



# Agriculture (Miscellaneous Provisions) Act 1968

## 1968 CHAPTER 34

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

#### ADDITIONAL PAYMENTS TO TENANT FARMERS]

#### [<sup>F1</sup>15 **Effect of early resumption clauses on compensation.**

[ Except where compensation assessed in accordance with this subsection would be less <sup>F2</sup>(1) than if this subsection were disregarded, in assessing the compensation payable by an acquiring authority to the tenant of an agricultural holding in connection with such an acquiring of an interest or taking of possession as is mentioned in section 12(1) of this Act, any provision in the contract of tenancy authorising the resumption of possession of the holding or part of it for some specified purpose other than the use of the land for agriculture shall—

- (a) in the case of an acquisition, be treated as if that provision authorised resumption of possession for the purpose in question on the expiration of twelve months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant; and
- (b) in the case of a taking of possession, be disregarded.]

<sup>F3</sup>(2) .....

(3) Where the landlord of an agricultural holding in Scotland resumes land in pursuance of such a provision in the lease as is mentioned in subsection (1) of this section, compensation shall be payable by the landlord to the tenant, in addition to any other compensation so payable apart from this subsection in respect of the land, of an amount which is equal to the value of the additional benefit (if any) which would have accrued to the tenant if the land had, instead of being so resumed, been resumed at the expiration of twelve months from the end of the year of tenancy current at a date two months before the date of resumption.

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*Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Section 15. (See end of Document for details)*

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- (4) <sup>F4</sup> . . . subsections (4) to (6) of section 11 of this Act shall apply to compensation claimed or payable under subsection (3) of this section, as if for references to sums claimed or payable in pursuance of section 9 of this Act there were substituted references to compensation claimed or payable under the said <sup>F4</sup> . . . subsection (3), <sup>F4</sup> . . . ; and section 12(3) of this Act shall apply to any increase of compensation in pursuance of subsection (1) of this section as it applies to a sum payable by virtue of section 12(1) of this Act as if for references to the said section 12(1) there were substituted references to subsection (1) of this section.
- (5) For the purposes of subsections (1) to (3) of this section, the current year of a tenancy for a term of two years or upwards is the year beginning with such day in the period of twelve months ending—
- (a) for the purposes of subsection (1) <sup>F4</sup> . . . , with the date on which the notice mentioned in that subsection is served; and
  - (b) for the purposes of subsection (3), with a date two months before the resumption mentioned in that subsection.
- as corresponds to the day on which the term would expire by the effluxion of time.
- (6) In the application of this section to Scotland,—
- (a) in subsection (1), for the words from “contract” to “agriculture” there shall be substituted the words “lease entitling the landlord to resume land for building, planting, feuing or other purposes (not being agricultural purposes)” and in paragraph (a) for the word “possession” there shall be substituted the word “land”; and
  - (b) subsection (2) shall be omitted.]

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**Textual Amendments**

- F1** S. 15 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. 15(1) repealed with saving by [Land Compensation Act 1973 \(c. 26\)](#), ss. 48(4)(6), 89(3), **Sch. 3** except in relation to compensation falling to be assessed by reference to prices current on a date before 23. 5. 1973 and except for the purposes of s. 48(6) of that Act
- F3** S. 15(2) repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 15 Pt. I**
- F4** Words repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 15 Pt. I**
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**Modifications etc. (not altering text)**

- C1** S. 15(3) excluded by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), s. 55(2)(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Section 15.