

ESSENTIAL LAW FOR LANDOWNERS & FARMERS

**MICHAEL GREGORY
AND ANGELA SYDENHAM**

THIRD EDITION



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Foreword

Historically the ownership and occupancy of land has led to dispute and misunderstanding, to argument and bloodshed. Today the issues and emotions surrounding these proprietary interests are no less heated but we can resolve the conflicts that arise by litigation or arbitration. Increasingly landowners are realising that compromise and negotiations can often pre-empt conflict and create mutually beneficial agreements. Such enlightenment is not possible where ignorance of the law exists. It is in this field that I commend this work by two lawyers – Angela Sydenham and Michael Gregory.

To the majority the ownership and occupation of land is seen as a privilege. So it is, but it is a privilege coupled with responsibility. The mere ownership of land carries with it duties and obligations to house and maintain tenants or employees. Tenants owe their landlords good husbandry and reasonable returns; they owe their employees housing and continued prosperity. All concerned with agricultural land owe the public stewardship of it, limited access to it and as little interference from it as possible. Public authorities have a duty to safeguard agricultural land whilst inevitably encroaching upon it in the common good. The land itself can be of a deceptive nature for it has a speculative value that can be a liability. It may cover minerals that conflict with its agricultural potential; it may give rise to liability for its visitors; it may support visiting game. It may be criss-crossed by wayleaves and water-courses; preserved, protected and cocooned with planning restrictions. It may give rise to smells, nuisances and annoyance. Above all it is subject to the weather.

This book does not aim to duplicate the specialist legal textbooks on the many individual topics it spans. Rather it succeeds in collating the essential elements of the many problems facing the owners and occupiers of agricultural land today. It does not set out to replace specialist advice but it succeeds in presenting simply the essential law that will enable farmers to resolve many of their day-to-day problems on their own and without feeling out-manoeuvred by the increasing weight of legislation. The better informed that owners and occupiers of agricultural land are about their rights and obligations, the less threatened they will feel.

The authors, Michael Gregory and Angela Sydenham are the two senior members of the Legal Department of the Country Landowners' Association and could not be better qualified to produce a work of this nature.

Angela Sydenham.

Preface to the Third Edition

'Ignorance of the law is no excuse' is the first truth every citizen is taught at the parental knee – or so courts and Ministers of the Crown would have us believe. The adage is a truth as a point of law. As a point of fact, of course, nobody can know more than a fraction of their legal rights, let alone their obligations. Hence the flood of questions your authors get in the Legal Department of the Country Landowners' Association where we work together. The tangles with the law that beset farmers and owners are therefore familiar to us, and they are legion. The aim of this book is to collect in one volume a summary of the laws that mostly concern them. We have concentrated on those which in our experience cause most bother and most queries. We have sought to bring out the practical as well as the legal solutions.

The pace of new lawmaking in the 1980s, and the changed role expected of farmers, is shown by the fact that a third edition of this work has become necessary already, and that to a large extent it has been rewritten this time. Entirely new chapters are included on Access to the Countryside, Alternative Uses of Farm Land and on Milk Quotas. The abolition of domestic rating, the introduction of community charges and a new system of non-domestic rating, and new housing, employment and planning laws have compelled a complete recasting of the chapters of these subjects. The chapters on wayleaves and watery subjects now take into account that new bodies under new laws have emerged from the privatisation of the gas, electricity and water supply industries. All in all, hardly a page of the previous edition has escaped the moving finger.

Despite its metamorphosis the stamp of the great learning of Margaret Parrish, one of the original authors of the book (now retired) remains on it, and for which we are indebted to her. We are also grateful for the skill and helpfulness of the publishers and printers of this work.

Michael Gregory
Angela Sydenham

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