

NOTIFICATION PROCEDURE FOR RURAL PRIORITIES CLARIFIED

It was reported in the STFA December Newsletter that there was a considerable amount of confusion amongst applicants, consultants and even SRPID case officers as to the circumstances where landlord consent or notification is required when carrying out works associated with SRDP Rural Priorities. STFA has raised the matter with government officials and revised guidelines have now been issued and can be found on the Scottish Government website:

www.scotland.gov.uk/Topics/Rural/SRDP/RuralPriorities/HowItWorks/SchemeRules/LandOwnershipandControl

STFA welcomes this clarification which should remove a potential barrier to tenants accessing much needed financial assistance from SRDP schemes. However, where capital works are concerned tenants should be aware that compensation for improvements is an entirely separate issue, and the correct procedure should be followed in notifying a landlord separately.

The situation has now been clarified as follows:

Land ownership and Control

- A landlord can apply in respect of land that is in hand or let out on a seasonal basis only. If any land included in the application is leased out on a seasonal basis, it will be the responsibility of the applicant to ensure that all scheme requirements are met.

All tenants

- If you are a tenant or contractual licensee, you must discuss the proposed application with your landlord to make sure it does not break the conditions of your tenancy or licence.
- If you are a tenant or contractual licensee, you must submit a [Landlord Notification Form](#) with your Proposal. You cannot receive final approval from Scottish Ministers for your Proposal without this.

Short term tenancies

- If you have a tenancy or a licence with less than five years to run you must complete a [Landlord Declaration form](#) and ask your Landlord or the landowner to sign the declaration on that form. This will enable the landlord/landowner to confirm that they will make sure your commitments under any five year Options would continue to be met if you stopped having control over the land during the five years of your commitment. The landlord or new tenant must enter into a Successor's Agreement within three months of the tenancy or licence ending by submitting a completed Successor's Agreement Form (available shortly). Otherwise you will have to repay the scheme payments already paid, with interest. Depending on the circumstances, you may have to pay a penalty.

- You cannot apply for land-based Options on seasonal held land, including arable, if your lease is for a period of less than a full year.

Change of Occupiers

If the new occupier of the land does not take on the Rural Priority obligations you have committed to, you will normally need to repay all or part of the payments you have already received, plus interest.

If you are a tenant or licensee and stop having control over the land during the five years of an Option, the landlord or new tenant must enter into a 'successor's agreement' by completing a Successor's Agreement Form (available shortly) within three months of the tenancy or licence ending otherwise you will **normally** have to repay the scheme payments already paid, with interest. Depending on the circumstances, you may have to pay a penalty.

You must let your RPID area office know about any changes affecting the legal occupiers of the land the scheme applies to.

Withdrawal from the Scheme

If you withdraw from a Rural Priority Option which has a 5 year commitment, you should write to your RPID area office explaining why. Unless you can meet the "force majeure" criteria you will normally need to repay any payments you have already received, plus interest. You may also have to pay a penalty.