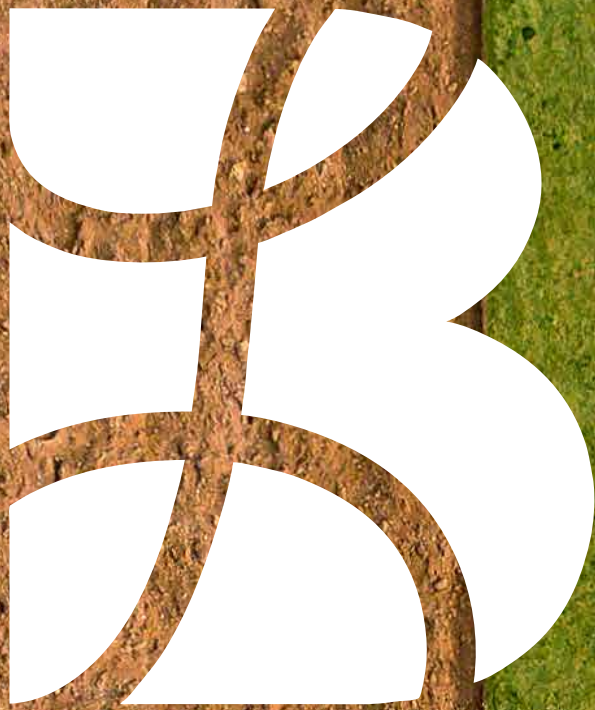


AUTUMN 2018



Agriculture and Estates

NEWS AND ADVICE FROM BIRKETT LONG

Agriculture Bill 2018

Farming communities are provided with some answers.

Resolving disputes

Keeping disputes cost effective.

Joining the Agriculture and Estates Team

Lillie Ryan celebrates qualifying as a solicitor.

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Agriculture Bill 2018

As we enter the last quarter of the year, the uncertainties and questions surrounding Brexit are looming. The farming communities were, at least, provided with some answers on 12 September when the government published the much awaited Agriculture Bill 2018.

The Bill seeks to address the policies that the government will adopt for farming when the UK leaves the EU's Common Agricultural Policy (CAP). In particular, it provides the government with new financial assistance powers, which shape the way in which subsidies will be paid.

Currently, subsidies are paid under the Direct Payments Regulations. This dates back almost 50 years and has been criticised as being dated and ineffective. As it pays farmers based on the amount of land owned, it favours the largest landowners regardless of how intensively the land is actually farmed. Notwithstanding this, earlier in September, the government committed

to maintaining the current total payments until the end of the existing Parliament (2022), even in the event of a 'No-Deal' Brexit.

So how does this differ from the new proposals? The Agriculture Bill places a much greater emphasis on paying public money by rewarding the benefits that farming gives back to the public, and working towards improving the environment. The examples that have been given include providing financial assistance: to protect the environment by improving water and air standards, soil health and animal welfare; for activities to mitigate climate change; to provide the public with greater access

to the countryside; and to implement measures that reduce flood risks.

The new scheme will also introduce the Environmental Land Management system to oversee the policies, which will be trialled with farmers as soon as 2019.

The Bill states that financial assistance can be provided through various methods including one-off payments, loans and grants, rather than just periodically as is currently the case. Whilst we do not know precisely how this will work in practice, the Bill makes it clear that the Direct Payments will be phased out over a seven year transitional period from 2021. It is anticipated that all farmers will see some reduction in the payments they receive, with the large landowners being affected the most. In addition to this, during the transitional period payments will be 'delinked' from the requirement to farm the land, which the government has suggested will give farmers an opportunity to diversify or step down for the next generation to take over.

Many businesses are reluctant to pursue smaller disputes because they are worried what the total costs could be down the line.

Resolving disputes - the cost of litigation

When you have a smaller dispute to deal with, you would normally have to take into consideration the overall value of the claim, and the potential costs of bringing the claim. Although some disputes hinge

on the principle (rather than the value), if the costs outweigh the amount in dispute, you might think twice before instructing a solicitor.

