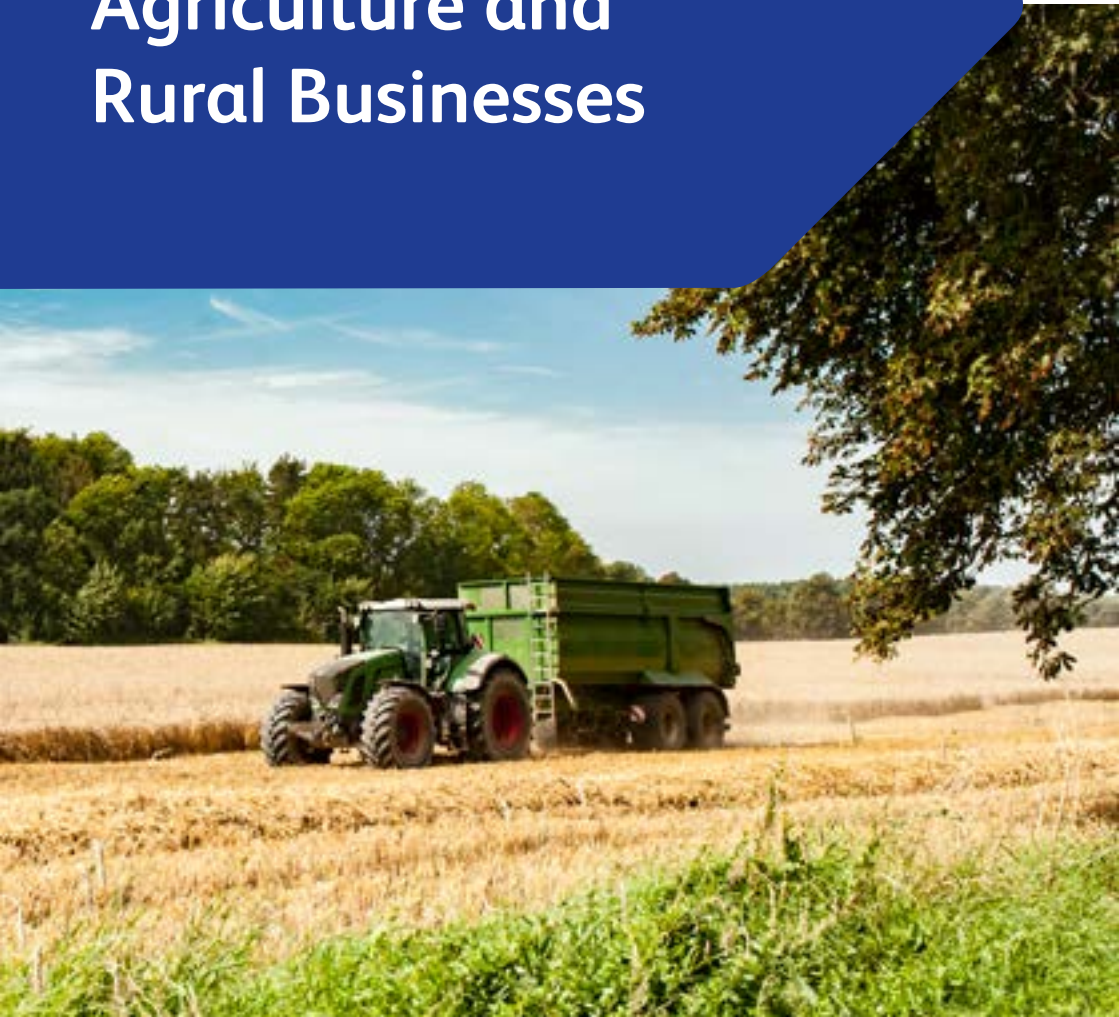


Legal Services for Agriculture and Rural Businesses



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“ Brachers have a long history in agriculture and estates work and understand the industry extremely well. ”

The Legal 500

“ Excellent understanding, interpretation and application of the law. ”

Chambers UK

“ They are extremely professional, and always on hand to provide guidance as to the best course of action. ”

Chambers UK

Sarah Gaines, Head of Agriculture & Rural Business team



About the Agriculture & Rural Business team

Farmers, landowners and rural businesses are faced with ever-evolving opportunities and challenges as a result of the swift pace of change both in legislation and technology. Our team of specialist lawyers understand the demands placed on those operating in the rural sector and work in partnership with you in order to provide seamless advice for both your business and personal needs.

