



Agriculture (Miscellaneous Provisions) Act 1976

1976 CHAPTER 55

PART I

MISCELLANEOUS PROVISIONS

1 Dissolution of Sugar Board

- (1) On such day as the Minister may by order appoint (in this section referred to as " the appointed day ") the property, rights and liabilities' which immediately before that day were property rights and liabilities of the Sugar Board established by section 1 of the Sugar Act 1956 (in this section referred to as " the Board ") shall vest in the Minister by virtue of this section and without further assurance.
- (2) The Minister shall not dispose of any shares in the British Sugar Corporation transferred to him by the preceding subsection except with the consent of the Treasury.
- (3) If the appointed day is other than a day immediately following the end of a financial year of the Board, the Board's financial year then current shall be deemed to have ended with the day before the appointed day.
- (4) As soon as the Minister is satisfied that the requirements of section 6 of the Sugar Act 1956 (annual report and accounts) have been complied with on the part of the Board in respect of financial years down to and-including the one ending immediately before the appointed day, he shall by order dissolve the Board; and thereupon any further liabilities incurred by the Board on or after the appointed day in complying with the said section 6 or otherwise shall become liabilities of the Minister.
- (5) The Minister shall lay a copy of any report made to him under the said section 6 before each House of Parliament.
- (6) Any power to make an order conferred on the Minister by this section shall be exercisable by statutory instrument.

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- (7) Section 12 of the Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases) shall not apply to any transfer of property effected by this section.
- (8) Any gain accruing to the Board in consequence of subsection (1) above shall not be a chargeable gain for the purposes of corporation tax on chargeable gains.

2 Increase in advances to Agricultural Mortgage Corporation Ltd

- (1) The amount of the advances which the Minister may make to the Agricultural Mortgage Corporation Limited under section 2 of the Agricultural Mortgage Corporation Act 1956 for the purpose of increasing its guarantee fund shall be increased by £13 million, and accordingly in subsection (1) of that section, as amended by section 13 of the Agriculture (Miscellaneous Provisions) Act 1972, for the words "seventeen million pounds" there shall be substituted the words "£30 million".
- (2) The Minister may from time to time by order made with the approval of the Treasury increase or further increase the amount specified in the said subsection (1), as amended by the preceding subsection, to any amount not exceeding £40 million.
- (3) The power to make orders under subsection (2) above includes power to revoke a previous order and shall be exercisable by statutory instrument, but no order shall be made under that subsection unless a draft thereof has been approved by a resolution of the House of Commons.

3 Duties of Meat and Livestock Commission as regards consultation

- (1) The provisions of Part I of the Agriculture Act 1967 relating to the Meat and Livestock Commission and their committees shall be amended in accordance with the following provisions of this section (which replace the provisions about the Production Committee and the Distribution Committee and the Commission's duty to consult them with provisions requiring the Commission to consult representative organisations, but preserve the Commission's duty to consult the Consumers Committee); and accordingly the Production Committee and the Distribution Committee of the Commission are hereby abolished.
- (2) After section 1 of the Agriculture Act 1967 there shall be inserted as section 1A—

“1A Commission's duty to consult representative organisations.

- (1) If it appears to the Commission that any matter arising or likely to arise out of the exercise of the Commission's functions has or is likely to have a substantial effect on the interests of one or more classes of persons mentioned in Part IIA of Schedule 1 to this Act, the Commission shall consult the relevant organisation or each of the relevant organisations about that matter; and where a number of organisations fall to be consulted under this subsection about any such matter, the Commission may consult them together, or separately, or some together and others separately, as the Commission think fit.
- (2) For the purposes of this section an organisation is a relevant organisation in relation to a class of persons mentioned in the said Part IIA if it is for the time being designated by the Ministers as a relevant organisation in relation to that class; and the Ministers shall designate, in relation to any such class of

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persons, all such organisations as appear to them appropriate as representing the interests of that class, taking account of interests in Scotland and Wales as well as in England.

(3) The Commission may pay to representatives of organisations consulted by them in pursuance of this section such travelling or other allowances as the Ministers may, with the approval of the Minister for the Civil Service, determine.”.

(3) In Schedule 1 to the Agriculture Act 1967, after Part II there shall be inserted as Part IIA—

“PART IIA

CLASSES OF PERSONS FOR PURPOSES OF SECTION 1A

Cattle, pig and sheep producers.
Persons employed in livestock production.
Livestock traders.
Livestock auctioneers.
Local authorities operating slaughterhouses and livestock and meat markets.
Persons engaged in animal by-products trades.
Wholesalers of meat and importers of meat (excluding bacon).
Producers of bacon and other edible livestock products except meat.
Retailers of meat and other edible livestock products.
Persons employed in the marketing and distribution of livestock or the production, processing, manufacture, marketing and distribution of livestock products.”.

