



# Myerson Family

Our guide on  
Agricultural Divorce

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# Welcome

We understand the complexities of modern life and, therefore, everything we do is ultimately about you, and it is important you get to know the team that will be working with you every step of the way. It's a deep source of satisfaction that so many clients choose Myerson as their trusted adviser.

## Why Myerson?

Our highly experienced and discreet family lawyers, provide clear and supportive legal advice, tailored towards your individual family needs.

As a Top 200 UK Law Firm, we are also proud to be ranked as 'Top Tier' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2019**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

You can find out more about our Family Team by clicking [here](#).



# How We Work.

Every case is different, and it can be difficult for our clients to know where to start.

**Simple and effective.** We will always have an initial conversation with you, without any obligation, to explain the process and get to know you and your situation.

**We respect your emotions and feelings.** We work hard building close relationships with our clients as we understand that agreeing to separate can be an emotional and confusing experience. We are used to dealing with complex legal family issues and ensure that the advice you receive respects your feelings, at what is often a stressful time.

**Online Portal.** We use an online portal to progress the divorce and financial application as quickly as possible. The global pandemic (Covid-19) has caused a great deal of backlog in the Family Court and the online portal circumvents the delay caused by issuing divorce petitions by post.

**Trust.** You're in safe hands. We help clients nationwide and internationally with complex and sensitive cases on a daily basis. So you can rest assured that our expert team knows its stuff!



# Your Solicitors



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### The solicitors that will be working with you are specialists.

All members of your Family Team are full members of **Resolution** (a body of family lawyers committed to adhering to the Resolution Code of Practice which promotes working constructively in an attempt to avoid unnecessary conflict) and individually ranked by international legal directory The Legal 500. You can find out more about our Family Law Team by clicking [here](#).

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# Agricultural Divorce

The specialist Family Law team at Myerson regularly act for individuals who have interests in a farm or a farming business.

## What is considered within an agricultural divorce?

Any shareholding or interest the husband or wife may hold in a farm forms one of the assets to be considered for division on divorce.

However, agricultural divorces are often complex and require sensitive handling. This is because unlike other businesses, farms are typically income light and capital heavy. Also, farms are often inherited and have been in the family for many years, with wider family having part ownership or a vested interest.

## What if the farm or estate has been in the family for generations?


A farm which has been in the family for generations, in the expectation that it will be handed down, is an important factor which the Court will take into consideration. This can sometimes lead to an unequal division of assets on divorce.

Whether the farm is deemed as a marital or non-marital asset will impact on how assets (including non-farming assets) are divided on divorce. Each case will turn on its facts and the outcome will depend on a wide variety of factors.

## Can a farm or estate be divided in the event of a divorce?

More often than not, the capital of the farm is tied up within the land and buildings, which in turn generates the income.





Accurate and creative advice is needed at an early stage, to ensure that money can be released to satisfy the financial needs of both parties. For example, just part of the farm could be sold or there could be provision for capital payments over time. It is also possible for land to be transferred between husband and wife as part of their divorce settlement. If there are other assets to a marriage which can be distributed to avoid a sale or part sale of a farm, that is also an option to be explored.

Farm ownership can be complicated by trusts, tenancies and/or corporate structures, which will impact whether the farm can indeed be divided in the event of divorce.

Of course, in some cases, farmland is rented by a farmer rather than owned. This is common with cattle farmers, where vast amounts of land are needed. In those cases, the farming business would need to be valued like any other business and an assessment could be made as to whether it is feasible to extract any cash from that business.

## What do I need to prepare for divorce proceedings?

From the outset of divorce proceedings, both parties have a duty of full and frank financial disclosure of all financial assets, income and liabilities. This will include valuations of the farming land, the farming business, the business accounts, bank accounts and evidence regarding the income stream.

In addition, the farm owner may be party to a Stewardship Agreement with Natural England, which provides an annual income. Many farmers also receive yearly financial entitlements as part of the Basic Payment Scheme. These financial incentives are a valuable feature of any farm and disclosure regarding these schemes is very important.

## Do I need professional advice for land and estate valuations?

It is important for both parties to ensure that specialist and professional experts are involved for land valuations, valuations of entitlement schemes, taxation advice and business strategies. It is not unusual to involve agricultural surveyors, agricultural consultants, and specialist accountants to provide advice in agricultural divorces at an early stage.

# What do the Courts' consider?

The financial needs of both parties and any children are considered, amongst other factors under Section 25 Matrimonial Causes Act 1973:

- (a) the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future, including in the case of earning capacity any increase in that capacity which it would in the opinion of the court be reasonable to expect a party to the marriage to take steps to acquire;
- (b) the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (c) the standard of living enjoyed by the family before the breakdown of the marriage;
- (d) the age of each party to the marriage and the duration of the marriage;
- (e) any physical or mental disability of either of the parties to the marriage;
- (f) the contributions which each of the parties has made or is likely in the foreseeable future to make to the welfare of the family, including any contribution by looking after the home or caring for the family;
- (g) the conduct of each of the parties, if that conduct is such that it would in the opinion of the court be inequitable to disregard it; and
- (h) in the case of proceedings for divorce or nullity of marriage, the value to each of the parties to the marriage of any benefit which, by reason of the dissolution or annulment of the marriage, that party will lose the chance of acquiring.

The Courts' primary objective is to achieve fairness, and therefore, how the farm is dealt with on divorce will depend on the particular circumstances of the case.

Agricultural divorces are in a field of their own. However, our specialist family solicitors can use their experience to help you reach an amicable settlement with your spouse.



# Don't just take our word for it...

*"Divorce is the worst journey I have ever been on, but I can safely say that having Myerson on side, made it so much easier. Their patience, compassion and professionalism were continuous throughout the two years of my divorce – what an ordeal! I would recommend Myerson in a heartbeat."*

*"Their response time and communication are excellent, and I would have no hesitation in recommending Myerson in the future."*

*"The legal team have the rare ability to combine strong legal knowledge, procedural and strategic acumen but delivered with client care and overwhelming compassion in what are often difficult or testing circumstances."*

*"The team gave me support at a time when I needed it most. I would not hesitate in recommending them to anyone who requires a divorce lawyer."*

*"Your professionalism, efficiency and pragmatism are admirable."*

*"From start to finish everything actioned by Myerson was perfect. Nothing was any trouble, no matter how many times I contacted them over matters."*

To view more Myerson reviews visit our Review Solicitors page by [clicking here](#).



# You're in safe hands!

If you would like further information about how we can help you, or if you have any questions, please don't hesitate to contact a member of our Family Law Team today.

Call: 0161 941 4000

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SCAN ME



Because  
life is rarely  
**black** and  
**white.**



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