

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	<b>Relinquishment and Assignment provisions contained within the Land Reform (Scotland) Act 2016</b>	
<b>Minister</b>	Cabinet Secretary for the Rural Economy and Tourism	
<b>Lead official</b>	John Martin	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	Fiona Leslie	Agricultural Policy Division
	Scott McFarlane David Cruikshank Richard Haw Harriet Houlsby	RESAS
	Karen Mechan	Equality Unit
<b>Directorate: Division: Team</b>	Agricultural and Rural Economy Agricultural Policy Division Agriculture Holdings and Women in Agriculture Team	
<b>Is this new policy or revision to an existing policy?</b>	Implementation of existing policy delivered through the Land Reform (Scotland) Act 2016. Updated EQIA consideration given the period between the Act commencing and the provisions relating to relinquishment and assignment being enacted.	

### Screening

#### Policy Aim

The Scottish Government introduced the Land Reform (Scotland) Act 2016 (the 2016 Act) as part of the Scottish Government's focus on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. The main purpose of the Act is to:

- ensure the development of an effective system of land governance and on-going commitment to land reform in Scotland;
- address barriers to further sustainable development in relation to land and improve the transparency and accountability of land ownership; and
- demonstrate commitment to effectively manage land and rights in land for the common good, through modernising and improving specific aspects of land ownership and rights over land.

The 2016 Act and its associated tenant farming provisions policy contribute to the Scottish Government aim of providing a vibrant and sustainable future for the tenant farming sector, and is part of our wider Scottish Government economic and land use strategies. The policy also recognises the role that tenant farmers and their landlords play in the cultural and social well-being of our rural and island communities and also feeds into Scotland's Islands National Plan.

### **Who will it affect?**

The provisions in the Land Reform (Scotland) Act 2016 relating to relinquishment and assignation are being enacted through three SSIs:

- The Land Reform (Scotland) Act 2016 (Commencement No.12) Regulations 2020 which brings into force sections 110 and 111 of the Land Reform (Scotland) Act 2016 which introduce a new Part 3A to the Agricultural Holdings (Scotland) Act 1991 and insert a new section 74A to the Agricultural Holdings (Scotland) Act 2003. The new Part 3A provisions enable a tenant farmer with a secure 1991 Act agricultural tenancy who have no successor or who have an eligible successor or assignee who does not wish to take on the tenancy to relinquish their tenancy to their landlord for a sum. If their landlord does not wish to take on the tenancy or pay a sum those tenant farmers can assign their tenancy to a new entrant or a person progressing in farming for a value. Section 74A allows the Scottish Ministers to modify the application of Part 3A in relation to specified tenancies.

- The Agricultural Holdings (Relinquishment and Assignation) Regulations 2020, which sets out the procedure for relinquishment and provides a definition of a new entrant and person progressing in farming.

- The Agricultural Holdings (Relinquishment and Assignation) (Application to Relevant Partnerships) Regulations 2021 uses powers given by section 74A to modify the application of Part 3A to Limited Partnership tenancies, allowing eligible tenant farmers to seek to relinquish their tenancy but not assign it.

In combination these SSIs provide the mechanism for eligible tenant farmers who wish to relinquish their secure 1991 Act agricultural tenancy to be recompensed for the value of their tenancy enabling them to move forward into retirement in a more structured manner, and provide them with a return. This policy also enables secure 1991 Act tenant farmers who do not wish to retire but who wish to relinquish their tenancy for whatever reason, to do so.

This approach both encourages continuation of tenant farming and social cohesion in rural areas. It will provide more opportunities for new entrant or a person progressing in agriculture to farm and stay within their rural or island community. All of which have a positive impact on the wider social and economic benefits of rural communities across Scotland.

## **Policy areas affected**

This policy will:

- assist in removing barriers for new entrants in the letting of farm land and as an indirect result enable more women in partnerships to become new entrants;
- supporting people progressing in agriculture to consolidate their business, supporting it to be more resilient and dynamic in a changing environment;
- support older tenant farmers or other who wish to retire out of agriculture to have better clarity and an easier to use process;
- provide a greater level of confidence in the working relationships; between a landlord and their tenant farmer, improving the availability of farm land for letting in the agricultural tenant farming sector.
- support retention of younger people and farming families in rural areas, providing social cohesion for remote rural areas.

