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SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

A Guide to the Provision of Information Required to Accompany a Notice of Intention to Relinquish

This Guide is supplementary to the earlier Guide to the Relinquishment and Assignment of 1991 Act Tenancies. It provides more detailed instructions regarding the provision of information that is required when submitting a competent notice of intention to relinquish. Timelines are strict and must be adhered to, and this Guidance is intended to assist the process to proceed without delay.

The new relinquishment and assignation provisions set strict limits on the time allowed for the Tenant Farming Commissioner (TFC) to appoint a valuer and for the valuer to complete the valuation. There is no provision for these timescales to be extended and the clock starts ticking when a competent notice of intention to relinquish (NIR) has been lodged by the tenant with the landlord and the TFC.

The main regulations for this process are the Agricultural Holdings (Relinquishment and Assignation) (Scotland) Regulations 2020/430.

It is therefore important that notices include all the information that the valuer requires in order to carry out their task. The legislation requires that the NIR is made in the form set out in [Schedule 1](#) of these regulations and must be properly completed. The information includes:

- A statement of the names, addresses and designations (a description of someone's legal standing, e.g. Trustee of a Trust) of the tenant and landlord. Parties should ensure that the names given are those of the legal entities, which may not be the names by which the landlord and/or tenant are referred to on a daily basis.
- The rent currently payable and the date on which it was last reviewed whether or not that resulted in any change to the rent.
- A copy of the written lease, where one exists, and any subsequent legally enforceable variations to the terms of the lease. Where no written lease exists, tenants should ensure that the names of the landlord and tenant are as agreed between landlord and tenant and that the plan of the leased area has been agreed between landlord and tenant as accurately showing the extent of the land and buildings within the tenancy.
- A map or plan, at the scale and with the details required in Regulation 3 of the regulations, which clearly shows the extent of the land and buildings within the tenancy and at a scale that allows the position of the boundaries to be fixed accurately.
- A list of tenant's improvements with a statement of which have been agreed with the landlord.

The job of the appointed valuer is to put a value on the components which make up the valuation of the compensation that is payable to the tenant. It is not the job of the valuer to negotiate an agreement between landlord and tenant where there are differences over issues such as the extent of the leased area or the schedule of tenant's improvements eligible for compensation.

The amnesty process has demonstrated just how long it can take to agree a schedule of tenant's improvements so tenants should make every effort to avoid submitting information that is likely to be contested by the landlord. If the tenant submits information which is incomplete or is challenged as inaccurate by the landlord, then even if the valuer were appointed and completed their report based on this disputed information, the landlord can appeal the report to the Lands Tribunal, which can remit the dispute to the Land Court and amend the valuations.

If all the necessary information is not assembled before a NIR is submitted, it may not be possible for the valuer to complete the valuation within the timescale allowed. Tenants are therefore asked to ensure that the information submitted with the NIR is complete, and has (as far as possible) been agreed with the landlord.

While the TFC has no powers to extend the time limits set out in the legislation he will reject as being incompetent any NIR which does not come with the required information, and the process of appointing a valuer will not commence until a competent notice has been received.



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