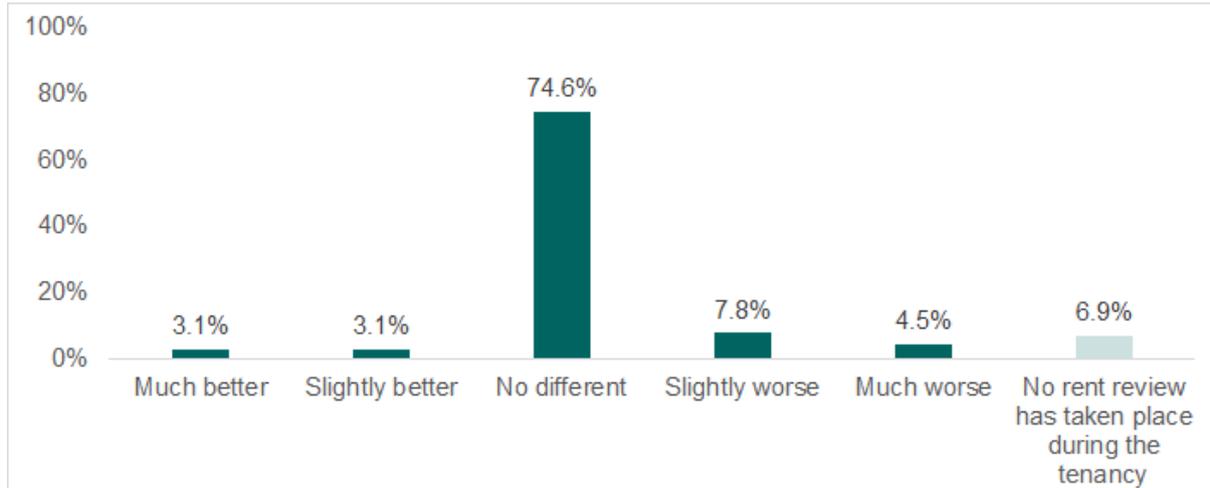


Unweighted base: n=894

3.5. Relationship with Landlord During Rent Review Process

3 in 4 respondents (75%) saw no change in the relationship with their landlord during the rent review process. On the other hand, 6% said they had seen an improvement to their relationship and 12% said the relationship was worse during this time. The remaining 7% of respondents said no rent review had taken place during the tenancy.

Figure 3.5 Relationship with the landlord during rent review process



Unweighted base: n=885

4. Rent Review Legislation

4.1. Summary of key points

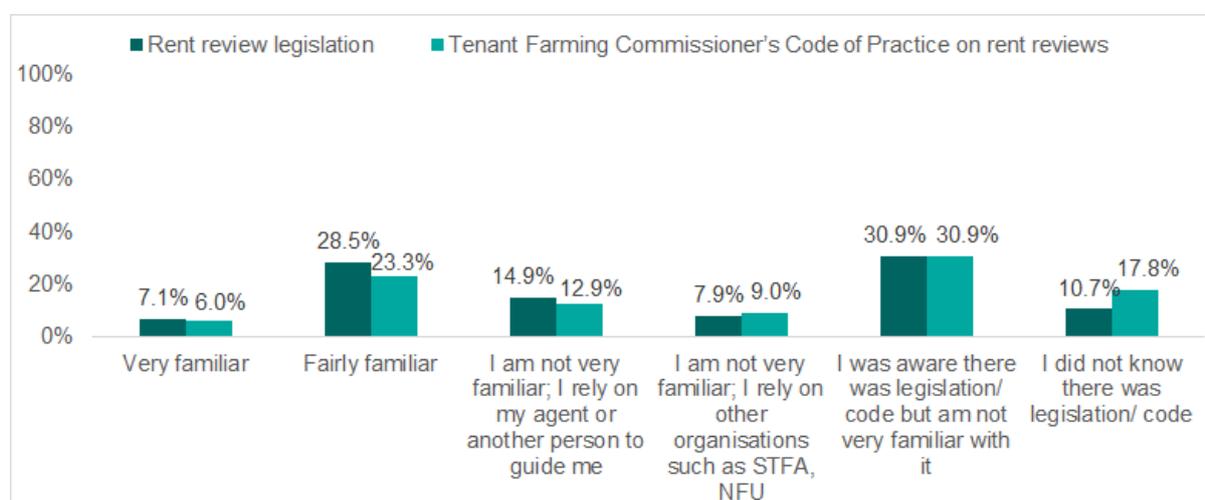
- In terms of rent review legislation, just over a third of survey respondents (36%) were either very or fairly familiar with this compared to 11% who were not aware at all.
- Fewer respondents were aware of the Tenant Farming Commissioner’s Code of Practice on rent review (29%) and this is compared to 18% who were not aware of this at all.

4.2. Familiarity of Legislation

Just over a third of survey respondents were either very or fairly familiar with rent review legislation (36%), 15% were not very familiar and relied on an agent or other person to guide them and 8% were not very familiar and relied on other organisations. Just under a third (31%) were aware there was legislation but were not familiar with it and 11% were not aware of this legislation.

With regards to the Tenant Farming Commissioner’s Code of Practice on rent reviews, fewer respondents (29%) were very or fairly familiar with this, 13% were not very familiar and relied on an agent or another person to guide them, and 9% were not very familiar and relied on other organisations to guide them. Just over 3 in 10 respondents (31%) were aware there was a Code of Practice but were not familiar with it and 18% were not aware at all.

Figure 4.1 Familiarity of rent review legislation/ Tenant Farming Commissioner’s Code of Practice



Unweighted base: Rent review legislation, n=1,011; Tenant Farming Commissioner’s Code of Practice, n=1,008

5. Disagreements During the Rent Review Process

5.1. Summary of key points

- The vast majority of respondents had not experienced any significant disagreements during the rent review process (79%). Few respondents (21%) had experience of significant disagreements with their current landlord during the rent review process.
 - Of these individuals the most common course of action taken to resolve the disputes was talking with a professional advisor (50%) or the landlord (50%) to find a solution.
-

5.2. Experience of Significant Disagreements with Current Landlord

The vast majority of respondents had not experienced any significant disagreements during the rent review process (79%). Where respondents had experienced issues, this was most likely to be regarding the rent review itself (11%), fixed equipment (9%) or housing related issues (9%).

