



AGRICULTURAL LAW ASSOCIATION DISPUTE RESOLUTION PANEL

APPLICATIONS & APPOINTMENTS TO THE PANEL

GENERAL INFORMATION AND TERMS & CONDITIONS OF MEMBERSHIP

Introduction

The new Agricultural Law Association Dispute Resolution Panel has been formed to recognise the need for a broader spectrum of arbitrators, mediators and experts with different skill sets and professional knowledge to be made available to the rural and agricultural sector.

Rural businesses are diverse enterprises which demand professional services that reflect the many different land and property issues that can arise for owners, tenants, contractors and other occupiers or those with an interest in the land and property.

The membership of the Agricultural Law Association is itself broad and covers all professions who advise rural businesses; legal, surveying, accountancy, farm business consultants, tax and trust specialists.

Panel Membership

The formation of the Panel will reflect that broad membership to ensure that the sector has increased choice in who they may wish to appoint as an arbitrator, mediator or expert.

This will provide the opportunity for those parties to select someone from the Panel who has the specific professional knowledge and expertise of the issue. For example, if the issue of the parties under an Agricultural Holdings Act 1986 tenancy is specifically a legal issue rather than a valuation issue, the Panel offers those with that specific legal knowledge. Conversely, if the issue relates to a Contract Farming Agreement where the parties have a disagreement in relation to the contractor's performance, the Panel will seek to offer Panel members who, as experts, have the relevant knowledge of farming systems.



Direct Appointments

Principally, membership of the Panel will be transparent and available for full public view on the ALA Dispute Resolution website at <https://ala.org.uk/ala-dispute-resolution/>

Making the Panel membership available for full public view, will enable the parties to a dispute to choose the most appropriate professional to be appointed directly by those parties where they themselves can assess the qualifications and specialism of the Panel Members to ensure they are appointing the most appropriate person to the role.

Applications for the statutory appointment of an Arbitrator

Under the provisions of Schedule 3 of the Agriculture Bill (to be known as the Agriculture Act 2020) the Agricultural Law Association will be named as a professional authority for the purposes of receiving applications for the appointment of an arbitrator under the Agricultural Holdings Act 1986 ('the 1986 Act') or the Agricultural Tenancies Act 1995 ('the 1995 Act').

The provisions of Schedule 3 will extend to England and Wales.

ALA Dispute Resolution will discharge those administrative functions on behalf of the Agricultural Law Association.

Paragraphs 4 to 6 of Schedule 3 make amendments to sections 12, 22, and 84 of the 1986 Act to provide that the Chair of the Agricultural Law Association (ALA) is listed as persons that tenants and landlords may apply to for the appointment of an arbitrator to resolve disputes arising under the 1986 Act. Paragraphs 6(7) and 6(8) enables the Secretary of State in relation to England and the Welsh Ministers in relation to Wales to make regulations to amend the list of persons able to appoint arbitrators so that the list can be updated as needed from time to time.

Paragraphs 23 to 29 of Schedule 3 make amendments to sections 12, 19, 22, 28, 30, 38 and 39 of the 1995 Act to extend the list of professional authorities that tenants and landlords may apply to for the appointment of an arbitrator to resolve disputes arising under the 1995 Act so that it is the same as those listed in section 84 of the 1986 Act. This includes the Chair of the Agricultural Law Association. Any changes made to that list by regulations made under the powers given to the Secretary of State in relation to England and the Welsh Ministers in relation to Wales (in Section 84 of the 1986 Act) will also apply to the 1995 Act.

These amendments widen the list of persons able to make such appointments, so that a wider pool of arbitrators is made available to tenants and landlords and to provide greater choice.

Section 53 of the Agriculture Bill ('Commencement') provides that the amendments to the 1986 Act and the 1995 Act will *'come into force at the end of the period of two months beginning with the day on which this Act is passed'*.



Completing your application for appointment to the Panel

To apply to be considered for appointment to the ALA Dispute Resolution Panel, you are required to complete the following:

- (i) Application Form
- (ii) Self-Assessment Submission

In preparing and applying for appointment to the Panel, applicants must also follow the guidance set out in the Competency Framework and the Self-Assessment Guidelines & Requirements.