## **What might prevent the desired outcomes being achieved?**

Although the legislation has the potential to provide a range of benefits, this will be limited due to the expected numbers of eligible tenant farmers who chose to utilise this method to bring their tenancy to an end.

For those eligible tenants who chose to use the mechanism provided by the SSIs we expect the majority of the tenancies to be relinquished back to their landlord, with a smaller number being assigned to either a new entrant or a person progressing in farming. So the later outcomes may be limited in their affect, depending on the individual circumstances and business plans of the landlords concerned, which cannot be quantified until the policy is implemented.

These policy outcomes will be kept under review in discussion with the Tenant Farming Commissioner.

## **Stage 1: Framing**

### **Results of framing exercise**

The first EQIA undertaken as part of the Land Reform Bill was extremely beneficial and confirmed the need for policy to support people who wished to relinquish their tenancies.

In light of the intervening years since the above EQIA was undertaken we considered another less intense EQIA was necessary to consider the effect of implementing the provisions in the 2016 Act.

The Scottish Government commissioned the [\*Women in Farming and the Agricultural Sector\*](#) research report, published in June 2017. This research established a baseline position on women in farming and the agricultural industry. This research also informed this BRIA.

Woman in Agriculture taskforce's recommendations was published on 28 November 2019 in their Final Report, available here:  
<https://www.gov.scot/publications/final-report-women-agriculture-taskforce/>

The Scottish Government agricultural census was used to as an evidence source along with stakeholder information, where available.

### **Extent/Level of EQIA required**

Extensive consultation conducted by the AHLRG, informed the policy provisions for the Agricultural Holdings provisions in the 2016 Act. The AHLRG consultation consisted of:

Over 70 meetings with key stakeholders at private and public meetings throughout Scotland. In addition to those meetings, the AHLRG received 100 written submissions. 27 of these came from the main stakeholder organisations, and 73 came from individual tenant farmers, landowners and land agents resulting in the final report of the Agricultural Holdings Legislation Review Group (AHLRG)

<https://www.webarchive.org.uk/wayback/archive/20170701144607/http://www.gov.scot/Publications/2015/01/5605/downloads>

Further Scottish Government consultation took place during 2019 with key stakeholders and included amongst other topics discussions on new entrants, persons progressing in farming and ERHR considerations.

These consultation informed the extent and level of EQIA required.

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken																																					
<b>AGE</b>	<p>The Scottish Government consulted the National Farmers Union Scotland (NFUS), the Scottish Tenant Farming Association (STFA), Scottish Land and Estates (SLE) and the Scottish Young Farmers Association (SYFA) and were informed that:</p> <p>The NFUS do not hold information on the age of their members. They only have anecdotal information from those people they see at their meetings. They consider that best information on age is the figures gathered by the census.</p> <p>The STFA does not keep records that would provide any information on age.</p> <p>The SLE does not hold this information for their membership.</p> <p>The SYFA membership ranges in age from 14 to 30 years old, however it is not possible for a breakdown of those</p>	<p>RESAS 2020 June Census</p> <p>Age-profile (percentages) of working occupiers</p> <table border="1" data-bbox="560 703 828 1198"> <thead> <tr> <th></th> <th>40 &amp; under</th> <th>41 to 54</th> <th>55 to 64</th> <th>65 &amp; over</th> </tr> </thead> <tbody> <tr> <td>2014</td> <td>11</td> <td>33</td> <td>26</td> <td>31</td> </tr> <tr> <td>2020</td> <td>9.1</td> <td>25.5</td> <td>28.6</td> <td>36.9</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Age- profile under 41 Male and female occupiers</p> <table border="1" data-bbox="903 781 1251 1198"> <thead> <tr> <th></th> <th>Single holding</th> <th>Multiple holdings</th> </tr> </thead> <tbody> <tr> <td>Male under 41</td> <td>1191</td> <td>266</td> </tr> <tr> <td>Female under 41</td> <td>356</td> <td>47</td> </tr> <tr> <td>Total</td> <td>1547</td> <td>313</td> </tr> </tbody> </table>		40 & under	41 to 54	55 to 64	65 & over	2014	11	33	26	31	2020	9.1	25.5	28.6	36.9												Single holding	Multiple holdings	Male under 41	1191	266	Female under 41	356	47	Total	1547	313	
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<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