Table 5.1 Experience of significant disagreements during rent review process

Unweighted base, n=900	%
Not had any significant disagreements	79.2%
Rent review	11.4%
Fixed equipment	9.1%
Housing	7.6%
Issues around assignation/ succession	3.5%
Diversification	2.4%
Conflicts with other business interests	2.3%
Resumption/ termination of lease	0.6%
Non-payment of rents	0.4%
Anything else	0.7%

5.3. Actions Taken to Resolve Disputes

Those who had experience of significant disagreements with their current landlord were asked to select from a list of options, any actions they had taken to resolve their dispute. Half of respondents had talked with a professional advisor to help find a solution (50%), and a further 50% had talked with their landlord or their representative to find a solution. Furthermore, 21% had sought legal intervention and 13% had asked the Tenant Farming Commissioner to assist. Just over 1 in 10 of this group of respondents said they had not been successful or tried to resolve their dispute.

Table 5.2 Actions taken to resolve disputes

Unweighted base, n=184	%
Talked with a professional advisor to help find a solution	50.2%
Talked with my landlord or his representative to find a solution	49.8%
Sought legal intervention	20.8%
Asked the Tenant Farming Commissioner to assist	12.5%
Used the Land Court process	11.5%
Used Alternative Dispute Resolution (ADR) (includes mediation, arbitration and expert determination)	6.1%
Other means of resolution	0.6%
Have not been successful or tried to resolve dispute	12.5%

6. Recent Experience with the Rent Review Process

6.1. Summary of key points

- Over half of survey respondents were either very or fairly satisfied with the rent review process overall (53%) compared to 15% who were very or fairly dissatisfied.
- In terms of the various aspects of the rent review process, respondents were most likely to be satisfied in terms of who carries out the rent review (61%) and least satisfied with the cost or expense of the rent review process (53%).
- A higher number of respondents considered the rent review process to be easy (47%) than difficult (16%).

6.2. Satisfaction with Rent Review Process

The survey asked respondents how satisfied or dissatisfied they were with a range of aspects of the rent review process. Over 6 in 10 respondents (61%) were either very or fairly satisfied in terms of who carries out the rent review, compared with 53% regarding the cost or expense of the rent review process. The proportion of respondents who were very or fairly dissatisfied was highest regarding how rent reviews have been carried out (18%).

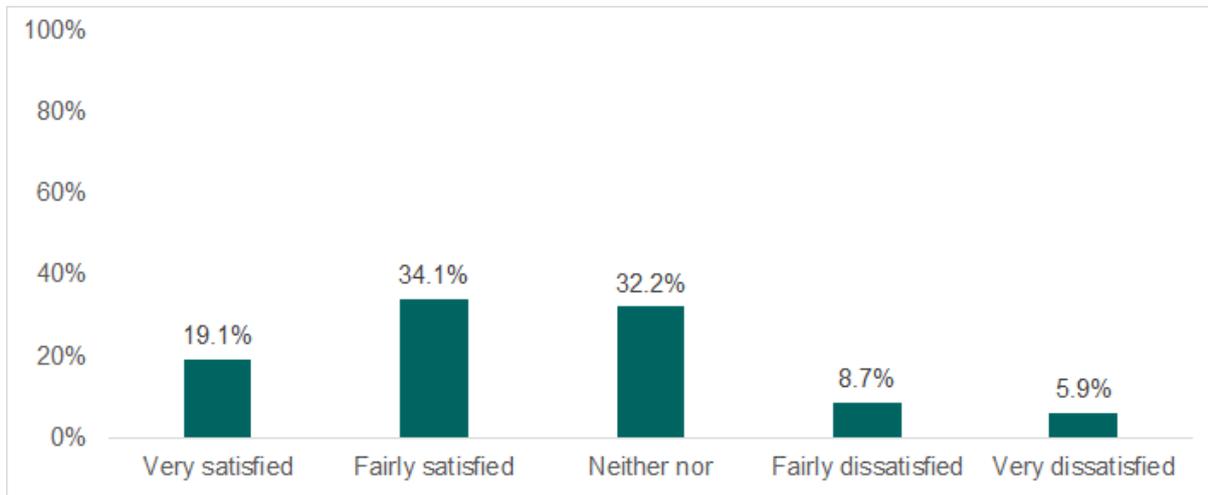
Figure 6.1 Satisfaction with aspects of the rent review process



NB: This table excludes those who answered 'don't know'.

Over half of survey respondents were either very or fairly satisfied with the rent review process (53%) compared to around a third (32%) who were neither satisfied nor dissatisfied and 15% who were very or fairly dissatisfied.

Figure 6.2 Satisfaction with the whole rent review process



Unweighted base: n=913

Further analysis of satisfaction and dissatisfaction with the rent review process reveals some interesting findings:

- Tenant farmers who had their tenancy for between 10 and 24 years were most satisfied with the rent review process (71%). Those who had their tenancy for 50 years or over were least likely to be satisfied (48%).
- Those whose principal residence was on the main tenancy were less likely to be satisfied with the rent review process (50%) than those whose residence was elsewhere (58%).
- Respondents aged over 70 were most satisfied with the rent review process (63%).
- Tenant farmers whose landlord was a family business (71%) or institution (63%) were more likely to be satisfied with the rent review process than tenant farmers whose landlord was a limited company (35%), public sector organisation (42%) or Landowner's Family Trust (49%).
- Respondents whose landlord or landlord's trust was related to them were more likely to be satisfied with the rent review process (70%) than those who were not related (52%).
- Satisfaction with the rent review process was higher for those who said they represented themselves in the rent review (55%) than those who said the tenant farmer was represented by an agent (24%).

- Similarly, those who said their landlord represents themselves in the rent review process were more likely to be satisfied with the process (65%) than respondents whose landlord is normally represented by an agent (45%).
- Respondents who considered their relationship with the landlord to be better during the rent review process were more likely to be satisfied with the process (74%) than respondents who said their relationship was worse during this time (10%).
- In terms of familiarity with rent review legislation, those who rely on their agent or another person to guide them (48%) or rely on other organisations such as the Scottish Tenant Farmers Association (STFA) or National Farmers' Union of Scotland (NFUS) (36%) were less likely to be satisfied with the rent review process than those who were very or fairly familiar (59%) with the legislation.

