

# DIPLOMA CENTRE

## Certificate in Agribusiness & Food Law.



SESSION 1	TIME	DELIVERY
<b>Saturday 22 October 2022</b>	<b>10:00am – 3:30pm</b>	<b>Onsite &amp; online</b>
<p><b>1 Course Introduction:</b> Evolution of farming and food law/regulation; Evolution of environmental and climate change regulation; government agencies and bodies; EU &amp; international policy, CAP <b>Ciaran Dolan, BL</b></p> <p><b>2 Boundary disputes/livestock disputes/ rights of way and trespass:</b> Boundary disputes: issues arising as to where the boundary is, who is responsible for it and the obligations where it is a joint boundary. Livestock disputes: issues over animals that were not as described or do not perform accordingly. Rights of way: how they are acquired; obligations to repair and maintain; expansion of the right of way and liability for repair. The Land and Conveyancing Law Reform Act 2009 and the registration of rights of way. Animal trespass: the obligations of landowners in relation to keeping livestock. <b>James Staines, Staines Law</b></p> <p><b>3 Solar &amp; windfarms:</b> issues that solar windfarms (and other renewables) cause farmers and landowners. <b>James Staines, Staines Law</b></p> <p><b>4 Regulation: Tillage (crops and horticulture):</b> Basic payment scheme, cross compliance, nitrates; hygiene regulations; employment law pertinent to vegetable production; pesticide regulations (EC 1107/2009); crop variety evaluation (DUS/VCU); plant breeders' rights; seed regulations; plant health regulations; food and feed regulations; producer organisations/horticulture grant scheme/beekeeping; tractor manufacture standards; health and safety regulations pertinent to tillage and vegetables. <b>Dr Richard Hackett, Hackett Agricultural Consultants</b></p> <p><b>5 Organic food &amp; farming:</b> Definition and descriptions of "organic", types of product that can be described as organic, EU regulations and SI's, labelling, authorised bodies, rules on production and importation, penalties, Farmers Markets- establishment of farmers markets and selling directly from the farm, the Food Safety and Hygiene requirements for Food Stall operators -penalties. <b>TBC</b></p>		

**5 hrs. Gen. CPD**

SESSION 2	TIME	DELIVERY
<b>Saturday 12 November 2022</b>	<b>10:00am – 4:30pm</b>	<b>Online</b>
<p><b>1 Food Regulation Part 1:</b> The evolution and background to European and Irish food law. Significance of ECJ case Procureur du Roi v Dassonville and the Rewe-Zentral / Cassis de Dijon ECJ rulings. EU "recipe" food laws. Market and regulatory sensitivity to food related legal issues such as food fraud or contamination. Science of food fraud detection. The law on food additives ("E Numbers") and process aids. The penalties for the breach of such laws. <b>Brendan Kelly, Solicitor</b></p> <p><b>2 Food Regulation Part 2:</b> EU Regulation 178/2002; The European Food Safety Authority EFSA - its function, roles and issues; Food Safety Authority of Ireland Act, 1998 - the FSAI it functions and role; Food Hygiene regulations; Regulations on Food of Animal Origin. NSAI Guidelines on Food Hygiene Standards; Traceability "Farm to Fork"; enforcement of food and hygiene regulations; Department of Agriculture, Food and the Marine (DAFM) and its interaction with FSAI; Health Service Executive and the role of Environmental Health Officers. <b>Paul Murphy, Food Safety and Quality Specialist</b></p> <p><b>3 International Food Trade:</b> EU food labelling law, mandatory information, health benefit claims, how EU assesses and authorise such claims, nutritional declarations / tables {percent error allowed}; How legal food definitions / formulations can impact import duties and VAT rates; an overview of US food law with a focus on the different requirements to US and EU food labelling regulations; approaches taken in food labelling strategy to gain access to the Chinese market; EU law and PDO (Protected Designation of Origin) foods; <b>Brendan Kelly, Solicitor</b></p>		