	<p>who are tenant farmers and those who are not.</p> <p><b>2) <u>Effects / Impacts</u></b> Describe how your policy may affect people of different ages, and respond to their different needs. Describe any:</p> <p><b>a) positive effects &amp; ways by which your policy helps respond to different needs/promote equality/good relations<sup>2</sup></b></p> <p>From information available the policy and legislation has the potential to have a positive impact by widening the age range of the farming population and support older tenant farmers to be able to retire with dignity. The policy may support a small increase in new entrants to tenant farming who are most likely to be younger.</p> <p><b>b) negative effects</b></p> <p>There is no evidence that the legislation will discriminate upon</p>	
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<sup>2</sup> Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

	<p>members of the tenant farming community on the basis of their age. The provisions within the Bill do not discriminate on age and therefore provide equality for individuals of all ages.</p>	
<p><b>DISABILITY</b></p>	<p>No evidence was provided during the course of the consultation on the draft Bill to indicate that the needs and experience of disabled people should be considered further.</p> <p>In addition, the Scottish Government consulted the NFUS, STFA, SLE and the SYFA and were informed that:</p> <p>The NFUS hold no information on any disabilities of their members.</p> <p>The STFA does not keep records that would provide any information on disability.</p> <p>The SLE do not hold this information for their membership.</p> <p>No information was provided by the SYFA about disability.</p> <p>2) <b><u>Effects / Impacts</u></b></p>	<p>RESAS had planned to collect selected data on protected characteristics (ethnic group, and physical and mental health condition) as part of the Farm Structure Survey (FSS) in 2020. Unfortunately, due to restrictions caused by COVID-19, the UK administrations agreed that running a full FSS in 2020 was not possible and it was replaced by a scaled down survey, which did not include protected characteristics questions. It is not yet finalised whether RESAS will run a full FSS in 2021,</p>

<p>Describe how your policy may affect disabled people, and respond to their different needs. Describe any:</p> <p><b>a) positive effects &amp; ways by which your policy helps respond to different needs/promote equality/good relations</b></p> <p>There will a neutral impact of the legislation upon disability groups.</p> <p><b>b) negative effects</b></p> <p>There is no evidence that the legislation will discriminate upon disabled members of the tenant farming community or disability groups. The provisions within the Bill do not discriminate on disability and therefore provide equality for individuals of all abilities.</p>		<p>however RESAS will review all data required from the June Census following Brexit. This will include a review of the need to collect data on protected characteristics.</p> <p>In addition, RESAS are have been working with DEFRA, Welsh Government and Northern Ireland on a cross UK project which will try to link agricultural data to other demographic information, including the population census. This is a longer term project and will in the first instance be trying to establish the feasibility and practicalities of matching data sources in a secure and anonymised manner. Linking to</p>
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<p><b>SEX</b></p>	<p>No evidence was provided during the course of the consultation on the draft Bill to indicate that there was a need to give further consideration to gender equality in agriculture. However, since then the Ministerial appointed Women in Agriculture Taskforce have reported and identified there is a greater need for greater equality of opportunity within agriculture.</p> <p>2) <b><u>Effects / Impacts</u></b></p> <p>Describe how your policy may affect gender equality. Describe any:</p> <p>a) <b>positive effects &amp; ways by which your policy helps respond to different needs/promote equality/good relations</b></p> <p>The relinquishment and assignation provisions within the SSIs will support</p>	<p>Rural areas currently account for 27% of Scotland's economy. Improving economic performance in rural Scotland could make a significant contribution to Scotland's overall economic performance.</p> <p>Report 'Understanding the Scottish Rural Economy' (2018) revealed that:</p> <ul style="list-style-type: none"> <li>• in 2016, women in remote rural areas had the lowest annual median pay across Scotland</li> <li>• the largest gap between men and women in terms of annual median wages (in absolute terms) was in remote rural areas</li> <li>• Remote rural areas were found to have a gender pay gap of 17%.</li> </ul> <p>Improving opportunities also contributes to a more sustainable rural economy in an uncertain future. A report by Professor Sara Carter indicates that if women's participation rates matched men's, there would be the potential of c 35,000 more direct jobs in the Scottish economy. It could also boost the</p>	<p>the protected characteristics data within the population census will give a much better understanding of the people who work in the sector and their defining characteristics.</p>
		<p>The outcomes of this policy will be monitored to assess the gender equality effects.</p>	