Table 6.1 Analysis of overall satisfaction with the rent review process

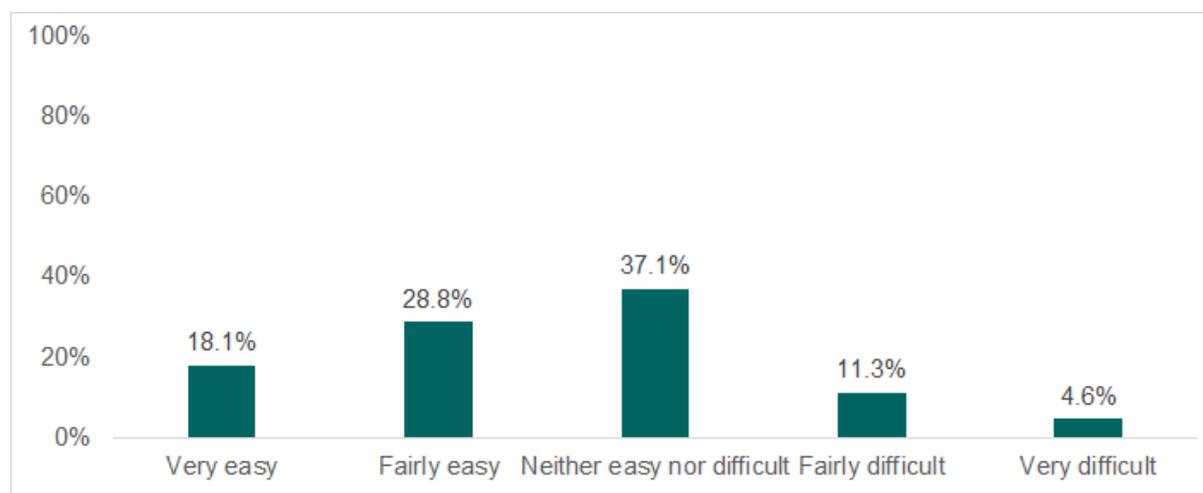
Question	Response	Base	% very/ fairly satisfied
Q5 What type of agricultural tenancy is this?	Secure 1991 Act agricultural tenancy	607	48%
	1991 Act Limited Partnership	37	57%
	Short Limited Duration Tenancy (SLDT)	111	68%
	Limited Duration Tenancy (LDT)	68	62%
	Modern Limited Duration Tenancy (MLDT)	40	64%
	Other (non-crofting) lease for more than 1 year	38	64%
Q6 Length of tenancy	0-9 years	79	59%
	10-24 years	98	71%
	25-49 years	194	56%
	50-100 years	392	48%
	More than 100 years	107	48%
Q7 Is your principal residence on the main tenancy?	Yes	583	50%
	No	308	58%
Q8 Age	16-40	67	50%
	41-60	358	50%
	61-70	281	52%
	71 and over	191	63%
Q10 Landlord description	Individual landowner	293	57%
	Landowner's Family Trust	326	49%
	Family business	77	71%
	Community ownership	7	58%
	Institution	81	63%
	A public sector organisation	35	42%
	A limited company	58	35%
Q11 Landlord or landlord trust related to you?	Yes	75	70%
	No	817	52%
Q14 Who normally represents the tenant in the rent review?	I represent myself as the tenant	770	55%
	Another partner in the business	50	37%
	A representative of the business	13	65%
	Your agent	114	24%
	Rent hasn't been reviewed since the lease was signed	52	46%

Q15 Who normally represents the landlord in the rent review?	Landlord directly	200	65%
	Resident factor	315	55%
	Landlord's agent	387	45%
	Rent hasn't been reviewed since the lease was first signed	10	63%
Q16a When was your most recent or current review?	In the last 1-5 years	400	57%
	Between 5-10 years ago	187	48%
	More than 10 years ago	92	53%
Q17 During the rent review process is your relationship with your landlord....?	Much/ slightly better	52	74%
	No different	649	58%
	Much/ slightly worse	111	10%
	No rent review has taken place during the tenancy	33	67%
	Very/ fairly familiar	355	59%
Q18 How familiar are you with the rent review legislation?	I am not very familiar; I rely on my agent or another person to guide me	149	48%
	I am not very familiar; I rely on other organisations such as STFA, NFU	74	36%
	I was aware there was legislation but am not very familiar with it	256	54%
	I did not know there was legislation	77	50%

6.3. Ease or Difficulty of the Rent Review Process

Almost half of respondents (47%) found the rent review process very or fairly easy compared to less than a fifth (16%) who found it very or fairly difficult.

Figure 6.3 Ease or difficulty of rent review process



Unweighted base: n=910

A number of factors contribute to respondents' perception of the ease or difficulty of the rent review process:

- Respondents who normally represent themselves in the rent review (49%) are more likely to consider the rent review process to be easy than those who are represented by another partner in the business (28%) or are represented by their agent (21%).

- Those who said their landlord represents themselves (57%) were more likely to find the rent review process easy than those who said their landlord was represented by an agent (39%) or a resident factor (47%).
- Respondents who were very (56%) or fairly familiar (51%) with the rent review legislation were more likely to find the rent review process easy than respondents who said they were not very familiar and relied on other organisations such as the Scottish Tenant Farmers Association (STFA) or National Farmers’ Union of Scotland (NFUS) (26%).
- Where respondents were related to their landlord or landlord’s trust (62%) they were more likely to find the rent review process easy than those who were unrelated (46%).

6.4. Suggestions for Improvement to the Current Rent Review Process

The survey included an open response question which asked respondents for their suggestions on how the rent review process could be improved:

“Thinking about all your answers to the questions above, what could be done to improve your experiences of any aspect of the current rent review process?”

