



Agriculture (Wales) Act 2023

2023 asc 4

PART 2

SUPPORT FOR AGRICULTURE ETC.

PROSPECTIVE

CHAPTER 4

AGRICULTURAL TENANCIES

24 **Agricultural Holdings: dispute resolution relating to financial support**

- (1) The [Agricultural Holdings Act 1986 \(c. 5\)](#) is amended as follows.
- (2) In section 19A (disputes relating to requests for landlord's consent or variation of terms), in subsection (7), in the definition of "relevant financial assistance"—
 - (a) in paragraph (b) for " , or paragraph 8 of Schedule 5 to, that Act (powers of Secretary of State and Welsh Ministers" substitute "that Act (powers of Secretary of State";
 - (b) omit the "or" after paragraph (b);
 - (c) after paragraph (c) insert—
 - "(d) section 8 of the Agriculture (Wales) Act 2023 ("the 2023 Act") (Welsh Ministers' power to provide support),
 - (e) a scheme of the sort mentioned in section 9(7) of the 2023 Act (meaning of "third party scheme" for purposes of power to provide support),
 - (f) the basic payment scheme, as defined in section 16 of the 2023 Act (power to modify legislation governing the basic payment scheme),
 - (g) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined in section 17 of the 2023 Act (power to modify legislation relating to the common agricultural policy),

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- (h) legislation relating to support for apiculture, as defined in section 18 of the 2023 Act (power to modify legislation relating to support for apiculture),
- (i) legislation relating to support for rural development, as defined in section 19 of the 2023 Act (support for rural development), or
- (j) section 22 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market conditions);”.

(3) The [Agricultural Tenancies Act 1995 \(c. 8\)](#) is amended as follows.

(4) After section 8 insert—

**“8A Reference of certain requests for consent or variation to arbitration:
Wales**

- (1) This section applies to a farm business tenancy where the land comprised in the tenancy is in Wales.
- (2) A tenant may, by notice in writing given to the landlord, refer to arbitration under this Act a request made by the tenant to the landlord where—
 - (a) the request falls within subsection (3), and
 - (b) no agreement has been reached with the landlord on the request.
- (3) A request falls within this subsection if—
 - (a) it is a request for—
 - (i) the landlord’s consent to a matter which under the terms of the tenancy requires such consent, or
 - (ii) a variation of the terms of the tenancy, and
 - (b) it is made for the purposes of—
 - (i) enabling the tenant to request or apply for relevant financial support, or
 - (ii) complying with a statutory duty applicable to the tenant.
- (4) Subsection (5) applies where the tenant has given notice under subsection (2) but an arbitrator has not been appointed by agreement before the end of the period of two months beginning with the day on which the notice was given.
- (5) The tenant or the landlord may apply to a professional authority for the appointment of an arbitrator by that authority, but once either party has made such an application the other may no longer do so.
- (6) An arbitrator, on a reference made under subsection (2), may—
 - (a) determine that the landlord must comply with the request (either in full or in part),
 - (b) determine that the landlord may refuse to comply with the request, or
 - (c) make any other award or determination permitted by regulations.
- (7) The Welsh Ministers may by regulations make provision—
 - (a) about conditions to be met before a reference may be made under subsection (2);
 - (b) about the awards or determinations that may be made by an arbitrator, which may include making an order for a variation in the rent payable under the tenancy or for the payment of compensation or costs;

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- (c) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
- (d) restricting a tenant’s ability to make subsequent references to arbitration where a reference to arbitration has already been made under subsection (2) in relation to the same tenancy.

(8) In this section—

“relevant financial support” means financial support under—

- (a) section 8 of the Agriculture (Wales) Act 2023 (“the 2023 Act”) (Welsh Ministers’ power to provide support),
- (b) a scheme of the sort mentioned in section 9(7) of the 2023 Act (meaning of “third party scheme” for purposes of power to provide support),
- (c) the basic payment scheme, as defined in section 16 of the 2023 Act (power to modify legislation governing the basic payment scheme),
- (d) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined in section 17 of the 2023 Act (power to modify legislation relating to the common agricultural policy),
- (e) legislation relating to support for apiculture, as defined in section 18 of the 2023 Act (power to modify legislation relating to support for apiculture),
- (f) legislation relating to support for rural development, as defined in section 19 of the 2023 Act (support for rural development), or
- (g) section 22 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market conditions);

“statutory duty” means a duty imposed by or under—

- (a) an Act of Parliament;
- (b) an Act of Senedd Cymru or an Assembly Measure;
- (c) retained direct EU legislation.”

(5) In section 28(5), before paragraph (a), insert—

“(za) a request made under section 8A(2) of this Act,”.

(6) After section 36, insert—

“36A Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) The Welsh Ministers’ power to make regulations under section 8A(7) includes power to make different provision for different purposes.
- (3) A statutory instrument containing regulations made under section 8A(7) is subject to annulment in pursuance of a resolution of Senedd Cymru.”

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Commencement Information

II S. 24 not in force at Royal Assent, see [s. 56\(4\)](#)

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Changes to legislation:

There are currently no known outstanding effects for the Agriculture (Wales) Act 2023,
CHAPTER 4.