



# Agriculture (Miscellaneous Provisions) Act 1968

## 1968 CHAPTER 34

### [<sup>F1</sup>PART II

#### ADDITIONAL PAYMENTS TO TENANT FARMERS

[<sup>F1</sup>  
<sup>F2</sup>12] **Additional payments in consequence of compulsory acquisition etc. of agricultural holdings.**

- (1) Where in pursuance of any enactment providing for the acquisition or taking of possession of land compulsorily by any person (hereafter in this Part of this Act referred to as an “acquiring authority”), an acquiring authority acquire the interest in an agricultural holding or any part of it of the tenant of the holding or take possession of such a holding or any part of it, then, subject to the provisions of this Part of this Act, [<sup>F3</sup>subsection (2)(b) of section 60 of the Agricultural Holdings Act 1986 (additional compensation to tenant for disturbance) shall apply as if the acquiring authority were the landlord of the holding and on the date of the acquisition or taking of possession the tenancy of the holding or part of it had terminated, and the tenant had quitted the holding or part of it, in consequence of such a notice or counter-notice as is mentioned in subsection (1) of that section; and section 61 of that Act (exceptions to section 60) shall not apply in such a case]].

<sup>F4</sup>[ No sum shall be payable by virtue of subsection (1) of this section in respect of any (1A) land comprised in a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.]

- (2) No sum shall be payable by virtue of subsection (1) of this section in respect of any agricultural holding held on a tenancy for a term of two years or upwards except in a case where the amount of compensation payable to the tenant of the holding by the acquiring authority in consequence of the acquisition or taking of possession in question is exceeded by the aggregate of the amounts which, if the tenancy had been from year to year, would have been so payable by way of compensation and by virtue of that subsection; and in any such case the sum payable by virtue of that subsection

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**Changes to legislation:** *There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Section 12. (See end of Document for details)*

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in consequence of the acquisition or taking of possession in question shall, subject to sections 13(3) and 14(3) of this Act, be of an amount equal to the excess.

(3) No sum shall be payable to the tenant of an agricultural holding by virtue of subsection (1) of this section in consequence of such an acquiring of an interest or taking of possession as is there mentioned unless the date on which the acquisition or taking of possession occurs is later than the date of the passing of this Act and—

- (a) in the case of such an acquisition, unless the date on which notice to treat in respect of the interest to be acquired is served or treated as served on the tenant by the acquiring authority is after the initial date; and
- (b) where in the case of such a taking of possession prior notice of the taking of possession is by virtue of any enactment required to be served on the tenant by the acquiring authority, unless the date on which the notice is so served is after the initial date.]

[<sup>F5</sup>(4) If a person is entitled in respect of the same interest in land to a payment both—

- (a) by virtue of subsection (1), and
- (b) under section 33B of the Land Compensation Act 1973 (additional loss payment for agricultural land),

section 33H of that Act (only one payment to be made if a person has dual entitlement) applies.]

#### Textual Amendments

- F1** Part II (ss. 9-17) repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), [ss. 88\(2\), 89\(2\)](#), [Sch. 13 Pt.I](#) (with [s. 45\(3\)](#), [Sch. 12 paras. 1, 3](#))
- F2** S. 12 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), [ss. 88\(2\), 89\(2\)](#) [Sch. 13, Pt. I](#) (with [s. 45\(3\)](#), [Sch. 12 paras. 1, 3](#))
- F3** Words substituted (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), [ss. 99, 100](#), [Sch. 13 para. 3](#), [Sch. 14 para. 44](#)
- F4** S. 12(1A) inserted (1.9.1995) by [1995 c. 8, ss. 40, 41\(2\)](#), [Sch. para. 23](#) (with [s. 37](#)).
- F5** S. 12(4) inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 4](#) (with [s. 111](#)); [S.I. 2004/2593](#), [art. 2\(d\)](#)

#### Modifications etc. (not altering text)

- C1** S. 12 amended by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), [s. 48\(5\)](#) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [s. 44\(4\)](#)
- C2** S. 12 modified by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), [ss. 59\(2\)\(a\)](#), [61\(3\)](#) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [ss. 55\(2\)\(a\)](#), [56\(8\)](#), [57\(3\)](#), [58\(3\)\(6\)](#), [Sch. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Section 12.