The open-ended comments were analysed and grouped into common themes. This analysis reveals that 12% of comments were from respondents who believed rents should take into account a range of factors such as the productive capacity of the land (4%), the state of repair or consideration of any improvements that have been made (5%) or other factors (4%), 8% expressed dissatisfaction with agents, 6% felt the process or legislation could be simplified and 6% suggested improvements to communication between tenant farmers, landlords and other parties. These themes are explored in more detail below, alongside examples of responses.

1 in 10 comments (10%) were made by respondents who were happy with the current review process. Almost a quarter (23%) of those who responded to this question had no suggestions or were unsure how the process could be improved. Of those, 79% were satisfied with the overall rent review process.

Table 6.2 Suggestions for improvement to the rent review process

Unweighted base, n=423	%
Rent should take into account a number of factors e.g. type of land, repairs, productivity	11.8%
Happy/ satisfied with rent review	10.3%
Dissatisfaction with agents	7.6%
Simplify the process/ legislation	5.7%
Feel like we have no option other than to pay the rent increase/ no consultation	5.6%

Better communication between tenants, landlords and other parties	5.4%
Not had a recent rent review	5.4%
More transparency/ consulted on decisions/ standard framework/ independent body	5.0%
Cost of arbitration/ legal fees	3.6%
Good relationship with landlord	3.4%
Family business/ Trust so done informally/ easily	2.7%
Would like to buy/ tenants' right to buy	2.4%
Would be good if could see other farm rents	2.1%
Less frequent rent review	2.0%
Factor/ Property manager deals with this	1.7%
The process, e.g. lack of continuity in who is carrying them out, need for a clear process and dates	1.6%
The need for longer, secure tenancies and support for new entrants	1.3%
The role of the TFC code of practice (i.e. improving things in future)	1.2%
Reducing the cost of rent reviews, availability of open market evidence	0.9%
Other parties, e.g. preference for negotiating with resident factor, the obligations of landlords	0.7%
Rent reviews are easier now I use an agent	0.4%
None/ Nothing	22.8%
Other	8.0%

Rent should take into account a number of factors e.g. type of land, repairs, productivity

One of the most common themes emerging from responses to this question was where tenant farmers believed that rent charged should take into account a number of factors. This included instances where tenant farmers believed the state of repair should be taken into account or where they were unhappy about repairs not being carried out or the costs involved in having to undertake repairs themselves, depending on the nature of their lease:

- I have full repairing lease which means I have to repair and renew everything and even knock down old estate buildings without compensation.
- We don't get any repairs done, not over the last 20 years.
- The prices hopefully will come down. The only problems are the landlords who want to continually put the rents up but don't do anything for the farmers buildings and land.

Other tenant farmers believed that where they had made their own improvements to the land and the buildings, these should be excluded from the profitability of the land and that they should not be penalised for the improvements with increased rent charges:

- Rents should be limited to profitability of land after tenants' improvements have been discounted.
- Tenant's farming abilities and husbandry and improvements should be taken more into account. A good farmer should not be penalised unfairly.
- The rent is increased no matter how tough the economic climate has been or how much we have invested in the farm.

The productivity of the land was also mentioned as another factor which should be considered when reviewing rent charges. Tenant farmers felt that rent should be based on how viable the land is in terms of productivity:

- If the rent was linked to the productive value of the holding, not the open market value.
- Have a rent review process which is carried out based on some level of productive capacity.
- I feel that more account should be placed on how viable the land is to make a living off it.

Dissatisfaction with agents

Another area of dissatisfaction was in relation to the use of agents to negotiate rent increases. The general consensus from this group of respondents was that landlords' agents can be difficult to deal with and a number of tenant farmers stated that they do not receive sufficient notice on upcoming rent increases:

- There could be a bit more communication from the agent about the amount of increase - it is a bit black and white. They could come out at different times of year - not just summer when everything is all green. Come out during winter as well to see it.
- Any chance my landlord thinks he can get my rent up he sends in his agent who picks away at me which means I have to find the money to get legal representation to support me. This all gets very expensive and stressful.
- Agents should be vetted. Agents should follow the code. Agents should be timely.

Simplify the process/ legislation

There was also a feeling among tenant farmers that the rent review process and associated legislation could be simplified. Tenant farmers spoke about the provision of clear guidelines that should be followed by all parties which should be in easy-to-understand terms and also easy to access:

- There is too much legal jargon which makes it difficult to understand - they should make the information easier to understand and we need a definite indication of when the rent will rise by date - they should tell tenants exactly when the rent will be increased as the landlords' lawyers here are hopeless at this sort of thing.
- Scottish ministers should put clear guidance possibly with legal basis in place on how to calculate a fair rent within the context or duration of lease, production potential and condition of assets at the start of the lease.
- The process is becoming so complex and formal that I will probably have to employ an agent to represent me which may cost more than taking a rent rise and may be in addition to a rent increase.

Better communication between tenant farmers, landlords and other parties

A number of respondents spoke about the importance of ensuring that all parties communicate with each other and are involved in the rent review process:

- The landlord should be involved in the discussions at the meetings. This would speed up the process especially if he is already involved in the estate management. It would also mean that the tenant's comments were passed onto the landlord. Also, the landlord wasn't hiding behind his agent.
- Having regular contact with landlords and discussing each other's ambition and problems works.
- The land agent's acting on behalf of our landlord's do not want to have any contact with the landlord. This does not lead to a good relationship between tenant and landlord. But as long as there is a possibility of "right to buy" then this current system of rent reviews will not change.

7. Equalities Information

7.1. Summary of key points

The survey included a set of standard Equalities monitoring questions which showed that:

- Over 1 in 10 respondents (12%) had a physical or mental health condition or illness lasting or expected to last 12 months or more. This is compared to 32% of the Scottish population.⁷ The majority of these individuals said it reduces their ability to carry out day-to-day activities (86%).
 - More than 6 in 10 respondents (61%) said their religion was Church of Scotland compared to 23% of the Scottish adult population.
 - Almost all respondents said they were heterosexual or straight (99%) compared to 95% of the Scottish adult population.
 - The majority of respondents identified as White Scottish (89%) compared to 77% of the Scottish adult population.
-

7.2. Long Term Physical or Mental Health Condition or Illness

Over 1 in 10 respondents (12%) had a physical or mental health condition or illness lasting or expected to last 12 months or more. Of these individuals, 26% said their condition or illness reduces their ability to carry out day-to-day activities 'a lot' and a further 60% said it reduces their ability 'a little'.

