

NEWS RELEASE
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LANDLORD TOLD TO STOP WASTING TIME

The Scottish Tenant Farmers Association (STFA) welcomed the news last week that a tenant farmer's six year struggle to get his farm rent set by the Scottish Land Court has moved on towards a conclusion. A ruling by the Court of Session has, at last, ended the Coulston Trust's attempts to stall the tenant, AC Stoddart & Sons, from having the rent reviewed.

The tenant acquired the tenancy of Colstoun Mains in 1995 when cereal prices were buoyant. Following successive years of poor returns as a result of the collapse of grain markets and the after effects of BSE and Foot and Mouth, he served notice on his landlord in 2003 to adjust his rent to take account of prevailing economic conditions. The landlord has spent the intervening years unsuccessfully challenging his tenant's right to have his rent reviewed in a series of court cases, culminating in last week's Court of Session decision.

In passing judgement the Court rebuked the landlord for prolonging the rent review unnecessarily by pursuing groundless pleas which should have been dealt with at the outset. The Lord Justice Clerk, Lord Gill, went on to say: "Undue and avoidable delay is contrary to the interests of justice" and "It is undesirable that such reviews should remain unresolved long after the review date".

In commenting on the news that this case had now been referred back to the Land Court, STFA Chairman, Angus McCall observed that this rent review has now been going on far longer than the Second World War and that "If this decision represents the D-Day landing, then roll on VE day! The case could well run into costs reaching an eye-watering six figure sum which is unacceptable and out of all proportion to the potential agricultural income of the holding. It could yet roll into an eighth year with the worst still to come".

"The experience of this unfortunate tenant illustrates the weakness in a system that allows a young farmer's life to be blighted by years of stress and expensive, unnecessary litigation when all he wants to do is have his rent altered to take account of poor economic returns.

"The Morrison Low vs Paterson rental dispute which draws to a close this week after a gruelling and expensive 10 days in the Scottish Land Court, demonstrates the need to develop a simpler way of resolving what should be straightforward disagreements. We need to put a fairer, quicker and affordable system in place which allows justice for all allows scarce financial resources to be directed towards the efficient running of the farm rather than swallowed up in legal costs."

Notes for editors:

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Colstoun vs Stoddart ruling can be accessed at:

www.scotcourts.gov.uk/opinions/2010CSIH20.html