

NFU Legal Assistance Scheme

Eligibility Criteria

This document sets out the eligibility criteria applicable to the NFU Legal Assistance Scheme (the "Scheme" or the "LAS") together with a non-exhaustive list of examples of the types of matter covered by the LAS.

Defined terms used in this document (unless otherwise defined) have the meaning given to them in the Terms and Conditions of the Scheme.

Eligibility Criteria

1. Scheme Members may apply for financial support in respect of dispute resolution (civil or criminal) arising out of their business as a farmer and/or grower, including certain diversification businesses identified below. Awards are not granted in respect of non-contentious matters, neither in respect of HMRC inquiries or investigations, nor in other dispute resolution matters that do not affect the farming or growing business (examples of which are outlined in this document).
2. Examples of the types of matters in respect of which Awards may be granted are set out below. Support may also be granted in respect of mediation or other forms of alternative dispute resolution at the discretion of the LAS Team in relation to Inter-Member Disputes.
3. Awards may be made and paid in respect of disputes arising during the period of membership of the relevant Scheme Member, but not otherwise. A dispute shall be treated as having arisen when the Scheme Member became aware (or ought reasonably to have known) that the underlying facts or circumstances would be likely to give rise to a dispute. Determination as to when a dispute arose shall be made by the LAS Team in its absolute discretion. Scheme Members may appeal against such determination in accordance with the Terms and Conditions.
4. Awards shall not be granted towards professional fees incurred prior to the first notification of the dispute to NFU CallFirst or any NFU member of staff.
5. Scheme Members wishing to make an Application should contact NFU CallFirst on 0370 845 8458.

Examples of matters covered by the LAS

Set out below is a non-exhaustive list of the types of matters covered by the LAS. The Scheme is a discretionary contributory benefit scheme. The fact that a dispute falls within one of the matter types set out below does not mean that an Award will be made in respect of that dispute. The grant of Awards is at the discretion of the LAS Team in all cases in accordance with the Terms and Conditions. Scheme Members are encouraged to contact NFU CallFirst on the telephone number set out above in order to determine eligibility in cases of doubt.

The matter must be a **dispute** and arise out of the Scheme Member's business as a farmer/grower or relate to a diversification business based on the farm and which is ancillary to the main agricultural or horticultural business.

The following matters are examples of the types of dispute covered by the LAS:

- Contract disputes relating to:
 - Agricultural machinery
 - Contracting
 - Potatoes
 - Grain
 - Sale of livestock
 - Feed supplies
 - Chemical supplies

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- Milk
- Poultry
- Employment Issues (relating to farming/growing business)
- Prosecutions (relating to farming/growing business)
- Land Disputes
 - Boundary disputes
 - Private rights of way
 - Public rights of way
 - Drainage/flooding
 - Adverse possession
 - Traveller encampments
 - Private nuisance
 - Contamination of land
- Planning appeals
- Tenancy disputes (Agricultural Holdings Act tenancies/farm business tenancies/grazing licences)
- Judicial review (relating to farming/growing business)
- Professional negligence (relating to farming/growing business)
- Any other dispute arising out of or directly related to the farming/growing business
- Diversification businesses involving the following:
 - Bed and breakfast
 - Car boot sales
 - Clay pigeon shooting
 - Caravanning and camping
 - Farm shops/"Pick Your Own"
 - Farm contracting
 - Farm visits (open days)
 - Festival/fete/fair and other public events on farm
 - Fisheries
 - Feed merchandising
 - Horse livery
 - Horse breeding/training
 - Riding school/trekking centres
 - Letting grass to horses/ponies
 - Motor sports/hill climbs/vintage rallies
 - Outdoor sporting activities
 - Sale/lease of mineral rights (where they affect farming)
 - Farm shoots
 - Transport/haulage
 - Mobile phone/radio masts
 - Wind turbines
 - Coppicing/wood clearance
 - Letting of converted farm buildings
 - Warehousing in farm buildings
 - Renewable energy
 - Wind turbines
 - Solar PV

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- Anaerobic digesters

The following matters are not covered by the LAS:

- Any dispute not arising out of the Scheme Member's business as a farmer/grower or ancillary diversification business
- Non-contentious issues
- Probate matters*
- Matrimonial/family matters*
- Tax matters (including HMRC inquiries and investigations)[*]
- Drafting of documents (contracts, tenancies etc)
- Planning applications
- Undisputed debt collection
- Partnership issues*
- Formation of business arrangements
- Conveyancing matters
- Prosecutions for motoring offences arising from the use of private vehicles
- Prosecutions involving offences against the person, indecency and cases of fraud
- Personal Injury matters not directly resulting from working on the farm

**The Legal Board and the LAS Team retain a discretion to make an Award in such circumstances if the matter is likely to seriously affect the livelihood of the Scheme Member. Scheme Members should contact NFU CallFirst in such circumstances to enable the LAS Team to assess eligibility.*