7.3. Religion

Over 6 in 10 respondents (61%) said their religion was Church of Scotland.

Table 7.1 Religion

Unweighted base, n=805	%
Church of Scotland	61.3%
None	29.8%
Other Christian	7.0%
Roman Catholic	1.4%
Pagan	0.3%
Another religion	0.3%

⁷ Comparative equalities data on the Scottish population collected from www.equalityevidence.scot

7.4. Sexuality

Almost all individuals who responded said they were heterosexual or straight (99%).

7.5. Ethnicity

The vast majority of respondents (89%) identified as 'White Scottish' and a further 10% said they were 'White other British'.

Table 7.2 Ethnicity

Unweighted base, n=823	%
Scottish	89.2%
Other British	10.1%
Irish	0.1%
Other white ethnic group	0.1%
Other	0.5%

8. Conclusions

The majority of tenant farmers are satisfied with the current rent review process. There is some degree of dissatisfaction with the current rent review process for a minority of tenant farmers.

It is clear that familiarity with the legislation is related to tenant farmer satisfaction with the rent review process, with tenant farmers who are familiar with the legislation reporting higher levels of satisfaction. This also is related to tenant farmers' perception of the ease of the rent review process. Where respondents said they were very or fairly familiar with the rent review legislation they were more likely to find the process easy.

The survey also found that where the rent review process is undertaken by the landlord directly there is also a correlation with satisfaction. Moreover, where this is the case, the majority of tenant farmers feel that their relationship with their landlord stays the same throughout the process.

Where the agent is responsible for the rent review process, on both sides, satisfaction with the overall process was lower. This is supported by the fact that the third most common suggestion for improving the rent review process related to dissatisfaction with agents.

A third of tenant farmers were happy with the current rent review process and could not think of any improvements or suggestions. When asked for their suggestions on how the current rent review process could be improved, the most common response from tenant farmers was that they could not think of any improvements or suggestions (23%). Where comments were made, the most common themes were:

- rents should take into account a range of factors such as the type of land, productivity and repairs;
- dissatisfaction with agents;
- a need to simplify the process/ legislation;
- better communication between tenant farmers, landlords and other parties;
- lack of options or consultation in terms of rent increases;
- a need for more transparency/ consultation on decisions/ a standard framework/ independent body.

There is a low degree of dissatisfaction or desire to improve the rent review process from tenant farmers. The majority are content.

Annex 1: Questionnaire



Scottish Government
Riaghaltas na h-Alba
gov.scot



researchresource

Date

Ref:

Name

Address

Dear **Name**

Tenant Farmer Rent Review Experience

The Scottish Government wish to explore tenant farmers' views on the process of rent reviews.

We have planned this survey with the support of the STFA and NFUS.

We recognise that this is a busy time of year for all farmers, but we hope that you will be able to spare 10 minutes in the coming weeks to complete the survey. The results of the survey will be used to inform a review of the rent review process, so it is important we hear from as many tenant farmers as possible so that any subsequent changes to the current system are fully informed by your views and experiences.

If you would rather complete the survey online, you will need to use the reference number at the top of this letter and visit:

www.researchresource.co.uk/tenantfarmer.html

Please complete and return the questionnaire by **Monday 24th May**. If you need any help completing the questionnaire or information in any other format, please contact Research Resource on Freephone 0800 121 8987 or info@researchresource.co.uk

Please be assured that all your answers will be completely confidential and anonymous. It will not be possible to identify any individual or farm business in the final report. You will be asked at the end of the survey if you would like to receive a one-page summary of the results.

Thank you, in anticipation, for your time and input.

Yours sincerely

Alistair Henry

Alistair Henry

Agricultural Holdings & Women in Agriculture
Team, Scottish Government

Lorna Shaw

Director, Research
Resource

Why are we carrying out this survey?

The Land Reform (Scotland) Act 2016 brought forward a number of recommended changes to current agricultural holdings legislation. One element was to introduce a new rent review process. However despite lengthy discussions with stakeholder organisations, it has not been possible to identify a fair and equitable process. The Scottish Government has therefore commissioned this survey to directly seek tenant farmers' views on the current process of rent reviews.

Whilst rent reviews should continue to be carried out as normal, an additional 'sense check' was introduced through an initiative by NFU Scotland (NFUS), Scottish Land & Estates (SL&E) and Scottish Tenant Farmers' Association (STFA) in 2014. This is included in the summary from the Tenant Farming Commissioner (TFC) below.

What will we do with the results?

The results of the survey will be published in a summary report. It will not be possible to identify any individual or farm business in the report. This data will be used for future policy development and potential Parliamentary evidence regarding making improvements to the current process.

Tenant Farming Commissioner's (TFC) Code of Practice on Rent Reviews

Where agreement cannot be reached by informal discussion, Section 13 of the Agricultural Holdings (Scotland) Act 1991 provides the basis for rent reviews. Rent must only be charged on land and fixed equipment provided by the landlord and must ignore any potential income contribution attributable to improvements and fixtures provided by the tenant.

A key principle is that a rent review should be regarded as a negotiation, based on an objective and transparent consideration of available evidence, with the aim of reaching an agreement that both parties regard as being fair and realistic. Proposals and counter proposals should contain sufficient detail to enable each party to understand and verify the other's calculations. Each party should be afforded sufficient time to give full and careful consideration to proposals and counter proposals tabled by the other.

When comparable rents are offered as evidence, they must be appropriately and transparently adjusted to account for differences between the holding being used for comparison and the holding where the rent is under review.

Where there have been no material changes in circumstances since the last review and none are anticipated, an adjustment to the rent to reflect an increase or decrease in the Consumer Price Index (CPI) % may be an appropriate way to proceed but this should not be considered as an automatic adjustment. A proposal to adjust the rent in line with inflation should be presented for discussion and dealt with in the same way as the other factors that are taken into account.

More detail can be found in the TFC's Code of Practice on rent reviews which you can access via this link: <http://bit.ly/TFC-RentReviewCode>

The survey should ideally be completed by the tenant of the farm/s. We would prefer it if agents did not complete it on behalf of the tenant.

