



AGRICULTURAL LAW ASSOCIATION

Agricultural Law Association

Fellowship 2023

Prospectus & Enrolment Form

Week 1: 19 to 21 September

Week 2: 17 & 18 October

Scarman Conference Centre, University of Warwick

Examination: 9 November, Chartered Institute of Arbitrators, London

The Association invites applications from Members for the 2023 award of the Fellowship of the Agricultural Law Association.

THE COURSE:

This programme provides additional training in those areas of law and practice relevant to all rural professionals and which are not taught at institutional level or in the various professional qualification courses. The course is aimed at those who have at least 5 years PQE in practice (as a guide) or have reached a high level of competence in their areas of practice or specialism.

Award of the Fellowship is subject to successfully passing the Exam.

The course uses a fictional Estate scenario, which will be provided in advance to candidates.

The problems to be addressed will be many and varied, involving arable and livestock farming, tenanted farms, woodland, minerals, agricultural policy and other issues such as diversification, commercial business negotiation and compulsory purchase.

The object is to discuss the issues which arise in such a context and to analyse the law and taxation effects/tax consequences and the practical approaches applicable to them – whereby we anticipate candidates to be competent in providing both strategic and technical advice to rural clients

The subjects will be dealt with holistically: all elements of law and practice interact.

Candidates will be expected to have a working knowledge of standard texts and our teaching, discussions and workshops will be to an advanced standard.

The number of candidates will be limited to the first 20 who apply and the teaching format will encourage dialogue and interactive involvement in the learning process.

In the course we will cover the following principal areas:

Agricultural Holdings:

Tenancies under the 1986 and 1995 Acts; succession under the 1986 Act; repairing obligations, rent reviews and other features of the two Acts; comparison of 1995 Act and Landlord and Tenant Act 1954, Part II; pros, cons and practical issues on conversion from one type of tenancy to another; other forms of tenancy on a rural estate; farm workers' housing; litigation implications of breaches of tenancy and termination of tenancies and the reforms under the Agriculture Act 2020.

Rural & Agricultural Property:

Freeholds, leaseholds and other more complex means of holding and organising land; easements, profits à prendre and other third-party rights: water, sporting, fishing, drainage; water abstraction and environmental management; land designation and NVZs; positive and restrictive covenants; telecoms & renewables, conservation covenants and overage.

Estate & Succession planning:

Wills; creation and termination of trusts; organisation of land interests; trusts of land including Settled Land; duties of trustees; removal of trustees, beneficiary disputes.

Taxation:

Capital gains tax, inheritance tax, income tax, corporation tax, SDLT/LTT and VAT and taxation of trusts.

Business Structures:

Partnerships, LLP, limited companies, share farming, contract farming and other structures.

Town and Country Planning:

Planning considerations including permitted development, listed buildings; decision-making process; strategic development policy

Agricultural Policy & Natural Capital:

Direct Payments and transition to new agricultural policy in England and Wales including ELMS, capital grants and other schemes.

Future Estate/Farm strategy

How to formulate an estate/farm strategy, factors to consider and how to advise in uncertain/changing times.

TIMETABLE:

Online introduction session followed by five days in person at Warwick University. The timetable is deliberately flexible to allow for lectures, group sessions, plenary discussion and Q&A.

EXAMINATION:

The examination is 2½ hours and require candidates to answer three of five problem-based questions.

COST:

The total cost is £2,500 and includes board and lodging at the University of Warwick, all course materials and the examination fee, plus one resit attempt if necessary.

ENROLMENT:

To enrol on the course, please complete and return the enrolment form below with your remittance either by email to enquiries@ala.org.uk

Deadline for Enrolment: 5pm on Friday, 28 July 2023

If you have any queries, please contact Mike Holland on 07885 643341 or at mike.holland@ala.org.uk

Application for enrolment

I am a Member of ALA. Please enrol me on the 2023 Fellowship course and exam:

Name:

Profession:

Address:

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Telephone:

Email:

Dietary requirements:

Areas of Professional Work/Experience to date:

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I have made a BACS payment/enclose a cheque payable to 'Agricultural Law Association' in the sum of £2,500

(VAT is not applicable as the course falls within the Tour Operators Margin Scheme.)

BACS:

Account No: 51283383

Sort Code: 40-46-39

Account Name: Agricultural Law Association

I understand that acceptance of my payment and enrolment on the course does not guarantee an award of fellowship

Signed

Dated