



**“ The latest news and views  
from Mac and Mac’s  
Rural Land Team ”**

# **mm** Rural Round Up

**SUMMER – 2011**

Welcome to the first edition of Rural Round Up, the new quarterly newsletter from our Rural Land Team. The last few months have seen a number of interesting developments in the Rural Land field and we highlighted these in our first edition. If you require further information relating to any of the topics covered, or if you are interested in receiving our newsletter on a quarterly basis then please contact [rural@macandmac.co.uk](mailto:rural@macandmac.co.uk), and we will add your details to our mailing list.

**STOP PRESS:** From 1st July 2011 croft landlords will be entitled to insist on a 10 year statutory clawback. In addition croft tenants will not be entitled to sell croft land to third party nominees, unless the landlord agrees to the sale. For more information regarding these changes please contact [rural@macandmac.co.uk](mailto:rural@macandmac.co.uk)

## **Changes to Agricultural Holdings Legislation**

Changes have recently been made to Agricultural Holdings legislation by the Public Service Reform (Agricultural Holdings) (Scotland) Order 2011, which has been passed by the Scottish Parliament. These changes affect Short Limited Duration Tenancies, Limited Duration Tenancies and Secure “1991 Act” Tenancies. Please see the client briefing on our website for more information about these changes. At the same time the Scottish Government passed the 2011 Order, it released proposals for consultation on major changes to the law on Agricultural Holdings, which follow upon some of the recommendations of the Tenant Farming Forum:

- A proposal to extend the definition of 'near relative' to include a grandchild of a deceased tenant. Grandchildren do not fall within the definition of a near relative and could not benefit from the distinction the 1991 Act makes between near relatives and others when the landlord serves a Notice to Quit.
- A proposal to remove the right of the landlord to provide for 'upward only' or 'landlord only' initiated rent reviews in Limited Duration Tenancies. This proposed change is intended to affect future leases only.

## **macandmac mobileoffice**

We are pleased to announce the launch of the “Mac & Mac Mobile Office” this summer. Do you find it difficult to find the time to make the journey to Inverness to meet with us to discuss your rural land issues? Why not come and see us at one of our Mobile Office locations, coming to a town near you over the summer:

**Come and see us at one of the following Mobile Office locations:**

Wednesday 20 July Gairloch

Wednesday 27 July Ullapool

Wednesday 3 August Helmsdale

Wednesday 10 August Broadford

To arrange an appointment at one of the above mobile offices, or to find out when one of our team members is next due to be in your area, please email [rural@macandmac.co.uk](mailto:rural@macandmac.co.uk)

Or call Colene Garden or Fiona Cameron on 01463 239393.



**macleod & maccallum**  
solicitors, estate agents and financial advisers

Contact our Rural Land Team on 01463 239393

**[www.macandmac.co.uk](http://www.macandmac.co.uk)**

## autumn roadshows

Following the success of our Spring Roadshows in March, we will be back on the road again in October, with a further series of roadshows across the Highlands and Islands. This time round we will also be adding a venue in Caithness to our itinerary. Further details of the dates and venues will be available soon.

## All Controlled Reservoirs to be registered

The Reservoirs (Scotland) Act 2011 received Royal Assent on 12 April 2011. All reservoirs to which the Act applies (referred to in the Act as "controlled reservoirs") will have to be registered. Controlled reservoirs are defined as being capable of storing 10,000 cubic metres or more of water above the natural water level. The new definition of reservoirs will bring some smaller reservoirs, including reservoirs bought by community organisations and companies, under statutory control. The Scottish Environmental Protection Agency (SEPA) will have new statutory responsibilities and powers to supervise and inspect controlled reservoirs, and to serve enforcement notices where reservoir managers do not fulfil their statutory duties. SEPA will have the responsibility to assess the environmental impact of a sudden release of water from a controlled reservoir and new powers to protect people and property in the event of a sudden release of water. As part of this process SEPA will assess and classify the risk of individual controlled reservoirs.

## Right to Buy

The Agricultural Holdings (Scotland) Act 2003 made it possible for agricultural tenants to register the right to buy their holding in the event of a sale by the landlord. The provisions came into force in 2005, and tenants registered their interest by completing and submitting a Notice of Interest to Registers of Scotland.

Registrations are valid for 5 years, which means that some notices of interest will have expired or will be due to expire shortly. Agricultural tenants should consider whether they wish to re-register their interest. Re-registration involves completing and submitting the relevant form to Registers of Scotland along with payment of the fee, currently £25.

Registers of Scotland will usually issue a letter 3 months in advance of the expiration date of your notice of interest confirming it is due to expire, however the onus is on the tenant to ensure that his notice remains valid.

For more information regarding the procedures involved in re-registering your interest, please contact Gail Jamieson or David Findlay.

## Crofting Counties Agricultural Grant Scheme

Important changes to the Crofting Counties Agricultural Grants Scheme (CCAGS) came into force on 1 April 2011. The changes include:-

- Higher grants for applicants aged 40 or under;
- Extension of the scheme to the whole Highlands and Islands enterprise area;
- The new category of short-lease tenants under recent crofting reforms will be eligible for assistance;
- The scheme will no longer be means tested;
- Owners of holdings other than crofts will no longer be eligible to apply for funding.

For further details contact our Rural Land Team.

## Our rural land team



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