As to be expected, reactions to the Bill have been mixed and, of course, we still need substantially more information to flesh out the bare bones of the Bill. Until then, all we have is a brief glimpse to what farming could look like in 2028.

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Upcoming Events

We are pleased to be sponsoring the Essex Agricultural Society Rural Question Time 2018 on Wednesday 28 November 2018 at the Northumberland Lecture Theatre at Writtle University College.

The event will include a discussion of “Food Security – An Issue of Productivity” with a high quality panel of speakers who will be answering questions from the floor.

Speakers will include:

- Paul Kelly: Turkey Farmer
- Tom Bradshaw: Arable Farmer
- Mark Buckingham: Monsanto
- Richard Young: Sustainable Food Trust
- Rohit Kaushish: NFU Economist
- Michael Hughes of Whirledge and Nott will Chair the evening

If you would like to book tickets, put a question to the panel or for more information please contact **Heather Tarrant** at Essex Agricultural Society on **01245 424 113** or heather.tarrant@writtle.ac.uk.

Birkett Long will also be holding a joint event with accountants Rickard Luckin in February 2019.

If you would like more information nearer the time please email

marketing@birkettlong.co.uk or call **Sarah Humphries** on **01206 217334**.

However, it doesn't have to be that way. We're starting to see forward thinking law firms offering to fix their fees from the outset, in particular for smaller claims of between £10,000 and £25,000 ('small' in the eyes of the court at least!). This means you can enter into the dispute process knowing what it's likely to cost you, what the result could be, and how long it might take. A good firm will also warn you about any additional costs that might crop up (like court fees for example). An even better firm will try to avoid you getting as far as issuing court proceedings altogether.

Resolving even a small dispute can take considerable time, effort and money

that you could better use to operate, manage, or grow your business. A lawyer should want to help you resolve a disagreement as cost effectively, and with as little damage to relationships, as possible. Particularly in agricultural businesses, you need to be able to continue to work (and in some cases live) alongside those involved in a dispute. If a lawyer can help you do that amicably, they should.

Birkett Long has acted on behalf of individuals, farming partnerships, LLPs and companies in connection with a wide range of disputes. If you'd like to talk to a solicitor about resolving a small dispute for a fixed fee, do give us a call.



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Lillie Ryan celebrates becoming a solicitor

We asked Lillie, who began her career as a paralegal, about qualifying into Birkett Long's Agriculture & Estates team.

What made you want to study and practise law?

I first took an interest in practising law at a young age and began my studies at SEEVIC College. I then continued to degree level at the University of Sussex, as I enjoyed the challenge and variety that it brought.

When did you join Birkett Long and what have you done since joining?

In 2014, I joined Birkett Long's Wills, Trusts and Probate team as a paralegal, where I worked for two and a half years. Then, after being offered a training contract, I gained experience in the Dispute Resolution, Residential Property and Family departments.

What do you like about working for Birkett Long?

Birkett Long has an excellent reputation locally and nationally, the high quality of work that it attracts, and on a personal level, my

time in different departments was invaluable, as I was able to develop my knowledge, skills and relationships with both clients and colleagues. The firm really cares and encourages the development of its staff, which I have experienced first-hand.

What does your role include now?

Within my new role as a solicitor, I will be working with rural clients, advising them on any personal family and property matters.

What does it mean to you to become a solicitor?

I feel very proud to have finally qualified as a solicitor after years of studying and training, especially at such a reputable firm.

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Important

It has been brought to our attention that Birkett Long has an impersonator – Joseph Ramdath. Joseph has been contacting various people via email claiming that he is a sole legal attorney of a family member (usually 'Ken D Your surname) who has recently passed away. He is asking for you to get in touch regarding the deceased's abandoned investment.

If you receive an email from a Joseph Ramdath it is not legitimate. You can safely ignore and delete any emails that come from either Joseph Ramdath or an email address including birkettlongllpsolicitors, boydfrank98, josephramdath.esq or similar.

We are currently talking to the relevant organisations about his impersonation of Birkett Long, but if you are concerned about an email you have received, please do contact us on 01206 217605.