Please confirm if you are:

1. Tenant Farmer	<input type="checkbox"/>	Please continue
2. Part of the farm business	<input type="checkbox"/>	
3. A representative of the farm business	<input type="checkbox"/>	As we wish to collect responses only from tenant farmers, please pass the survey to the tenant for completion.
4. Other (please specify)	<input type="checkbox"/>	

SECTION 1: About the farm business

It would be helpful if you could begin by telling us about you and your farm business.

1. What types of agricultural tenancy(ies) do you have? WRITE IN THE NUMBER OF TENANCIES OF EACH TYPE

Secure 1991 Act agricultural tenancy – any tenancy you have for one year (365 days) or more, with full security of tenure and succession rights.	
1991 Act Limited Partnership – any partnership tenancy for one year (365 days) or more, where the tenant is a limited partnership	
Short Limited Duration Tenancy (SLDT) – for between one and five years duration or continuing by agreement	
Limited Duration Tenancy (LDT) – entered on or after Martinmas 2003 for ten years or more and with a specific end date	
Modern Limited Duration Tenancy (MLDT) – entered into on or after 30 November 2017 for ten years or more and with a specific end date	
Other (non-crofting) lease for more than 1 year	
Don't know	<input type="checkbox"/>
Total number of tenancies	

2. Of the types of agricultural tenancies listed above, how many of each of the following sizes to you have? WRITE IN THE NUMBER OF TENANCIES OF EACH SIZE

Up to 20 ha	
21-50 ha	
51-100 ha	
101-200 ha	
201-500 ha	
501 ha or more	
Total number of tenancies	

3. What type/s of farming is carried out on your farm(s)? SELECT ALL THAT APPLY

Specialist cereals	<input type="checkbox"/>
General cropping	<input type="checkbox"/>
Specialist horticulture & permanent crops	<input type="checkbox"/>
Specialist pigs	<input type="checkbox"/>
Specialist poultry	<input type="checkbox"/>
Specialist dairy	<input type="checkbox"/>
LFA Beef & Sheep	<input type="checkbox"/>
Non-LFA Beef & Sheep	<input type="checkbox"/>
Mixed holdings	<input type="checkbox"/>
General cropping; forage	<input type="checkbox"/>
Diversified activity	<input type="checkbox"/>
Other (please describe below)	<input type="checkbox"/>

If you have more than one lease, please answer the remainder of these questions thinking only of your main lease (by that we mean the lease which is most important to your business).

4. How many hectares does your main lease cover? TICK ONE ONLY

Up to 20 ha	<input type="checkbox"/>
21-50 ha	<input type="checkbox"/>
51-100 ha	<input type="checkbox"/>
101-200 ha	<input type="checkbox"/>
201-500 ha	<input type="checkbox"/>
501 ha or more	<input type="checkbox"/>

5. What type of agricultural tenancy is this? TICK ONE ONLY

Secure 1991 Act agricultural tenancy	<input type="checkbox"/>
1991 Act Limited Partnership	<input type="checkbox"/>
Short Limited Duration Tenancy (SLDT)	<input type="checkbox"/>
Limited Duration Tenancy (LDT)	<input type="checkbox"/>
Modern Limited Duration Tenancy (MLDT)	<input type="checkbox"/>
Other (non-crofting) lease for more than 1 year	<input type="checkbox"/>

6. How long have you or your family had your main tenancy – even if the type has changed? TICK ONE BOX ONLY

0-9 years	<input type="checkbox"/>
10-24 years	<input type="checkbox"/>
25-49 years	<input type="checkbox"/>
50-100 years	<input type="checkbox"/>
More than 100 years	<input type="checkbox"/>
Unsure	<input type="checkbox"/>

7. Is your principal residence on the main tenancy?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

8. What is your age group?

16-25	<input type="checkbox"/>
26-40	<input type="checkbox"/>
41-60	<input type="checkbox"/>
61-70	<input type="checkbox"/>
71 and over	<input type="checkbox"/>

9. What is your sex?

Female	<input type="checkbox"/>
Male	<input type="checkbox"/>

10. Which of the following best describes your landlord for this lease?

Individual landowner	<input type="checkbox"/>
Landowner's Family Trust	<input type="checkbox"/>
Family business	<input type="checkbox"/>
Community ownership	<input type="checkbox"/>
Institution (e.g. Crown Estate or Church of Scotland)	<input type="checkbox"/>
A public sector organisation (e.g. Forestry and Land Scotland)	<input type="checkbox"/>
A limited company	<input type="checkbox"/>
Other (please describe below)	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

11. Is your landlord or landlord trust related to you?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

SECTION 2: Rent Reviews

12. Generally, how often is your rent reviewed on this main lease? TICK ONE ONLY

Every 3-5 years	<input type="checkbox"/>
Every 6-10 years	<input type="checkbox"/>
No set timescale	<input type="checkbox"/>
It has never been reviewed	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

13. Who normally initiates the rent review process? Is it... TICK ONE ONLY

From the tenant side (including agents)	<input type="checkbox"/>
From the landlord side (including agents)	<input type="checkbox"/>

14. Who normally represents the tenant in the rent review? Is it... SELECT ALL THAT APPLY

I represent myself as the tenant	<input type="checkbox"/>
Another partner in the business	<input type="checkbox"/>
A representative of the business (e.g. a family member who is not a partner)	<input type="checkbox"/>
Your agent	<input type="checkbox"/>
Someone else (please describe below)	<input type="checkbox"/>
Rent hasn't been reviewed since the lease was first signed	<input type="checkbox"/>

15. Who normally represents the landlord in the rent review? Is it... SELECT ALL THAT APPLY

Landlord directly	<input type="checkbox"/>
Resident factor	<input type="checkbox"/>
Landlord's agent	<input type="checkbox"/>
Someone else (please describe below)	<input type="checkbox"/>
Rent hasn't been reviewed since the lease was first signed	<input type="checkbox"/>

16. Thinking about your rent reviews, where possible, please provide the dates (month and year) for these two events

	Month e.g. November	Year e.g. 2010 (yyyy)			
Most recent or current review					
Review prior to that					