Agricultural law can be complex due to the many different areas that it encompasses, which is why it is essential to have a legal team supporting you who understand all the issues and work together to find the solutions.

Our strong reputation in this area has been built over more than 125 years during which we have been advising farmers and land owners. We have also been associated with the NFU in Kent for more than 70 years putting us in the best position to partner you in managing your business and in supporting you to look after your family.

Whatever your circumstances, we work closely with you and other professionals such as surveyors, land agents and accountants, to formulate strategies that you can implement in the sure knowledge that they will address your immediate concerns as well as secure your future.

About Brachers

We strive to be the leading law firm of choice in the South East by delivering quality and value to our clients with a personal service. Achieving this requires continuous innovation and delivery of an exceptional client experience to fulfil our promise to our clients.

Our client base includes private individuals and their families, landed estates, SMEs, owner-managed businesses, publicly funded organisations, healthcare organisations, schools, colleges, further education providers, charities, family businesses and multi-national corporations.

The firm is committed to excellence and management best practice and the quality of our work is underpinned by our effective case management and quality control systems. Brachers' strength and depth of practice areas, its deep sector knowledge, its enviable client relationships and the level of engagement its staff bring to their work is what sets us apart from our competitors.

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Corporate



James Bullock

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How we can help

- Shareholders' agreements and articles of association for land-based businesses
- Mergers, acquisitions and disposals of companies and businesses
- Private equity and venture finance
- Partnership and LLP
- Restructuring
- Joint venture companies

We have a long track record for working as advisors to, and in partnership with, agricultural businesses which are often incorporated as private limited companies with family members being the shareholders and directors.

Farms and estates are not just businesses; they are homes and often financial centres for extended families.

Understanding both the commercial and the cultural aspects of farming as well as the wider agricultural sector is essential to providing an effective legal service.

We have all the knowledge and expertise you will need to help you run your company successfully. For example, you might decide to incorporate your business as a limited liability company or a limited liability partnership, or you may wish to enter into a joint venture with another business. We can advise on all of these structures, and provide and negotiate all the relevant documentation (for example shareholders' agreements, bespoke articles of association, non-disclosure agreements, and joint venture agreements).

You may need to restructure your business as it grows, or buy another complimentary business and we can advise on these transactions, as well as advising you on the legal aspects of raising capital to fund them. If you are planning to retire or sell the business then we also have a great deal of experience in helping business owners to exit.

Our highly regarded and approachable Corporate team advises a broad range of clients from owner-managed businesses to multi-national corporations and we have a particular understanding of the needs of agricultural and rural businesses.

Commercial



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Partner

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How we can help

- Supply, purchase and distribution agreements for goods/services
- Haulage and transportation arrangements for goods
- Terms and conditions of business
- Energy asset construction and finance (including sustainable/renewable technologies)
- Energy contracts (including power purchase/offtake agreements)
- Engineering and construction contracts/projects
- Operation and maintenance contracts

The success of a business often depends on making sure that all of your commercial contracts and terms and conditions of business are watertight. Not only do our commercial lawyers have extensive legal knowledge and expertise in commercial law, but they have the experience to apply that knowledge to the challenges and issues facing farmers, rural businesses and contractors and lenders working with those businesses.

Whether you are looking for assistance on simple contracts or complex projects on your land (such as a construction or energy project) we are able to assist.

Commercial contracts

We give practical, pragmatic advice on a wide range of commercial matters including standard terms and conditions, purchase and supply contracts, construction and operation arrangements, partnership agreements to complex joint venture agreements, and a variety of structured finance arrangements.

We are particularly adept at advising on how your commercial contracts should interface with the other contractual and legal arrangements that you already have, or are looking to put in place, to ensure that all of your commercial contracts work together as one co-ordinated package.

