



# Agriculture (Miscellaneous Provisions) Act 1968

## 1968 CHAPTER 34

### PART V

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

**[<sup>F1</sup>42 Compensation in connection with compulsory acquisition etc. of agricultural holdings.**

- (1) Subject to the following provisions of this section, where in pursuance of any enactment providing for the acquisition or taking of possession of land compulsorily 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, the compensation payable by the authority to the tenant in connection with the acquisition or taking of possession shall be assessed without regard to the tenant's prospects, if any, of remaining in possession of the holding after the relevant date.
- (2) In subsection (1) of this section "the relevant date" means the earliest date on which, apart from the acquisition or taking of possession, the landlord could obtain possession of the holding in pursuance of such a notice to quit as is mentioned in paragraph (c) below if—
  - (a) the tenant exercised any tenant's option to extend or renew the tenancy in any case where, apart from this section, he would benefit from doing so; and
  - (b) the landlord disregarded any provision in the contract of tenancy or lease enabling him to resume possession of the holding or to determine the tenancy by notice before the date fixed for the expiration of its term or before the termination of the stipulated endurance of the lease; and
  - (c) the landlord served a valid notice to quit on the tenant in respect of the holding on the date of service of notice to treat in respect of the acquisition or the date

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**Changes to legislation:** *There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Section 42. (See end of Document for details)*

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of the taking of possession, as the case may be, or as soon thereafter as he became entitled to serve such a notice to quit; and

- (d) the provisions of section 24 of the principal Act or section 25 of the principal Scottish Act (which restrict the operation of notices to quit) did not apply to the said notice to quit;

and for the purposes of this subsection any such notice as is mentioned in section 3(1) of the principal Act (which refers to notices of intention to terminate the tenancy of an agricultural holding granted for a term of two years or upwards) shall be deemed to be a notice to quit.

- (3) Subsection (1) of this section shall not apply to such an acquisition or taking of possession as is there mentioned—
- (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 date of the passing of this Act;
- (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 date of the passing of this Act.
- (4) Section 17 of this Act shall have effect as if any reference to Part II of this Act, other than the reference in subsection (4), included a reference to the foregoing provisions of this section.
- (5) Nothing in this section shall be construed as prejudicing the provisions of any other enactment under which, apart from this section, compensation in respect of any such compulsory acquisition or taking of possession as is mentioned in subsection (1) of this section falls to be assessed without regard to the prospects there mentioned.]

#### **Textual Amendments**

- F1** S. 42 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

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

- C1** By [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 47](#) it is provided that in s. 42(2), as it has effect for the purposes of s. 48(6) of the Land Compensation Act 1973 for “section 24 of the principal Act/ “ there is substituted (E.W.)”section 26 of the Agricultural Holdings Act 1986” and for “principal Act” in the second place where occurring there is substituted “Agricultural Holdings Act 1986”

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Section 42.