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OUR GUIDE TO THE CASE OF GEE v GEE¹

Background

This case concerned a dispute over a 600 acre farm near Oxford, worth approximately £8 million.

The claimant was John Michael Gee, son of John Richard Gee. John Michael was supported by his mother in his claim against his father and his brother, Robert. The matter had split the family.

John Michael had worked on the farm from the 1970s to 2016, when he was dismissed by his father. During that time John Michael had undertaken long hours for the minimum wage set by the Agricultural Wages Board and lived in a caravan until 1982 when his father built him a house to live in.

Robert, John Michael's brother, was a builder and property developer.

The farm operated through a company in which John Richard was the majority shareholder, holding 23,999 shares out of a total of 24,000. The property was owned by John Richard, his wife and the company.

In 2014 John Richard transferred all his shares and property to Robert.

John Michael claimed six specific incidences of there having been representation made to him by his father, including a conversation in 1988 and a discussion at a shoot in 1993. The Court heard evidence from a number of witnesses who included a priest, farm workers, friends and John Michael's mother.

John Richard accused John Michael of being a poor farmer.

Proprietary estoppel

To bring a successful proprietary estoppel claim the following must be proved:

- The claimant has a reasonable expectation of being given an interest in land and property, having been assured or had representations of the gift;
- The claimant has relied on the representation or assurance;
- The claimant has suffered a detriment having relied on the representation or assurance; and
- It would be unconscionable for the person making the promise to not now make the gift.

The Court's decision

The Judge found that, over a 20 year period, there had been representations made to John Michael by his father. He did, however, make some provision for both Robert and his sister.

Whilst the representations were not frequently repeated or a stock phrase, they were held to have been a material consideration in John Michael staying on the farm. John Michael was constantly on call and received no overtime payments.

John Michael was ordered to receive 52% of the shareholding in the company and 46% of the property.

The Appeal

It is understood that an appeal may be lodged by John Richard and Robert on the basis that the award will result in the unwinding of a number of property transfers that have already taken place and the Court, therefore, does not have the jurisdiction to make the order.

Conclusions

The Court is never afraid to award the entirety of a family farm to one party, however, it has a broad discretion to make any order that is deemed appropriate in the particular circumstances of the case.

If you would like specific guidance for you or your business, talk to Agri Assist today.

¹ Gee v Gee & another [2018] EWHC 1393