Sustainable/renewable technologies

Our team also has experience in advising clients on the contractual documentation involved in installing new energy or technology improvements, such as solar or ground source heat pumps, including the construction and financing of those developments.

Employment



Abigail Brightwell

Associate

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How we can help

- Risk management review work
- Redundancies, reorganisations and restructuring
- Contracts of employment and policies and procedures
- Employment tribunals and contract claims
- Discipline, dismissals and grievances
- Discrimination and equal opportunities
- Insurance-backed services - Brachers Protect and practical human resources support from specialists, Kent HR

Employment law is complex and fast changing and can prove to be a minefield for any business owner. Mistakes can be costly. Our employment specialists have many years' experience of working with agricultural and rural businesses including farmers, distributors, food producers, picking and storage operations as well as equestrian-based businesses.

With restrictions on migration coming into force as a consequence of Brexit, the rural sector continues to face challenges in relation to the access and retention of labour. We can provide support and advice in relation to flexible approaches to working, workforce retention and alternative labour models such as apprenticeships.

We give practical and clear advice on all aspects of employment law including contracts, disciplinary and grievance matters, sickness management and terminations. If you are a farmer with seasonal workers, we can advise on working arrangements and employment status and ensure proper protections are in place to keep you compliant with your legal obligations - particularly in light of recent changes in the law.

We can also assist you when disputes arise and have long experience in representing clients at Employment Tribunals.

Family & Divorce



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How we can help

- Divorce
- Financial issues
- Prenuptial and postnuptial agreements
- Matters involving children
- Succession planning
- Collaborative law and mediation

Our family law experts work with agricultural clients in a broad range of circumstances. We assist clients in a holistic manner, working collaboratively with colleagues across our firm and with clients' land agents and accounts teams to ensure that we fully understand the intricacies of the farming business.

A relationship breakdown can be an emotional and difficult time and our practical, sympathetic and understanding approach enables our clients to move forward. We also advise on wealth protection matters in the form of prenuptial and postnuptial agreements. Whether clients are seeking advice on divorce, financial issues or matters involving children, we work closely with clients to explore the best way to help resolve issues.

Our wealth of experience means we are sensitive to the wide range of problems that can arise in a divorce or separation when farms or agricultural business interests are involved.

For example, we know the distress that can be caused when a farm or business that has been in a family for generations, or is intended for future generations, needs to be sold to meet the financial demands of a divorce. Similarly, we always ensure the impact upon other family or business members who may be involved is taken into consideration.

Divorce can be complex and costly, but dealing with the financial aspects through the courts isn't always the quickest or most effective choice. Our team of mediators and collaborative lawyers means we can offer alternative dispute resolutions to our clients.

We help clients to achieve constructive and practical solutions whilst also minimising the impact of this stressful period on all concerned.

Health & Safety



Lee May

Partner

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How we can help

- Incident management and reporting
- Liability issues
- Workplace injuries or fatalities
- Representation at Court and Inquiries
- Risk assessments

The agricultural sector of the economy is recognised as presenting particular health and safety challenges. There are many hazardous working environments and the potential for accidents is high.

Our team of experienced lawyers has been advising clients, including farmers and other rural businesses, on health and safety issues for over 30 years. We have the expertise to advise and represent you in cases of workplace injuries or fatalities.

Our specialist solicitors can assist you with incident management and reporting as well as liability issues.

We can support you if there is an investigation by the Health and Safety Executive or other bodies, including advising on your rights and duties where there is a request for information or an interview under caution. We can represent you at fatal accident inquiries or, in the event of a prosecution, at Magistrates' courts.

The best policy for maintaining health and safety at work is to have a system of managing risk in a proactive and considered way.

Planning & Environment



Lee May

Partner

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How we can help

- Planning applications
- S.106 agreements
- Unilateral undertakings
- Appeals against refusal of planning permission
- Planning enforcement
- Compulsory purchase orders
- Permitted Development Rights
- Conversion of agricultural buildings
- Judicial review
- Rights of way
- Lands Tribunal claims

The law and government policy relating to town and country planning are continuously evolving and you will need specialist advice to help you navigate around the system.