# DIPLOMA CENTRE

## Certificate in Agribusiness & Food Law.



- 4 **Overview of the role, duty, liability and immunity of an expert witness and guidance on drafting expert reports.**  
Ciaran Dolan, BL
- 5 **Commercial contract issues:**  
Sarah-Jane Clifford, Legal Counsel, European Refreshments
- 6 **Legal separation/divorce:** Family Law: Cohabitation – implications in life and death, how the law has evolved since the introduction of the Civil Partnership and Certain Rights and Obligations Act 2010; judicial separation and divorce – recent case law update.  
Helen Coughlan, Patrick J Farrell and Company
- 7 **The legal consequences for a food business of non-compliance with Food Hygiene legislation:**  
An over view of the HSE Environmental Health enforcement options to include; criminal prosecutions in the District and Circuit Court, convictions, Improvement Notices and Orders, Closure Orders, Destruction Orders, publication on HSE website and impact on sale of food business.  
Hilda-Clare O'Shea, Partner, St. John Solicitors **Pre-record**

7 hrs. Gen. CPD

SESSION 3	TIME	DELIVERY
Saturday 3 December 2022	10:00am – 4:30pm	Online
1 <b>Agri tax:</b> Report on the Agri Taxation Review which was published in October 2014 and the further consultation launched; main taxation reliefs and exemptions available to the agri sector such as the Income Tax Lease Exemption, Income Averaging, Stock Relief, CGT Retirement Relief, CGT Entrepreneur Relief, CGT Dwelling House Exemption, CAT Agricultural Relief, CAT Business Relief, Stamp Duty Relief for Young Trained Farmers and Stamp Duty Consanguinity Relief. Aisling Meehan, Agricultural Solicitors		
2 <b>Collaborative farming models:</b> Evolution of collaborative farming models whereby farmers share resources in order to work more efficiently; Collaborative farming structures including Registered Farm Partnerships, Succession Farm Partnerships, Contract Rearing, Share Farming and Cow Leasing; long term lease of agricultural land. Aisling Meehan, Agricultural Solicitors		
3 <b>Enforcement &amp; Audit Part 1:</b> Department of Agriculture notices/ prosecutions; appeals to the Agriculture Appeals Office; Prosecutions by the Inland Fisheries. Randal Hill BL		
4 <b>Health &amp; safety on the farm:</b> The legal framework, occupational safety and health (OHS) in agriculture based on the Safety, Health and Welfare at Work Act 2005 and subsidiary legal instruments; application of OHS legislation to both self-employed and employment work places; the role and use of the Farm Safety Code of Practice and associated Risk Assessment document and provision of associated training; state incentives for inclusion of OHS at farm level. Dr John McNamara, Health and Safety Specialist, Teagasc		
5 <b>Succession planning and will drafting:</b> Formalities relating to wills and legal right shares; s. 117; proprietary estoppel; joint bank accounts; mutual wills; testamentary capacity; relevant CAP issues - e.g. entitlements; possible claims of cohabitants; financial bequests; s. 98 Succession Act; joint ownership; duress and undue influence in the making of wills; time limits; death and Farm Partnerships; Deeds of Family Arrangement. Oliver Ryan-Purcell, Principal, Oliver Ryan-Purcell Solicitor <b>Pre-record</b>		
6 <b>Enforcement &amp; Audit Part 2:</b> Environmental Protection Agency prosecutions.		

# DIPLOMA CENTRE

## Certificate in Agribusiness & Food Law.



Alan Doyle BL *Pre-record*

- 7 **Environmental Regulation:** Environmental regulation of water quality, birds and habitats, climate change and sustainability; how environmental regulations affect farmers and agri business on a daily basis; cross compliance incorporating Good Agricultural and Environmental Condition and Statutory Management Requirements; compensation available to farmers through agri environmental schemes such as GLAS, the Burren Life Scheme and the Areas of Natural Constraints Payment.

Aisling Meehan, Agricultural Solicitors *Pre-record*

7 hrs. Gen. CPD

SESSION 4	TIME	DELIVERY
Saturday 21 January 2023	10:00am – 2:30pm	Onsite

Workshop 1: 10.00 am – 12 noon

Workshop 2: 12.30 pm – 2.30 pm

4 hrs Gen. CPD & 1 hr M&PD

**ASSIGNMENT SUBMISSION DATE: 24 February 2023**

Please note that topics & dates may be subject to change. Draft timetable as of Oct 2022

\* Gen = General, M&PD = Management and Professional Development, Reg = Regulatory and eLearning = eLearning CPD credits. **CPD Note:** The number of hours of CPD that you may claim in relation to your diploma/certificate course will depend on the way in which you access each of the individual sessions. For further information please visit the course homepage on our website: [www.lawsociety.ie/diplomacentre](http://www.lawsociety.ie/diplomacentre)