All the above forms/documents can be downloaded at <https://ala.org.uk/ala-dispute-resolution/> or they can be requested by emailing us at enquiries@aladisputeresolution.co.uk

Assessment of applications

The deadline for submission of your application is 5pm, Friday, 24 July 2020.

All applications will be considered by an Application Assessment Panel.

Applications will only be accepted from those who are current Members of the Agricultural Law Association and on condition that their membership subscription has been paid and no subscription arrears exist.

If further information is required for your application to be properly considered, we will revert to you.

As part of the application process, all applicants will be required to attend an interview by the Application Assessment Panel. All interviews will be conducted via Zoom video conferencing during the current Covid-19 restrictions until otherwise notified.

Notification of the decision by the Application Assessment Panel will be issued to you by email once all interviews have been concluded.

If your application is unsuccessful, we will set out the reasons why and any recommendations by the Application Assessment Panel as to how you might seek further professional development to ensure a successful appointment to the Panel in the next round of appointments in 2023.

Membership of the ALA Dispute Resolution Panel

If your application is successful, we will confirm this in writing to you by email with an offer to take up a place on the Panel. You will be required to confirm acceptance of your offer of a place on the Panel within 7 days.



Once appointed to the Panel, your membership of the Panel will continue for a period of 3 years subject to the following:

- (i) payment of the annual Panel membership renewal fee in the sum of £250 in accordance with the invoice payment terms;
- (ii) that there has been no change in the declarations you have made in your application form and if there has been a change, that you have notified us within 3 months;
- (iii) that your Membership of the Agricultural Law Association is current and your membership subscription has been paid;

If one or more of the conditions set out in (i) to (iii) above are not met, ALA Dispute Resolution reserves the right to temporarily remove your name from the Panel Membership List and to refrain from referring to you any appointments under the statutory provisions of the 1986 Act and 1995 Act.

We will notify you by email if your membership of the Panel has been suspended and the reasons why providing a reasonable period of time for this to be remedied.

If the issue has not been remedied by the deadline we have stated in our notification and you have received written confirmation of the same from us, your name will be removed from the Panel and you will not be permitted to re-apply until the next round for appointments to the Panel.

Panel Membership Fees

The Application Fee is £500

The Annual Panel Membership Renewal Fee is £250

The Annual Panel Membership Renewal Fee is subject to annual review by ALA Dispute Resolution and you will be advised of any proposed increase in the fee prior to your annual renewal invoice being issued for payment.

The Application Fee and Annual Panel Membership Renewal Fee are non-refundable.

Please note that in circumstances where you have been removed from the Panel Membership List, any Panel membership fees (including the Application Fee and Annual Panel Membership Renewal Fee) that you have paid prior to the date your name is removed from the Panel Membership List, will be non-refundable.

Complaints Handling Procedure

To request a copy of our Complaints Handling Procedure please contact us at <mailto:enquiries@aladisputeresolution.co.uk>



You must notify us immediately of any complaint in relation to your role as an arbitrator, mediator and/or expert where that appointment has arisen directly from your membership of the ALA Dispute Resolution Panel, whether as a direct appointment or from an appointment by the Chair of the Agricultural Law Association under the statutory provisions of the 1986 Act or 1995 Act.

On receipt of any such notification, we will immediately notify our insurers and advise you of any directions issued by our insurers in handling the complaint that has been made. This is to ensure that should the complainant seek redress from ALA Dispute Resolution in relation to your membership of the Panel and/or appointment by the Chair of the Agricultural Law Association, that our insurers are fully informed and can advise us of any actions we or they wish to take.

Timeline for the 2020 round of applications and appointments

19 June to 24 July 2020	Application window – application packs issued to prospective applicants
5pm, 24 July 2020	Deadline for application forms and required documentation – your application will not be accepted if received after this time.
25 July – 17 August 2020	Assessment of application forms received Interviews by video conference
18-31 August 2020	Notification of Panel Membership offer
1 September 2020	Publication of the Panel Membership List

JUNE 2020