

WRITTEN EXAMINATION

PAPER I

9 NOVEMBER 2006

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 and ring the numbers of the **two** questions that you have answered.
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** your answers.
6. You should attempt to answer **two** out of the three questions, listing them on the green sheet.
7. All questions carry equal marks: 20 each.
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.

PAPER I, Q1

Your landlord client believes his Agricultural Holdings Act 1986 tenant is not complying with his repairing obligations to a material extent

Write **short notes** on the following points (a) to (d) in preparation for a meeting with your Client.

- (a) Assuming the tenancy agreement is silent, what:
 - is the legal position regarding repairs and regulations?
 - are the principal obligations of the parties?5 marks
- (b) Advise your client how he should proceed formally and/or informally with the tenant to ensure he complies with his repairing obligations 5 marks
- (c) A formal notice requiring the tenant to undertake stated repairs has now been served. The tenant has not complied with it. Advise what course of action is open to the landlord and how the tenant may respond 5 marks
- (d) To what extent does the position for points (a) to (c) be different if the tenancy was under the Agricultural Tenancies Act 1995. 5 marks

PAPER 1, Q2

Your firm acts for Mr. and Mrs. Green Sandletoes who own a 350 acre (142 ha) farm with both arable and grass land. The farm includes a 20 acre (8 ha) SSSI upon which the management agreements end in April 2007.

The Sandletoes have been persuaded that they wish to enter an Environmental Stewardship Scheme.

Prepare **notes in bullet point format** in readiness for a first meeting with your clients. Please concentrate your notes under the following themes/headings:-

1. Provide a comparison of principal rules and regulations between the Entry Level and Higher Level Schemes 6 marks

Candidates with Welsh experience may answer in terms of Tir Cynnal and Tir Gofal

2. Assuming the Higher Level Scheme (or Tir Gofal) is chosen, what confirmations and enquiries will be required? 6 marks
3. Produce a check-list in chronological order from instruction to the submission of the application. 6 marks

General 2 marks

*Candidates with **Scottish** experience may answer in terms of the relevant tiers of the Land Management Contracts regime and the Rural Stewardship Scheme.*

PAPER I, Q3

Your firm has just been instructed to act in the sale of a 100 hectare mixed farm. It includes an attractive Grade II listed farmhouse, a range of traditional buildings as well as modern grain stores and livestock handling facilities.

Your client, Major Brooks, would like a completion date as soon as possible and at the best possible price and has suggested that an Auction is the right way to proceed.

Write a brief **report** to your client to advise him of the following:-

1. The conduct of an Auction and the work you will have to do. 6 marks
2. The work that may be required by his solicitor and accountant in advance of completion if the property is sold by auction. 4 marks
3. The alternative methods of sale to an auction with a summary of their advantages and disadvantages. 8 marks

General 2 marks