17. During the rent review process is your relationship with your landlord....? TICK ONE ONLY

Much better	<input type="checkbox"/>
Slightly better	<input type="checkbox"/>
No different	<input type="checkbox"/>
Slightly worse	<input type="checkbox"/>
Much worse	<input type="checkbox"/>
No rent review has taken place during the tenancy	<input type="checkbox"/>

SECTION 3: Rent review legislation

18. How familiar are you with the rent review legislation? TICK ONE ONLY

Very familiar	<input type="checkbox"/>
Fairly familiar	<input type="checkbox"/>
I am not very familiar; I rely on my agent or another person to guide me	<input type="checkbox"/>
I am not very familiar; I rely on other organisations such as STFA, NFUS	<input type="checkbox"/>
I was aware there was legislation but am not very familiar with it	<input type="checkbox"/>
I did not know there was legislation	<input type="checkbox"/>

19. How familiar are you with the Tenant Farming Commissioner’s Code of Practice on rent reviews? TICK ONE ONLY

Very familiar	<input type="checkbox"/>
Fairly familiar	<input type="checkbox"/>
I am not very familiar; I rely on my agent to guide me	<input type="checkbox"/>
I am not very familiar; I rely on other organisations such as STFA, NFUS	<input type="checkbox"/>
I was aware there was a Code but am not very familiar with it	<input type="checkbox"/>
I did not know there was a Code	<input type="checkbox"/>

SECTION 4: Disagreements (legal or not) during the rent review process

20. Have you had any significant disagreements with your current landlord during the rent review process on the following issues? PLEASE TICK ALL THAT APPLY

If you have not had any significant disagreements, please tick here and go to Q22

Rent review	<input type="checkbox"/>
Non-payment of rents	<input type="checkbox"/>
Fixed equipment	<input type="checkbox"/>
Housing	<input type="checkbox"/>
Diversification	<input type="checkbox"/>
Conflicts with other business interests	<input type="checkbox"/>
Issues around assignation	<input type="checkbox"/>
Issues around succession	<input type="checkbox"/>
Anything else (if Ticked, please describe below)	<input type="checkbox"/>

21. Did you use any of the following options to resolve your dispute? PLEASE TICK ALL THAT APPLY

Talked with my landlord to find a solution	<input type="checkbox"/>
Talked with a professional advisor to help find a solution	<input type="checkbox"/>
Asked the Tenant Farming Commissioner to assist	<input type="checkbox"/>
Sought legal intervention	<input type="checkbox"/>
Used Alternative Dispute Resolution (ADR) (includes mediation, arbitration and expert determination)	<input type="checkbox"/>
Used the Land Court process	<input type="checkbox"/>
Other means of resolution (please describe below)	<input type="checkbox"/>
Have not tried to resolve dispute	<input type="checkbox"/>

SECTION 5: Recent experience with the rent review process

22. Thinking of the range of aspects of your most recent rent review process, how satisfied or dissatisfied are you with the following aspects of the process...?

PLEASE TICK ONE BOX PER ROW

	Very satisfied	Fairly satisfied	Neither nor	Fairly dissatisfied	Very dissatisfied	Don't know
Frequency	<input type="checkbox"/>					
Who carries them out	<input type="checkbox"/>					
How they are carried out	<input type="checkbox"/>					
Cost/ expense	<input type="checkbox"/>					
Time involved	<input type="checkbox"/>					

23. Overall, how satisfied or dissatisfied would you say you are with the whole rent review process? PLEASE TICK ONE BOX ONLY

Very satisfied	<input type="checkbox"/>
Fairly satisfied	<input type="checkbox"/>
Neither satisfied nor dissatisfied	<input type="checkbox"/>
Fairly dissatisfied	<input type="checkbox"/>
Very dissatisfied	<input type="checkbox"/>

24. Overall, how easy or difficult do you find the rent review process? PLEASE TICK ONE BOX ONLY

Very easy	<input type="checkbox"/>
Fairly easy	<input type="checkbox"/>
Neither easy nor difficult	<input type="checkbox"/>
Fairly difficult	<input type="checkbox"/>
Very difficult	<input type="checkbox"/>

25. Thinking about all your answers to the questions above, what could be done to improve your experience of any aspect of the current rent review process? PLEASE TELL US HERE

SECTION 6: Feedback

26. Would you like to receive a summary of the survey results in August?

Yes, by post	<input type="checkbox"/>
Yes, by email	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, please provide your name and address/ email:

Name	
Address	
Town	
Postcode	
Email	

If you decide not to complete Section 7, please go to the final page to find instructions on how to send your completed survey to Research Resource.

SECTION 7: Optional Equalities information

These additional questions are voluntary. If there are any questions you do not want to answer, please just leave blank and go on to the next one.

The Scottish Government is required to collect equality evidence to meet requirements of The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. This information is not mandatory and will be used for statistical and research purposes only.

27. Do you have a physical or mental health condition or illness lasting or expected to last 12 months or more?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

28. If 'Yes', does your condition or illness reduce your ability to carry-out day-to-day activities?

Yes, a lot	<input type="checkbox"/>
Yes, a little	<input type="checkbox"/>
Not at all	<input type="checkbox"/>

29. What is your religion?

None	<input type="checkbox"/>
Church of Scotland	<input type="checkbox"/>
Roman Catholic	<input type="checkbox"/>
Other Christian	<input type="checkbox"/>
Muslim	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>
Sikh	<input type="checkbox"/>
Jewish	<input type="checkbox"/>
Hindu	<input type="checkbox"/>
Pagan	<input type="checkbox"/>
Another religion, please write in	<input type="checkbox"/>

30. Which of the following options best describes how you think of yourself?

Heterosexual / Straight	<input type="checkbox"/>
Gay / Lesbian	<input type="checkbox"/>
Bisexual	<input type="checkbox"/>
Other	<input type="checkbox"/>

31. What is your ethnic group? Choose ONE section from A-F, then tick ONE box which best describes your ethnic group or background.