<p>older women who are tenant farmers who want to retire. The provisions also support more new entrants to come into agriculture and we are aware that a number of new entrant farmers come into farming in partnership, primary with their husband or partner.</p> <p><b>b) negative effects</b> There is no evidence that the legislation discriminates against gender within the tenant farming community. The provisions within the Bill do not discriminate on gender and the effect of the provisions provide greater opportunities for women entering the industry.</p>	<p>economy by as much as 5% GDP (a positive difference of £7.6 billion).</p> <p>Scottish Government statistics confirm the following percentage of women involved in farms, excluding crofts and smallholdings:</p> <ul style="list-style-type: none"> <li>• Only 7% of working farm occupiers (principal farmer) are women</li> <li>• 39% of all working occupiers and spouses on Scottish farms are female</li> <li>• 91% of farm spouses are women</li> </ul> <p>Scottish Government statistics confirm the following percentage of women tenant farmers:</p> <ul style="list-style-type: none"> <li>• 42% of tenanted farm occupiers and spouses are women</li> <li>• 7% of tenanted farms are run by solely women occupiers</li> <li>• 41% of wholly-tenanted farms occupiers and spouses are women</li> <li>• 8% of wholly-tenanted farms are run solely by occupiers who are women</li> </ul> <p>The Scottish Government commissioned the <a href="#">Women in Farming and the Agricultural Sector</a> research report, published in June 2017. This research established a baseline position on women in farming and the agricultural industry,</p>
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		<p>Woman in Agriculture taskforce's recommendations was published on 28 November 2019 and officials have started to implement the recommendations. The Taskforce published their Final Report in November 2019, available here: <a href="https://www.gov.scot/publications/final-report-women-agriculture-taskforce/">https://www.gov.scot/publications/final-report-women-agriculture-taskforce/</a></p> <p>Age- profile under 41 Male and female occupiers 2020 from RESAS June Census</p> <table border="1" data-bbox="558 761 901 1198"> <thead> <tr> <th></th> <th>Single holding</th> <th>Multiple holdings</th> </tr> </thead> <tbody> <tr> <td>Male under 41</td> <td>1191</td> <td>266</td> </tr> <tr> <td>Female under 41</td> <td>356</td> <td>47</td> </tr> <tr> <td>Total</td> <td>1547</td> <td>313</td> </tr> </tbody> </table>		Single holding	Multiple holdings	Male under 41	1191	266	Female under 41	356	47	Total	1547	313	
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<p><b>PREGNANCY AND MATERNITY</b></p>	<p>No evidence was provided during the course of the consultation on the draft Bill to indicate that the needs and experience of people who are pregnant or during maternity should be considered further.</p> <p>2) <b><u>Effects / Impacts</u></b></p> <p>Describe how your policy may affect people while pregnant or during maternity, and respond to their different needs. Describe any:</p>														

	<p><b>a) positive effects &amp; ways by which your policy helps respond to different needs/promote equality/good relations</b></p> <p>There will be a neutral impact of the legislation upon people who are pregnant or during maternity.</p> <p><b>b) negative effects</b></p> <p>There is no evidence that the legislation will discriminate upon people who are pregnant or during maternity</p>	
<p><b>GENDER REASSIGNMENT</b></p>	<p>No evidence was provided during the course of the consultation on the draft Bill to indicate that the needs and experience of gender reassignment people should be considered further.</p> <p>2) <b><u>Effects / Impacts</u></b></p> <p>Describe how your policy may affect gender reassignment people, and respond to their different needs. Describe any:</p> <p><b>a) positive effects &amp; ways by which your policy helps respond to different needs/promote equality/good relations</b></p>	

	<p>There will be a neutral impact of the legislation upon persons undergoing gender reassignment.</p> <p><b>b) negative effects</b></p> <p>There is no evidence that the legislation will discriminate upon gender reassignment members of the tenant farming community. The provisions within the Bill do not discriminate on gender reassignment and therefore provide equality for all individuals.</p>	
<p><b>SEXUAL ORIENTATION</b></p>	<p>No evidence was provided during the course of the consultation on the draft Bill to indicate that the needs and experience on sexual orientation should be considered further.</p> <p>2) <b><u>Effects / Impacts</u></b></p> <p>Describe how your policy may affect disabled people, and respond to their different needs. Describe any:</p> <p><b>a) positive effects &amp; ways by which your policy helps respond to different needs/promote equality/good relations</b></p>	

