



Members E-Newsletter #6 7 August 2020

1. ALA GENERAL

Membership Renewal

A reminder for those Members who have not yet paid their annual membership subscription invoice, that payment is now overdue.

Invoices were emailed to Members on 30 June/1 July.

If there are any queries, please contact Mike Holland at enquiries@ala.org.uk

ALA Dispute Resolution Panel

We have now received applications for appointment to the new Dispute Resolution Panel and these are now in the process of being assessed.

Once appointed, the Panel membership will be notified to Members and made public in September.

If you have any queries, please contact Mike Holland at enquiries@aladisputeresolution.co.uk

2. SCOTLAND: THE FUTURE OF THE LAND COURT AND THE LANDS TRIBUNAL

The Scottish Government has published its consultation on the future of the Land Court and the Lands Tribunal and is seeking views on the proposed amalgamation and four administrative matters.

The consultation documents can be viewed at <https://www.gov.scot/publications/consultation-future-land-court-lands-tribunal/> and the deadline for responses is 19 October.

The Association will be submitting representations to this consultation and if any member would like to contribute to the ALA response, please contact Mike Holland at mike.holland@ala.org.uk



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3. WALES: SUSTAINABLE FARMING AND OUR LAND

The Welsh Government has published its latest agricultural policy consultation on 'Proposals to continue and simplify Agricultural Support for Farmers and the Rural Economy.

The consultation document can be viewed at <https://gov.wales/sustainable-farming-and-our-land-simplifying-agricultural-support>

Again, if any Member would like to contribute to the Association's response, please contact Mike Holland.

The deadline for responses is 23 October.

In addition, the Welsh Government have published the summary of responses to the Sustainable Farming and our Land consultation which closed in October 2019. The summary and the Welsh Government's response can be viewed at <https://gov.wales/revised-proposals-supporting-welsh-farmers-after-brexid>

4. DEFRA UPDATES

25 Year Environment Plan

The Government has published its latest Progress Report for the period April 2019 to March 2020 on the implementation of the 25 Year Environment Plan commitments.

The full Report can be downloaded at <https://www.gov.uk/government/publications/25-year-environment-plan-progress-reports>

Forestry Commission Framework Document

This framework document sets out the broad framework within which the Forestry Commission operates in respect of those of its responsibilities funded by Defra.

This framework has been drawn up by Defra with the Forestry Commission and can be viewed at <https://www.gov.uk/government/publications/forestry-commission-framework-document>



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5. CASE LAW UPDATE

We draw Members attention to new case judgements that have been added to the website - <https://ala.org.uk/case-law/>

PROPRIETARY RIGHTS

Borwick Development Solutions Ltd v Clear Water Fisheries Ltd
[2020] EWCA Civ 578

Nature and extent of proprietary rights in relation to fish - distinction between wild animals and domestic animals

MINES & MINERALS – CORPOREAL OR INCORPOREAL RIGHTS

ARC Aggregates Ltd v Branston Properties Ltd
[2020] EWHC 1976 (Ch)

Section 1, Law of Property Act 1925 - Whether the claimant retains a corporeal right to mines, minerals and mineral substances lying beneath the surface of property owned by the defendant, or whether it retains merely an incorporeal right to the mines and minerals

ELECTRONIC COMMUNICATIONS CODE

EE Ltd & Hutchinson 3G UK Ltd v Robert Cooper & Colin Shires
[2020] UKUT 0214 (LC)

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

6. OFFICE OF TAX SIMPLIFICATION – CAPITAL GAINS TAX REVIEW

The Office of Tax Simplification has published their Capital Gains Tax Review Call for Evidence and Survey.

The Call for Evidence and Survey can be downloaded at <https://www.gov.uk/government/consultations/ots-capital-gains-tax-review-call-for-evidence-and-survey>



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The deadline for responses to the main Call for Evidence is 12 October and if any Member wishes to contribute to the ALA's response, please contact Mike Holland at mike.holland@ala.org.uk

The Association will be seeking a meeting with the OTS prior to the deadline for submitting responses to consider the issues raised.

7. ALA OFFICE SUMMER CLOSURE

Please note that the office will be closed from 5pm on Thursday, 20 August until 9am on Monday, 7 September.

However, emails will be monitored from time to time during this period and we will endeavour to respond to any urgent correspondence.

END

