

Farm Business Resilience Plan



As the two Legal Panel firms for the North East, we are offering a free initial Legal Health Check initiative to members, called the Farm Business Resilience Plan. Our long-standing relationship with the NFU and the rural community in the North East means that we have a thorough understanding of the issues which NFU members face and are best placed to provide practical and helpful legal advice.

This service is aimed to help identify and highlight any concerns or other legal matters members may need to address in the interests of their farming/growing businesses. Examples of the areas of work to be considered include checking partnership deeds, business contracts with other third parties, registration of land, business contracts, share farming agreements, written tenancy or grazing agreements, possible business restructuring in view of Brexit, succession planning, Wills and trusts etc.

How it works

1. Complete this Farm Business Resilience Plan and return to your local Legal Panel Firm
2. The panel firm will conduct an initial free review of your property, business and family interests to assess your position
3. The panel firm will provide recommendations for discussion with you and details of fees for undertaking that work
4. Any legal fees charged by the Panel Firms will include the NFU member discount of 12 ½%. NFU members may also be eligible for further financial assistance from the NFU as set out above.
5. The terms and conditions for the Legal Health Check will be the Legal Panel Firms own
6. The Legal Panel Firms take your privacy very seriously. You can read their full Privacy Policies on their websites at crombiewilkinson.co.uk and jacksons-law.com or ask them for copies. In particular, please note that from time to time the NFU may seek to review and/or audit the Farm Business Resilience Plan scheme with the Legal Panel Firms to assess the success of the scheme and ensure compliance with service level standards.
7. Members who subscribe to the NFU Legal Assistance Scheme can also apply for financial assistance up to a maximum of £500 for two sets of instructions (at £250 each) generated by the legal health check service.

Alongside the above, The NFU Legal Board is pleased to announce the extension of its special offer for the Contract Checking Service and Legal Health Check until 31 October 2022. The offer is a maximum of £1,000 towards the costs of having four contracts checked or drafted by the legal panel firms at £250 each.

To find out more about this exclusive member benefit delivered by the NFU Legal Panel Firms, members should contact NFU CallFirst on 0370 845 8458.

Name:	NFU Membership Number:
Address:	NFU Group Office:
Telephone Number:	Email:

Are you an existing client of Jacksons Law Firm or Crombie Wilkinson Solicitors? Yes/No

You and Your Business

Farm Business Resilience Plan

Property

Are you owner/occupier of your house, land or other property? Yes/No

Is the land/property registered at the Land Registry? Yes/No

If you own land or property that is farmed or occupied by others, do you have an appropriate written agreement in place e.g. farm tenancy, licence, business tenancy? Please provide details of the agreement. Yes/No

Do you have land or other property that you farm/occupy under a tenancy or licence Arrangement? Yes/No

Do you have an appropriate written agreement in place? Eg AHA1986 tenancy agreement; FBT agreement, Grazing licence; business tenancy; contract farming agreement; share farming agreement; other? Please provide details of the agreement. Yes/No

Do you have farm cottages occupied by farm workers? Yes/No

Do you have appropriate tenancy agreements in place? Please provide details of the agreement. Yes/No

Have you taken steps to protect your land against the creation of new public rights of way? Yes/No

Do you know the extent of land that falls within your ownership? Yes/No

Are you aware of any disputes with neighbours regarding your boundaries? Yes/No

Do you know if you enjoy any express rights over neighbouring land or if neighbours enjoy express rights over your land? Yes/No

Are you considering a renewable energy Project Yes/No

Do you have any problems with an existing renewable energy project? Yes/No

Business Structure

Farm Business Resilience Plan

How is your business set up? Sole trader; Partnership; Limited Company; other

If you are a partnership do you have a written partnership agreement? Yes/No

When was it last reviewed? Please state date...

Is your land/property owned by you or the partnership? Please state which ...

Do you have written contracts with your suppliers and customers? Yes/No

Do they reflect the actual arrangement that you have in place? Yes/No

Your workers

Do you have any employees? Yes/No

Do they have written contracts of employment? Yes/No

Do you have any other members of staff for example temporary workers, Casual workers, agency workers? Yes/No

Do you have any contractors who provide a regular, personal service to Your business? Yes/no

Do you know the different rights an 'employee' has compared to a 'worker'? Yes/No

Do you have a staff handbook? Yes/No

What written policies and procedures does your business have in place? Please state.

When were your contracts or policies last reviewed? Please state date...

Do you have members of staff working for you? (including temporary workers casual workers, agency workers and contractors)? Please state numbers employed in each category. Yes/No

Health and Safety and Compliance

Do you have a written Health and Safety Policy in place? Yes/No

Have you undertaken risk assessments for your business? Yes/No

Have you reviewed your business to ensure that you are compliant with the GDPR requirements? Yes/No

You and Your Family

Farm Business Resilience Plan

Are you currently, or are you thinking of, living together? Yes/No

Have you entered into a cohabitation agreement to protect your interests if the relationship fails? Yes/No

Are you currently married, or are you thinking of marrying? Yes/No

Have you obtained a pre-nuptial agreement or living together agreement to protect your interests if the relationship fails? Yes/No

Are you separating / divorcing? Yes/No

Have you decided if you want to obtain a separation agreement or divorce? Yes/No

Have you considered the financial implications on your assets regarding separation and divorce? Yes/No

If you have children together, do you have agreements in place regarding how the children spend time with you and your estranged spouse/partner? Yes/No

Wills and Estate Planning

Do you have a Will(s) in place? Yes/No

If so, when were they last reviewed? Please state date...

Do your Wills make specific provision for your farm & farming business? Yes/No

Do you have Powers of Attorney in place for finances? Yes/No

Do you have Powers of Attorney in place for Health? Yes/No

Do you have Powers of Attorney in place regarding your business? Yes/No

Have you considered setting up a trust for your children or grandchildren? Yes/No

Do you have a family succession plan in place? Yes/No

Have you taken specific advice on the benefits of Agricultural and Business Property Relief on Inheritance Tax? Yes/No

Are you a member of the NFU Legal Assistance Scheme? Yes/No

Do you have Legal Proceedings insurance in place Yes/No

Please return this questionnaire to your local Panel Firm:

For York East Riding, York West Riding & South Yorkshire:

Amy Clarkson, Crombie Wilkinson Solicitors, Forsyth House, 3 Market Place, Malton YO17 7LP or via email to: a.clarkson@crombiewilkinson.co.uk

For Northumberland, North Riding, Durham & Tyne and Wear:

Nicola Neilson, Jacksons Law Firm, 17 Falcon Court, Preston Farm Industrial Estate Stockton on Tees, TS18 3TU or via email to: neilson@jacksons-law.com