	<p>There will be a neutral impact of the legislation upon member within sexual orientation groups.</p> <p><b>b) negative effects</b></p> <p>There is no evidence that the legislation will discriminate on sexual orientation within the tenant farming community The provisions within the Bill do not discriminate on sexual orientation and therefore provide equality for individuals of all sexual orientation</p>	
<p><b>RACE</b></p>	<p>No evidence was provided during the course of the consultation on the draft Bill to indicate that the needs and experience of race should be considered further.</p> <p>2) <b><u>Effects / Impacts</u></b></p> <p>Describe how your policy may affect Race, and respond to their different needs. Describe any:</p> <p><b>a) positive effects &amp; ways by which your policy helps respond to different needs/promote equality/good relations</b></p>	

	<p>There will be a neutral impact of the legislation upon race groups.</p> <p><b>b) negative effects</b></p> <p>There is no evidence that the legislation will discriminate upon members of the tenant farming community on race. The provisions within the Bill do not discriminate on race and therefore provide equality for individuals of all races.</p>	
<p><b>RELIGION OR BELIEF</b></p>	<p>No evidence was provided during the course of the consultation on the draft Bill to indicate that the needs and experience of people of different religions or beliefs should be considered further.</p> <p>2) <b><u>Effects / Impacts</u></b></p> <p>Describe how your policy may affect people of different religion or belief, and respond to their different needs. Describe any:</p> <p><b>a) positive effects &amp; ways by which your policy helps respond to different needs/promote equality/good relations</b></p>	

	<p>There will a neutral impact of the legislation upon people of different religion or belief.</p> <p><b>b) negative effects</b></p> <p>There is no evidence that the legislation will discriminate upon people of different religion or belief. The provisions within the Bill do not discriminate on religion or belief and therefore provide equality for individuals with different religions and beliefs.</p>		
<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)</p>	<p>n/a</p>		



**Stage 3: Assessing the impacts and identifying opportunities to promote equality**

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

**Do you think that the policy impacts on people because of their age?**

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			None	There is no evidence that the legislation will discriminate upon members of the tenant farming community on the basis of their age.
Advancing equality of opportunity	Yes			<p>The policy and legislation has the potential to have a positive impact by encouraging new entrants to the industry. Information available suggest more younger women enter the industry via the new entrant route.</p> <p>By enabling older eligible tenant farmers and those wishing to exit the industry for whatever reason with the ability to release their capital during life, this will provide them with more opportunities to take the decisions that are right for them.</p>
Promoting good relations among and between different age groups	Yes			The policy and legislation has potential to have a positive impact by widening the age range of the farming population and support older tenant farmers to be able to retire with dignity.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			None	There is no evidence that the legislation will discriminate upon disabled members of the tenant farming community or disability groups, therefor potential neutral effect.
Advancing equality of opportunity	Yes			The provisions within the Bill do not discriminate on disability and therefore provide equality of opportunity for individuals of all abilities.
Promoting good relations among and between disabled and non-disabled people			None	The provisions within the Bill do not discriminate on disability and therefore provide equality for individuals of all abilities.

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	The provisions within the Bill do not discriminate on gender and therefore provide equality for all individuals.
Advancing equality of opportunity	Yes			The ministerially appointed Women in Agriculture Taskforce reported there is a greater need for greater equality of opportunity within agriculture, the outcomes of this policy will be monitored.  The provisions support more new entrants to come into agriculture and we are aware that a number of new entrant farmers come into farming in partnership, primary with their husband or civil partner.

Promoting good relations between men and women	Yes			There is no evidence that the legislation discriminates against gender within the tenant farming community. The provisions within the Bill do not discriminate on gender and provide equality for all individuals. As the policy supports more new entrants into tenant farming, and given more women enter into farming as a new entrant in partnership with their husband or partner this policy will indirectly support more equal relationships between women and men.
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**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	There is no evidence that the legislation will discriminate upon people who are pregnant or during maternity
Advancing equality of opportunity	Yes			No evidence was provided during the course of the consultation on the draft Bill to indicate that the legislation will discriminate upon people who are pregnant or during maternity therefore provide equality for all individuals.
Promoting good relations			None	There will a neutral impact of the legislation upon people who are pregnant or during maternity.