A White

Scottish	<input type="checkbox"/>
Other British	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Polish	<input type="checkbox"/>
Gypsy / Traveller	<input type="checkbox"/>
Roma	<input type="checkbox"/>
Showman / Showwoman	<input type="checkbox"/>
Other white ethnic group, please write in:	<input type="checkbox"/>

B Mixed or multiple ethnic groups

Any mixed or multiple ethnic groups, please write in:	<input type="checkbox"/>
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C Asian, Scottish Asian or British Asian

Pakistani, Scottish Pakistani or British Pakistani	<input type="checkbox"/>
Indian, Scottish Indian or British Indian	<input type="checkbox"/>
Bangladeshi, Scottish Bangladeshi or British Bangladeshi	<input type="checkbox"/>
Chinese, Scottish Chinese or British Chinese	<input type="checkbox"/>
Other, please write in:	<input type="checkbox"/>

D African, Scottish African or British African

Please write in (for example, NIGERIAN, SOMALI):	<input type="checkbox"/>
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E Caribbean or Black

Please write in (for example, SCOTTISH CARIBBEAN, BLACK SCOTTISH):	<input type="checkbox"/>
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F Other ethnic group

Arab, Scottish Arab or British Arab	<input type="checkbox"/>
Other, please write in (for example, SIKH, JEWISH):	<input type="checkbox"/>

Thank you very much for taking the time to complete the questionnaire.

Please now return it to Research Resource in the reply paid envelope provided (no stamp required) no later than Monday 24th May.

If you have misplaced the envelope, please contact Research Resource on 0141 641 6410 and we will send you a replacement envelope.

Annex 2: Interpreting results

The results of the research are based upon a sample survey therefore all figures quoted are estimates rather than precise percentages. The reader should interpret the data with statistical significance in mind.

All tables have a descriptive and numerical base, showing the population examined in it.

All proportions produced in a survey have a degree of error associated with them because they are generated from a sample of the population rather than the population as a whole. Any proportion measured in the survey has an associated confidence interval (within which the 'true' proportion of the whole population is likely to lie), usually expressed as $\pm x\%$. It is possible with any survey that the sample achieved produces estimates that are outside this range. The number of times out of 100 surveys when the result achieved would lie within the confidence interval is also quoted; conventionally the level set is 95 out of 100, or 95%. Technically, all results should be quoted in this way. However, it is less cumbersome to simply report the percentage as a single percentage, the convention adopted in this report.

		Sub-group Size									
		50	75	100	150	200	250	300	400	500	1025
Sample Estimate (lookup to nearest multiple of 5%)	5%	6.9%	5.7%	4.9%	4.0%	3.5%	3.1%	2.8%	2.1%	2.2%	1.19
	10%	9.6%	7.8%	6.8%	5.5%	4.8%	4.3%	3.9%	2.9%	3.0%	1.64
	15%	11.4%	9.3%	8.0%	6.6%	5.7%	5.1%	4.6%	3.5%	3.6%	1.95
	20%	12.8%	10.4%	9.0%	7.4%	6.4%	5.7%	5.2%	3.9%	4.0%	2.18
	25%	13.8%	11.3%	9.8%	8.0%	6.9%	6.2%	5.6%	4.2%	4.4%	2.36
	30%	14.6%	11.9%	10.3%	8.4%	7.3%	6.5%	6.0%	4.5%	4.6%	2.50
	35%	15.2%	12.4%	10.8%	8.8%	7.6%	6.8%	6.2%	4.7%	4.8%	2.60
	40%	15.6%	12.8%	11.0%	9.0%	7.8%	7.0%	6.4%	4.8%	4.9%	2.67
	45%	15.9%	12.9%	11.2%	9.2%	7.9%	7.1%	6.5%	4.9%	5.0%	2.72
	50%	15.9%	13.0%	11.3%	9.2%	8.0%	7.1%	6.5%	4.9%	5.0%	2.73
	55%	15.9%	12.9%	11.2%	9.2%	7.9%	7.1%	6.5%	4.9%	5.0%	2.72
	60%	15.6%	12.8%	11.0%	9.0%	7.8%	7.0%	6.4%	4.8%	4.9%	2.67
	65%	15.2%	12.4%	10.8%	8.8%	7.6%	6.8%	6.2%	4.7%	4.8%	2.60
	70%	14.6%	11.9%	10.3%	8.4%	7.3%	6.5%	6.0%	4.5%	4.6%	2.50
	75%	13.8%	11.3%	9.8%	8.0%	6.9%	6.2%	5.6%	4.2%	4.4%	2.36
	80%	12.8%	10.4%	9.0%	7.4%	6.4%	5.7%	5.2%	3.4%	4.0%	2.18
	85%	11.4%	9.3%	8.0%	6.6%	5.7%	5.1%	4.6%	3.5%	3.6%	1.95
90%	9.6%	7.8%	6.8%	5.5%	4.8%	4.3%	3.9%	2.9%	3.0%	1.64	
95%	6.9%	5.7%	4.9%	4.0%	3.5%	3.1%	2.8%	2.1%	2.2%	1.19	

Below is a worked example which explains how to interpret results presented in the analysis of the survey.

The percentage of respondents who were very or fairly satisfied with the whole rent review process was 53%, with a base of 485.

Using the statistical significance table above to find the 95% confidence intervals for each value, we can see that a base of 500 the lower limit of the 95% confidence interval is $(53\% - 5\%)$ 48% and the upper limit is $(53\% + 5\%)$ 58%.



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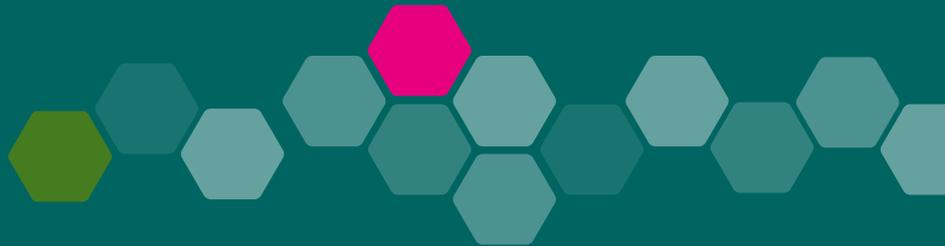
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