

# Real Life Legal Expenses Claims

## Employment

An employee was consistently coming to work late. Having no knowledge of his rights the farmer contacted the Legal Line facility for advice on the correct procedure. The farmer followed this advice and dismissed the worker in accordance with it. Subsequently, the farmer was served with Employment Tribunal papers for Unfair Dismissal. Abbey Legal Protection appointed a lawyer to defend the farmer's position. The tribunal found in his favour because the dismissal of the employee had been conducted in accordance with the appropriate legal procedures. The resulting legal costs were met under his Legal Expenses insurance. These costs were not recoverable from any other source as, despite the farmers having acted entirely correctly, under UK law costs are not generally recoverable in Employment Tribunals.



## Tax

HMRC undertook an investigation of an estate owner's payments to sub-contractors. They concluded that the payments were not being disclosed and that the estate owner had a tax obligation to HMRC. Expert tax advice from Abbey Tax Protection and representation at an initial meeting with the HMRC Inspector enabled the estate owner to successfully defend the allegations. HMRC were forced to withdraw the claim. The additional accountancy costs incurred by the estate were borne by Abbey Legal Protection under the legal expenses policy.

## Criminal Prosecution

The Insured a farmer has been prosecuted for storing and using an illegal pesticide that was sprayed on a crop. A pesticide that had been recently banned in the UK was found on fruit treated by the Insured, following routine monitoring. A subsequent investigation by the Health and Safety Executive (HSE) revealed the banned agricultural pesticide, and another unapproved and unlicensed pesticide. The Insured notified the claim under the Criminal prosecution section of their policy. A legal opinion was obtained from the Insured solicitor who confirmed that the Insured was in breach of the Control of Pesticide Regulations 1986. However the solicitor, put forward mitigation on behalf of the Insured stating that the Insured had reviewed the management of his farm and appropriate changes had been made to ensure that they were up to date with current pesticide regulations. Two of the five charges against the Insured were dropped and the Insured pleaded guilty to the remainder. The policy indemnified the cost of the mitigation on the Insured's behalf and the Insured received a fine of £3,000 which was significantly reduction on the maximum fine the Insured had faced.

## Property

New age travellers had settled on a farmer's land. Despite repeated requests to vacate the site the farmer had to resort to a court order to enforce eviction. Abbey Legal Protection's appointed representative obtained a court order for eviction. When the order was served, the travellers moved on. Although under UK law these costs are technically recoverable from trespassers, as new age travellers are impecunious, in reality these costs are rarely if ever recovered. The costs involved were paid under the legal expenses facility.

## Wrongful Arrest

A farmer finds some anti-hunt demonstrators damaging his property. He calls the police and detains them until they arrive. The demonstrators go on to issue civil proceedings against him for wrongful arrest. He uses his Abbey Legal Policy to defend against this, the charges were later dropped and all of the legal costs were met by his Abbey Legal Policy.

## Pension Trustee Defence

An employee of an estate alleges that his pension fund has been mismanaged by the trustees of said fund. He issues civil proceedings for the amount of £30,000 and the estate uses their Abbey Legal Protection policy to successfully defend this action. All legal costs were met by the policy.

## Jury Service

A farm worker is called up for Jury Service at the local Crown Court, not having a valid reason not to attend he did so. The farm owner was able to claim under his Legal Expenses Policy to make up the difference between the amount of money he recovered from the court and the employee's wages. This amounted to a total of £630 for the 7 day trial.

## Public Rights of Way

A landowner received notification of a modification order to the definitive map under the section 53 of the Wildlife and Countryside Act 1981. This was brought by the local ramblers association and if granted meant that a public footpath would exist across his land coming extremely close to his primary residence. Abbey Legal Protection opposed the modification to the definitive map with Lincolnshire County Council alleging that there was not reasonable evidence that the right of way subsisted. The council found that there was not reasonable evidence to support the existence of the right of way and the modification was not made.



## Agricultural Land Tribunals Cover

A landlord conducted a rent review on an agricultural tenancy that had existed for three years under the Agricultural Holdings Act 1986. The landlord decided that the tenancy warranted an increase in rent and issued a Section 12 notice to trigger a rent review. The farmer who argued to keep the rent at the same level in light of improvements he had made to the holding during his tenure. An agreement could not be reached between the two parties by the rent review date and the matter was referred to an arbitrator appointed by the Royal Institution of Chartered Surveyors. The farmer contacted Abbey legal Protection and his policy paid for expert legal advice leading up to the arbitration and preparing for and representing the Insured at arbitration proceedings. A standstill in rent was eventually accepted by both parties which was binding for the next three years.



## Arrest Assistance

Several dozen animal carcasses were found at an Insured's farm which had been there for several weeks. This had been reported to Trading Standards who commenced an immediate investigation with the claimant facing a possible, very serious, criminal prosecution. The Insured was later taken for an interview under caution in relation to his employee's actions regarding the carcasses, he utilised the Arrest Assistance cover under his Abbey Legal Protection policy which ultimately led to any potential prosecution being dropped by Trading Standards on the grounds of his employee's mental state at the time.

## Single Payment Scheme Protection

Following an alleged breach of SPS rules, a farmer had his SPS payments reduced by the Rural Payments Agency. The farmer made a claim under his Abbey Legal Protection policy, he carried out the stage one appeal against the decision by himself but Abbey Legal Protection paid for solicitors to carry out the stage two appeal. He was successful in appealing the decision and his SPS payments were reinstated at the level they were previously.