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used)**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	There is no evidence that the legislation will discriminate on gender reassignment groups or persons within the tenant farming community

Advancing equality of opportunity	Yes			There is no evidence that the legislation will discriminate upon gender reassignment members of the tenant farming community. The provisions within the Bill do not discriminate on gender reassignment and therefore provide equality for all individuals.
Promoting good relations			None	There will a neutral impact of the legislation upon persons undergoing gender reassignment

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	There is no evidence that the legislation will discriminate on sexual orientation within the tenant farming community There will a neutral impact of the legislation upon member within sexual orientation groups
Advancing equality of opportunity	Yes			The provisions within the Bill do not discriminate on sexual orientation and therefore provide equality for individuals of all sexual orientation
Promoting good relations			None	No issues in relation to sexual orientation have been raised at any time during consultation of draft Bill

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	There is no evidence that the legislation will discriminate upon race or ethnic origin of members of the tenant farming community. There will a neutral impact of the legislation upon people of all races
Advancing equality of opportunity	Yes			The provisions within the Bill do not discriminate on race and therefore provide equality for individuals of all races.

Promoting good race relations		None	No issues relating to race or ethnic origin have been raised at any times during consultation on the draft Bill.
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**Do you think the policy impacts on people because of their religion or belief?**

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	There is no evidence that the legislation will discriminate upon religion or belief for members of the tenant farming community.
Advancing equality of opportunity	Yes			The provisions within the Bill do not discriminate on religion or belief and therefore provide equality for all.
Promoting good relations			None	There will be a neutral impact of the legislation upon people of different religion or belief.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

Marriage and Civil Partnership <sup>3</sup>	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination				Not applicable

<sup>3</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

Have positive or negative impacts been identified for any of the equality groups?	Minor, potential positives only. See the section on Age and Sex. No negatives
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>4</sup> ?	No. Not applicable
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

### *Describing how Equality Impact analysis has shaped the policy making process*

During the consultation process carried out by AHLRG it became clear that there were a considerable number of elderly male tenants without successors, that have been unable to retire from farming due to uncertainty as to their financial and domestic situation in the future, and have chosen to remain on the farm for the remainder of their days.

The first EQIA undertaken as part of the Bill was extremely beneficial and confirmed the need for policy change to support those people who wished to relinquish their tenancies.

In light of the intervening years since the above EQIA was undertaken, it was clear that another EQIA exercise would be necessary. This further EQIA has confirmed the outcomes of the first EQIA and gone further to highlight the further potential benefits this could bring and provide greater equality of opportunity for women in agriculture. Supporting Scottish agriculture to become more progressive, inclusive and resilient

More elderly tenant farmers, who are the most likely category to be considering ending their tenancy, will also be in a much stronger position as a result of this legislation and also having a stronger position during negotiations with their landlord, as they try to obtain a favourable financial settlement which is often used to fund

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<sup>4</sup> See EQIA – Setting the Scene for further information on the legislation.

their retirement, which can include needing to purchase their own home for the first time.

There has been no resourcing or budgetary changes as a result of this EQIA.

### ***Monitoring and Review***

Monitoring and evaluation of the policy impact of the legislative change will be important to ensure we understand the long term impacts and benefits of the policy, and this process will be kept under review.

It is intended that the Scottish Government will ask the Tenant Farming Commissioner to review the workings of Chapter 7 on a regular basis, to ensure it is still in line with modern farming practices and the changes that could arise as part of future agricultural policies.

Additionally, through stakeholder organisations feedback and formal returns from regular Census exercises, it will be possible to establish the general number of farmers who have taken advantage of these relinquishment and assignation provisions and ended their tenancy and the number of new entrants who have been assigned those tenancies.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

## Declaration

**I am satisfied with the equality impact assessment that has been undertaken for Relinquishment and Assignment provisions contained within the Land Reform (Scotland) Act 2016 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: John Kerr**

**Position: Deputy Director**

**Authorisation date: 10 December 2020**