FAO The Rural Economy and Connectivity Committee

Dear Sirs

Agricultural Remedial Order 2014

I have written to the Rural Affairs Committee per correspondence of 4th August 2016 which one had hoped would have found its way through to you as I understand you to be the successor Committee in this regard. This practice represents and seeks to articulate the plight of eight tenant farmers and their families who have been blighted by the mess that is the Remedial Order process.

Your predecessor Committee to their credit articulated the views of the Consultation and were at pains to emphasise the safeguards designed to be there for those said families. Notably they were at pains to emphasise these families should not be faced with the blight of going to court to enforce their rights. Sadly those eight families will be in Court on 1st November, despite the assurances to the contrary.

Copy correspondence to the Cabinet Secretary is attached. The fact that the Administration cannot simply procure and ensure the provision of the mediation process which despite Government attempts to derail it at almost each and every opportunity should and was part of the solution offered by Government. It offered a forum for landlord, tenant and originally Scottish Government to resolve the areas of difference and potentially find common ground. Ironically it has at least served in galvanising both landlord and tenant in common criticism of the incompetence and quite frankly mis-direction on the part of Scottish Government through the stakeholder process. Tenants have now been left to pick up yet again the pieces of failed process.

The Committee gave voice to these concerns and gave clear direction by way of the previous Administration. This echoed the evidence gathering and Report prepared by the Committee. Sadly, their time may have been more constructively spent on other issues because the administration have paid absolutely no regard to any aspect of the Committee directions. Is it such that this Administration can so wilfully and blindly ignore Parliamentary Committees? One must question therefore what is the function or role of these Parliamentary Committees. A huge input and investment in time, energy and resource goes into these Committees and quite frankly Government Administration plays total lip service to those Committees it would appear when it comes to the detail.

This is one last final plea to the Committee to try and bring some clarity to what is now a total and utter shambolic mess. Those tenant families will be in court seeking enforcement of their justice which should never have come to pass.

The fact is that these families have now been so misled and apparently abandoned simply because they followed the letter of the law in this country. It is not their fault that it was wrong and has to be corrected but it appears that a callus position has been adopted by Scottish Government in that those who appear to be the most vulnerable in the discussion and least able to resource and challenge seem the easiest and softest target to yet again abandon and ignore.

Quite frankly people need to hang their heads in shame. The previous Committee was unable to enforce the implementation of the findings of the Report and despite providing further instruction to the then Agricultural Minister, these were not adhered to. It is unclear as to whether this current Committee will have any more success and we would therefore be most grateful if the Committee could advise whether they have any means at their disposal to aid the affected families achieve the
safeguards which the Remedial Order intended them to have.

Yours faithfully

E C Henderson
(for and on behalf of eight tenant families affected by the Remedial Order)