

Tenant Farmers Association

What Should be in the Agriculture Bill

This document sets out the content that the Tenant Farmers Association (TFA) believes should feature in the forthcoming Agriculture Bill.

Part One – Transition

- Length of Agricultural Transition (assume 5 years).
- Imposition of ceiling on Basic Payment Scheme payments.
- Introduction of “bond” style payments.
- Changes to the rules on cross compliance.
- Protection of ongoing agri-environment schemes.
- Introduction of pilot schemes for productivity.

Part Two – Devolution

- Specify rules to be applied at UK level and rules to be devolved.
- Specify governance arrangements for ongoing relationship between Devolved Administrations.
- Setting the budget for Devolved Administrations in line with current spending in each country.

Part Three - Standards of Production

- Specify powers for the Government to set out standards of production in terms of environment, animal welfare and social considerations.
- Require Ministers to set standards by secondary legislation.
- Apply all standards of production to retail and food service outlets.
- Apply all standards of production to imported products.
- Require all public food procurement to specify British.

Part Four – Public Payments for Public Goods

- Specify what additional powers are needed over and above those contained within Sections 5, 6, 7 and 8 of the Natural Environment and Rural Communities Act 2006.

Part Five - Groceries Market

- Expand remit of Groceries Code Adjudicator to include indirect suppliers.
- Expand role of the Groceries Code Adjudicator to allow for short or no announcement inspections.
- Add a requirement for the Groceries Code Adjudicator to report on the balance of returns within the supply chain as between retailers, processors and primary producers.
- Specify supply chain measures for the food service sector.

Part Six - Tenancy issues

Introduce changes recommended by the Tenancy Reform Industry Group (TRIG) including the following:

- Allowing landlords and tenants to override restrictions in tenancy agreements using a test of reasonableness where to do so would assist the full and efficient farming of the holding.

- Allowing tenants to counter notices to remedy which are not notices requiring work to be done.
- Reforming the game damage procedures to make them easier to use.
- Providing that rent review disputes can be determined by third-party determination rather than by arbitration and looking at a wider application for third-party determination.
- Providing a larger reform of dispute resolution to encourage more third-party determination.
- Providing a statutory mechanism for AHA tenancies to be converted to fixed term assignable tenancies at an open market rent subject to the landlord preventing this by buying out the tenant's interest.
- A package of measures on succession which would:
 - Repeal of the Commercial Unit test.
 - Allowing an extra succession option to an expanded list of "close relatives" or modernising the definition of close relatives.
 - Replacing the suitability test with a business competence test.
- Introduce new statutory provisions for new FBTs with an initial term of a minimum of 10 years and no Landlord's break clauses referable solely to a future point or points in time to allow the FBT to be terminated by notice served on the tenant by the landlord for:
 - non-payment of rent (as an alternative to but not a replacement for forfeiture)
 - breaches by the tenant of the contractual terms or conditions of the agreement
 - the death of the tenant
 - allow the landlord to remove land from the holding where planning consent has been granted for non-agricultural use
- Introduce new statutory provisions to allow an existing landlord and tenant under the AHA greater freedom to make changes to the holding in circumstances where there is agreement between the parties on re-location or re-organisation and where the parties agree that the new/altered agreement is to remain within the AHA and where the provisions of ATA 4.1(g) would otherwise remove the new/amended tenancy from the AHA.
- Introduce formal examination in public or similar independent panel assessment and approval for local authority proposals for their rural estate strategy
- Incorporate ACES Good Practice Guidance into DHCLG Local Authority Assets Disposal Guidance
- Extending Case A Notices to Quit to coincide with new State Pension Age.

Part Seven – Productivity

- Enabling legislation to allow schemes to promote risk management and resilience.
- Enabling legislation to allow for grant aid for plan led farm investment.
- Enabling legislation to allow the government to offer loan guarantees to financial institutions lending to the tenanted sector.
- Enabling legislation for a scheme for the uplands focusing on grazing livestock

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