

WRITTEN EXAMINATION

PAPER 1

9th NOVEMBER 2000

9.00am – 10.30am

Time Allowed - 1½ Hours

Instructions to Candidates:

1. Complete the Green Examination Information Sheet by stating your examination reference number (not your name) together with the area in which you are practising and the local Association of which you are a member. Attach the green sheet to the top of your answer pad.
2. Write your reference number (not your name) on each page. Number each page in the top right hand corner.
3. Write on one side of the paper only, leaving the margin on the left hand side.
4. Start each answer on a separate sheet and place your answers in numerical order.
5. Time has been allowed for you to read through the Question Paper **AND PLAN** before commencing your answers.
6. You should attempt to answer both questions.
7. Both questions carry equal marks: (20).
8. Questions are framed so as to minimise the need to make assumptions but state clearly any that you do make and the reasons for them.
9. Where appropriate, you will be expected to state the relevant Act, Statutory Instrument or case upon which you have based your answers.
10. You may use imperial or metric measurements in your answers. Please indicate which units you are using.
11. The presentation and clarity of your answers is important.

QUESTION 1

Your client Owen Blackthorn has been the tenant of Church Farm, Walmington-on-Sea, since 1964. The holding amounts to some 200 ha and incorporates a character four-bedroom farmhouse, one cottage, 600,000 litres of allocated Milk Quota and a range of mainly traditional landlord's buildings and a range of tenant's dairy buildings. The tenant is currently paying a rent of £35,000 per annum which was last reviewed in September 1998.

In addition, Mr. Blackthorn rents from the same landlord 80 ha of bare land under the terms of a 10-year Farm Business Tenancy, which he took as at September 1998. This tenancy incorporates a standard three-yearly rent review clause allowing the rent to be reviewed to open market level. The current rent is £15,000 per annum but this figure reflects the fact that Mr. Blackthorn surrendered two cottages from his main agricultural tenancy as at September 1998.

Your client has asked you to write to him setting out the statutory procedures for reviewing the rent on both holdings at the next available opportunity so that he is clear as to the timing of each move and the facts upon which the final rent for each holding will be based.

He also seeks your guidance as to whether to pursue a rent review in each case.

QUESTION 2

You act for Mr. Dunwoody who is considering buying a stock and arable farm. He has vaguely heard of IACS and he has asked you to write to him in headed paragraph form setting out the following:

- (a) The methods of obtaining the various payments available under the scheme.
- (b) The relevant time limits for the submission of claims and applications.
- (c) The relevant time limits for stock retention on the farm.