



AGRICULTURAL LAW ASSOCIATION

Members E-Newsletter #2 9 April 2020

The current Covid-19 implications for business and individuals continue to dominate.

In this newsletter, we have collated further Covid-19 information for Members in addition to updates on Case Law and Pre-Contract Enquiries for bare land.

If any Member has a query on any topic covered in these newsletters, please email Mike Holland at mike.holland@ala.org.uk.

The website is being updated on a regular basis with relevant industry guidance, case law, legislation and other materials. Please visit the website at www.ala.org.uk

We wish all Members a happy and peaceful Easter.

1. CORONAVIRUS – GENERAL ADVICE

This is a follow-up to the links to guidance on the Coronavirus pandemic circulated in E-newsletter #1 (<https://ala.org.uk/materials/ala-e-newsletters/>)

Rural Payments Agency - [Coronavirus \(COVID-19\): information for farmers, landowners and rural businesses](#)

Home Office - [Coronavirus \(COVID-19\): landlord right to rent checks](#)

BEIS, MHCLG & HMRC - [Financial support for businesses during coronavirus \(COVID-19\)](#)

HMRC - [Claim a grant through the coronavirus \(COVID-19\) Self-employment Income Support Scheme](#)

Financial Conduct Authority – [Mortgages and coronavirus: guidance for firms](#)

MHCLG – [Measures to protect renters affected by Coronavirus](#)

The Insolvency Service - [Getting help if your business is in distress](#)



AGRICULTURAL LAW ASSOCIATION

2. COURTS & TRIBUNALS

We have added a new page to the website under [Members – Materials](#) with links to revised procedures and guidance during the Covid-19 pandemic.

Please visit <https://ala.org.uk/courts-tribunals/>

3. BARE LAND ENQUIRIES

In addition to the *Agriculture and Rural Land Standard Enquiries* ([click here](#)), the ALA have joined with Practical Law Agriculture & Rural Land to produce a new short form version for bare land:

- ***Standard document, Short form pre-contract enquires for bare land*** ([click here](#)), to raise on behalf of a buyer of bare land. It uses wording from the Commercial Property Standard Enquiries (CPSE.7) which has been reproduced by the kind consent of the *Association of Property Support Lawyers and London Property Support Lawyers Group*. The document is suitable for bare land agricultural transactions where there are no buildings.

The use of documents is free but subject to the *Conditions for use of agriculture and rural land standard enquiries*. If you have any feedback, please e-mail cpse@thomsonreuters.com.

4. ENVIRONMENTAL LAND MANAGEMENT

In newsletter #1, we highlighted the call for views on the ELM Policy Discussion document. Please note that DEFRA have now paused this call for views ([click here](#)) and will reopen it when 'it is practical to do so'.

To receive updates from DEFRA, you can sign up to their e-alert service which can be accessed via the same webpage link.

5. CASE LAW UPDATES

As most Members will be aware, we have a dedicated page on our website at <https://ala.org.uk/case-law/> of relevant case judgements.

Some of the recent case judgements added include:



AGRICULTURAL LAW ASSOCIATION

Inheritance Tax

The Estate of Douglas Charles Thomas (deceased) v HMRC

[2020] UKUT 6 (LC)

Agricultural land – valuation under s.190 Inheritance Act 1984 – whether best consideration achieved – residual valuation method – comparable method preferred

Land Registration

Jocelyn Patrick v Thornham Parish Council & Others

[2020] UKUT 36 (LC)

Practice and Procedure - First Registration - Jurisdiction - Adverse Possession - Boundary Disputes

Restrictive Covenants

John Miller v Danial Subhani

[2020] UKUT 94 (LC)

Discharge – proposed use of field as a farm strip for private aircraft in close proximity to Sandown Airport – planning permission for construction of agricultural barn – whether to be used to hangar applicant's aircraft – possibility of future unspecified use of application land – relevance of GPDO – Law of Property Act 1925 section 84(1)(a), (aa), (b) and (c) – application refused

Electronic Communications Code

EE Ltd & Hutchinson 3G UK Ltd v Trustees of the Meyrick Combine Trust

[2020] UKUT 105 (LC)

Code Rights – terms of agreement – consequences of failure to engage in the travelling draft procedure



AGRICULTURAL LAW ASSOCIATION

VAT

Eynsham Cricket Club v HMRC
[2019] UKUT 286 (TCC)

Whether construction of cricket pavilion by cricket club zero-rated – whether cricket club a “charity” for VAT purposes – whether pavilion had intended use as a village hall or similarly in providing social or recreational facilities for a local community – whether EU law principles of equal treatment or fiscal neutrality apply

6. ALA BULLETIN ARCHIVE

A reminder of the archive of past Bulletin editions on our website.

The archive can be accessed at <https://ala.org.uk/bulletin-archive/>

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