**CENTRAL ASSOCIATION OF AGRICULTURAL VALUERS**

****

**CAAV EXAMINATIONS 2022 – NATIONAL ORAL QUESTIONS**

**10TH NOVEMBER 2022**

**Each centre is to select two questions from the four to be asked of all candidates**

1. **Selling a farm**
2. **Site compound**
3. **Damage caused by tree**
4. **Record of condition**

**QUESTION 1**

Your client is interested in selling his farm which comprises a traditional farmhouse, range of farm buildings and 100 hectares of arable and grassland. He has asked you to visit him for a general initial discussion.

**A Describe the methods that can be used to sell the farm.**

Private Treaty

Informal Tender

Formal Tender

Auction both public and private

Off the market – a private sale

 **(1 Mark)**

**B What investigations or research would you undertake before preparing the sales particulars and who else would you suggest that your client discuss the proposed sale with?**

Access, Basic Payment Scheme and Environmental Schemes, Contamination, Designations, Flood Risk, Land Classification and Soil Type, Licences, Minerals, NVZ, Outgoings, Ownership, Past Cropping, Planning, Restrictions, Rights of Way, Services, Sporting Rights, Timber, Title Matters, Wayleaves and Easements.

Other parties to discuss the sale with: Solicitor, Accountant and Agronomist.

 **(2 Marks)**

**C Briefly outline your charges/costs and what might go in your Terms of Engagement letter.**

Commission would be charged on the sale price or a fixed fee may be agreed. Additional costs could include advertising, sale boards, brochures, EPC and floor plans.

The matters to be included in the Terms of Engagement letter comprise:

* Name of client and property
* Sole Agency
* Fees
* Withdrawal charge
* Additional charges
* Sales particulars
* Sale board
* Money laundering
* Data protection
* Personal interests
* Complaints

 **(2 Marks)**

**QUESTION 2**

An agent representing a gas distribution undertaker has approached your client seeking to use approximately half an acre of arable land as a site compound while works are undertaken to a nearby Above Ground Installation.

**1. What additional basic information would you seek from the agent to advise your client on the merits of the proposal?**

You should establish the exact area of the compound required, where it is to be sited, how long the compound is required for, what it is to be used for, how it is to be accessed relative to the day to day running of the farm, what disturbance to the surface is proposed and what the proposed licence fee is.

 **(1½ Marks)**

**2. What key terms would you wish to see in a draft agreement for the compound?**

Names and addresses of the parties

 Description of the Property

 Start date and duration

 Extent of the licence area including a scale plan

 Access arrangements

 Licence fee and when paid

 Agent’s fees

 Works to the surface of the area taken

 Permitted activities

 Days and hours of use

 Fencing and security

 Reinstatement provision and removal of all equipment

 Prevention of contamination

 Public Liability insurance

 Dispute resolution clause **(3 Marks)**

 (Any other relevant terms acceptable at the discretion of the examiners)

**3. What methods of resolution are available to the parties should a dispute arise?**

Arbitration, Expert Determination, Mediation, Tribunal and The Courts.

 **(½ Mark)**

**QUESTION 3**

The foundations of a brick wall on the boundary of your client’s property have been undermined by a tree. The wall is owned by the neighbour and your client’s property is let out. The neighbour has submitted a claim for damage to the wall.

1. **What advice would you give your client in relation to addressing his neighbour’s claim?**

 **(2 marks)**

**Answer**

Establish whether the tree is on your client’s property.

Consider the terms of the tenancy.

Is it the Tenant’s or Landlord’s obligation to maintain trees and/or cover the cost of maintenance?

Is it the Tenant’s or Landlord’s obligation to insure the loss?

Contact your client’s insurance company.

1. **What practical steps would you need to put in place to rectify the issue? (1½ marks)**

**Answer**

Obtain quotes for remedial works.

Arrange for access across land together with working area.

Dismantle the wall and set aside bricks for re-use.

Fell the tree to ground level.

Remove the roots below ground level using a stump grinder or similar.

Lay new foundation.

Re-build wall using salvaged and new bricks.

Carry out inspection of boundary to ensure there are no other trees undermining the wall.

1. **Your client has resolved not to claim under his insurance policy and has asked you to instruct a contractor to carry out the works. What documentation would you ask the contractor to provide? (1½ marks)**

**Answer**

Detailed specification of the works.

Detailed quote with provisional sums as necessary.

Method statement.

Risk assessment.

Copy of contractor’s liability insurance certificate.

Estimated programme of works.

**QUESTION 4**

**1. Please provide four examples of when a Record of Condition may be made.**

Prior to intrusive survey works.

 Prior to works by statutory authorities or other companies in respect of:

* + Pipelines
	+ Cable laying
	+ Overhead electricity line refurbishment/replacement
	+ The laying of water mains and sewer.

 Prior to entry for a temporary compound.

 Prior to the commencement of a new farming partnership agreement.

 Prior to or on the commencement of a tenancy.

During a tenancy

* + at the request of the Landlord or Tenant to record the condition of the fixed equipment and the general condition of the holding
	+ by the Tenant to record any fixtures or buildings he is entitled to remove and any improvements executed by him or which he compensated the outgoing Tenant for

 **(2 Marks)**

**2. What would you include in a record of condition of land and farm buildings prior to the commencement of a new Tenancy and how would you detail your findings?**

Identify all fixed equipment and its condition.

Identify all aspects of the condition of the land including the condition of hedges, tree lines, fences, gates, ditches, outfalls, culverts, ponds, tracks, arable land including any dominant weed infestation, grassland and any non-agricultural land.

The record should state the name of the holding, details of the Landlord and the Tenant, the date the record was made, details of who prepared it, the prevailing and preceding weather conditions, a general description of the holding and past and current management.

Each field should be identified (parcel ID and area) with a brief description of its aspect, soil, cropping, any permanent features, weeds and pests and drainage together with details and orientation of each boundary feature.

 A description of the construction and condition of the buildings and any yards, tracks and roads with identification and details of any redundant buildings.

The record should include scale plans of the buildings and land with field numbers and areas, comprehensive photographs and any soil tests.

 **(2½ Marks)**

**3. What should the parties do with the record of condition?**

Check its accuracy and agree any amendments, sign and date the agreed version.

If for tenancy, attach it to their copy of the Tenancy Agreement.

 **(½ Mark)**