Our dedicated team of planning and environmental specialists have built up expertise through advising our extensive agricultural client base over many years. We will work with you to understand your needs and help you achieve your objectives.

We can help you with planning applications including S.106 agreements and unilateral undertakings as well as appeals against refusal of planning permission, planning enforcement and compulsory purchase orders.

We can advise you on Permitted Development Rights, especially in relation to the conversion of agricultural buildings as well as agricultural occupancy conditions, listed buildings, judicial review and footpaths and rights of way.

We have considerable experience in taking claims to the Lands Tribunal.

Rural Property & Buildings



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How we can help

- Sales
- Purchases
- Mortgages
- Business and residential leases
- Tenancy agreements
- Option agreements
- Conditional contracts
- Agricultural stewardship schemes
- Agricultural Holdings Act 1986 tenancies
- Solar and renewable energy developments
- Diversification projects
- Overage and clawbacks
- Telecoms

In any agricultural or rural business, land and property is likely to be your biggest and most valuable asset. You will want to ensure that you achieve practical and commercial solutions to ensure your land and property are managed effectively. We work collaboratively with you to help you gain your objectives.

We advise on the whole range of property matters including sales, purchases and mortgages. We have the expertise to deal with specialist agricultural legal matters such as agricultural stewardship schemes, Agricultural Holdings Act 1986 tenancies, farm business tenancies, basic payment scheme and sporting and fishing rights.

We can help you to make the most of all the opportunities that may come along so that you get the maximum commercial benefit from your property. This could be through development agreements, joint ventures, solar or other renewable energy developments and other diversification projects, overage and clawback, promotion agreements, or telecoms masts.

Secured Lending



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Partner

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How we can help

- Facility agreements
- Loan agreements
- Legal mortgages (including the mortgaging of agricultural and rural property)
- Guarantees

Like any other business, from time to time, those in the rural sector may need to raise finance to enable growth and development.

Our Secured Lending team enjoys strong relationships with leading banks and financial institutions in the agricultural and rural business sector. Notably we are on the panels of The Agricultural Mortgage Corporation, Bank of Scotland, Clydesdale, Handelsbanken, HSBC, Lloyds, NatWest, Oxbury Bank and Royal Bank of Scotland.

We will take the time to get to know your business, understand what you want to achieve and then work with you and other professionals to help you get the most efficient finance structure for your business needs and circumstances.

Solving Disputes



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Partner

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How we can help

- Landlord and tenant disputes
- Rights of way
- Boundary disputes
- Adverse possession claims
- Enforcement of covenants
- Overage disputes
- Contractual and money disputes
- Beneficial interest claims to property
- Promotion Agreement disputes

All manner of disputes can, and do, arise within the agricultural arena. These could be related to landlord and tenant disputes, disputes about overages, rights of way, boundaries, adverse possession, the enforcement of covenants, or they could be to do with contractual and money disputes, negligence and nuisance, to give just a few examples.

Our team of specialist and experienced lawyers are accustomed to dealing with the whole range of disputes and endeavour to help resolve issues pragmatically and effectively.

We work to provide practical and cost effective solutions using all variety of options as an alternative to the court process, including third-party expert determinations, arbitration and in particular, mediation. Our team are trained negotiators who will facilitate compromise wherever possible.

Succession Planning



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How we can help

- Estate planning
- Tax planning
- Wills
- Trust creation and management
- Probate
- Will and Trust disputes

Farming businesses are often passed down the generations and it is important to plan carefully for this transition.

Planning at an early stage is essential in helping to minimise likely tax liabilities as much as possible and ensure that your farming business continues to thrive.

At Brachers, we can help you put in place plans for the future to help you protect your family and your business. We have a sensitive and approachable team who will work with you to understand your needs.

Our experienced succession planning team will work with you to understand your wishes as well as collaborate with accountants, land agents and other consultants to ensure that you have a well-structured Will in place and effectively tax plan for your lifetime and beyond.

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