

DISPUTE RESOLUTION NEWSLETTER

June 2019
Edition 2

Welcome to the agricultural edition of our Dispute Resolution newsletter. We bring to you our dispute resolution experts and useful industry information and news.

Our dispute resolution team



Our dispute resolution team has extensive experience gained over many years whilst acting for clients involved in civil litigation. We can act for both private and commercial clients on matters such as:

- Contract disputes
- Landlord & tenant disputes
- Land & boundary disputes
- Debt recovery

Due to our experience and expertise, we are the NFU legal panel firm for North and Mid Wales.

Top row L - R: Gwenno Price-Jones, John Partington, Tracey Powell

Bottom row L - R: Catrin Williams, Stephen Foote, Roxanna Richardson

Boundary disputes

Boundary disputes happen when two or more people – more often than not neighbours – both believe that they have a right to a piece of land. When you own a property, you will always have a neighbour, therefore, these sorts of issues need to be dealt with carefully. A boundary dispute will often start when a person occupies, erects a wall, or fence on land which they believe belongs to them, with the neighbour believing that they own the same land.

To try and avoid a boundary dispute, before carrying out any work, you need to firmly establish the ownership and physical boundaries of the land. You might think that the work you are carrying out to the boundary is unlikely to cause any issues, however your neighbour might disagree, and you could find yourself in the middle of a dispute.

It is good practice to consult with your neighbour before you carry out any work to the boundary, to ensure that the neighbour is up to date with what is happening, is happy and that there are no immediate issues. If there are any, then you know before starting any works and can then seek legal advice or clarification in relation to the boundary line.

You also need to consider whether or not the wall or fence in question is a party wall, if it is then you will need to adhere with the Party Wall etc. Act 1996.

If your property is registered at the Land Registry, then you will have a title plan. This plan will only show the 'general boundary' and is not sufficiently detailed to be able to determine the precise location of the legal boundary.



Title plans are useful in identifying the general boundary, but to establish the legal boundary an application for a 'determination of boundary' will more than likely be required. This application will determine the boundary and register the same against your registered title. You could also enter into a boundary agreement with your neighbour and register the same at the Land Registry.

Drones

Drones, or Unmanned Aerial Vehicle (UAV), usage has increased in recent years, both for recreation and viable uses for businesses and services. It is predicted that drones will have a positive effect on the UK's Gross Domestic Product of almost 2% by 2030. With more people owning and using drones there has been an increase in reported incidents involving drones and planes. In 2017 there were 93 reported incidents, some of which involved potentially disastrous near misses with passenger jets.

This resulted in the implementation of the UK's "Drone Code" on 30th July 2018. This is an update to the Air Navigation Order 2016 with further additions and amendments due to come into effect this year.

It is illegal to fly a drone over a height of 400ft (120m) or within 1km (0.62 miles) of an airfield or airport boundary.

Further legislation is due to come into effect as of 30th November 2019 which will require owners of drones to register all consumer drones which weigh over 250g (8.8oz) with the Civil Aviation Authority (CAA) and pass an online drone safety education and test package (there will be an annual charge per drone operator). The intention is to register drone operators rather than the drones themselves and the operators then receive a unique code that must be applied to all of the drones which they are responsible for.

There will also be a legal requirement from the end of November for anyone flying a drone, regardless of whether or not they are a drone owner, to complete the online drone safety education and test package.

This is a developing area of law and there may be further amendments to the current legislation as well as the already proposed additions.

Key dates

- 1st June 2019 is the date for the prescribed new form for terminating a tenancy under Section 21 of the Housing Act 1988 in England. This date corresponds with the commencement of The Tenant Fees Act 2019 which came into force on the same date.
- The Welsh Renting Homes (Fees etc.) Bill has now received royal assent and the Act will come into force on the 1st of September 2019.

10 Grosvenor Road
Wrexham
LL11 1SD

2 Vicars Lane
Chester
CH1 1QX

Bank Buildings
Llanrwst
LL26 0LS

01978 291000

01244 312 166

01492 641 222

www.allingtonhughes.co.uk

enquiry@allingtonhughes.co.uk

@ahrural