(4) There shall be made in Part I of the Agriculture Act 1967 the further amendments specified in Schedule 1 to this Act, being amendments arising out of the abolition of the Production Committee and the Distribution Committee of the Commission ; but those amendments shall not affect the validity of any appointment as chairman or member of the Consumers Committee, and any such appointment shall have effect as if made under section 2(1) of that Act, together with paragraph 1 of Part III of Schedule 1 thereto, as substituted by the said Schedule 1.

4 Grants in connection with proficiency tests in crafts related to agriculture

(1) This section applies to any body of persons the activities of which include the taking of measures for some or all of the following purposes, namely—

- (a) devising, formulating and promoting proficiency tests in crafts related to agriculture in England and Wales, formulating standards for those tests, and revising those tests and standards from time to time ;
- (b) co-ordinating the activities of bodies carrying out such proficiency tests in England or Wales, and monitoring the methods and standards of such bodies in carrying out those tests ; and
- (c) making and maintaining arrangements for obtaining and evaluating data about the use and results of such proficiency tests in England and Wales (including their use by the Agricultural Wages Board for England and Wales in

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connection with the fixing of minimum rates of wages for workers employed in agriculture).

- (2) The Minister may with the approval of the Treasury make payments by way of grant to any body to which this section applies for use in or towards meeting expenditure incurred or to be incurred by the body for or in connection with any purpose mentioned in subsection (1) above.
- (3) A payment under this section may be made on such conditions as the Minister thinks fit to impose, including conditions for restricting the purposes for which it can be used.
- (4) If, in the case of any payment made under this section, it appears to the Minister—
 - (a) that the payment or any part of it has not been used for the purpose for which it was made ; or
 - (b) that, as regards the payment or any part of it, any condition on which the payment was made has not been complied with in a material respect,
 he may on demand recover an amount equal to the payment or that part of it, as the case may be.
- (5) In this section " agriculture " includes horticulture and forestry.

5 Measures to restrict the growing of male hop plants

- (1) This section shall have effect for the purpose of facilitating the production of seedless hops.
- (2) The Minister may by order bring this section into force in any area in England in which persons are engaged in growing hops if, after consultation with—
 - (a) such organisations as appear to him appropriate as representing persons carrying on in the area the business of producing hops ; and
 - (b) such persons as are known to him to be carrying on that business in the area,
 he is satisfied that it is reasonable to make the order.
- (3) Where this section is in force in any area (" the current area ") by virtue of an order under this section (" the current order "), the Minister may by order revoke or vary the current order if, after consultation with—
 - (a) such organisations as appear to him appropriate as representing persons carrying on in the relevant area the business of producing hops ; and
 - (b) such persons as are known to him to be carrying on that business in the relevant area,
 he is satisfied that it is reasonable to make the order.

In this subsection " the relevant area " means the current area or, if the proposed order would add any area to the current area, the area consisting of the current area and the area proposed to be added.

- (4) Before making an order under this section the Minister shall publish, in such manner as he considers appropriate for informing persons likely to be affected, a notice of his intention to do so, stating—
 - (a) where a draft of the order may be inspected and copies obtained; and
 - (b) the time (not being less than twenty-eight days from the publication of the notice) within which and the manner in which objections to the proposed order can be made;

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and the Minister shall, before making the order, consider any objections duly made, and, if he decides to make the order, may do so either in the form of the draft or with such modifications as he thinks fit.

- (5) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) If male hop plants are growing on any land within an area where this section is in force, the Minister may serve a notice on the occupier of the land (or, in the case of unoccupied land, on the person entitled to occupy it) requiring him to take within such time as may be specified in the notice such steps for the removal, treatment or destruction of those plants as may be so specified for the purpose of preventing those plants from becoming or remaining an actual or potential cause of pollination in female hop plants in the area.
- (7) If the person served with a notice under this section does not comply with any requirement in the notice, the Minister may enter and do what that person has failed to do, and may recover from him a sum equal to the reasonable cost incurred by the Minister in taking any action under this subsection.
- (8) Without prejudice to the power of proceeding under the preceding subsection, a person who without reasonable excuse fails to comply with any requirement in a notice under this section shall be liable on summary conviction to a fine not exceeding £100.
- (9) A person duly authorised by the Minister may, on production if so required of his authority, at all reasonable hours enter on any land (but not into any dwellinghouse) in an area where this section is in force for the purpose of ascertaining whether male hop plants are growing on the land or whether the requirements of a notice under this section relating to male hop plants on that land have been complied with.
- (10) A notice under this section may be served by leaving it at, or sending it by post addressed to, the last known address of the person on whom it is to be served, and if it is not practicable after reasonable inquiry to ascertain his name and address, the notice may be served by addressing it to him as " the occupier " of the land and affixing it or a copy of it to some conspicuous object on the land.
- (11) A person who intentionally obstructs a person acting in the exercise of powers conferred by subsection (7) or subsection (9) above shall be liable on summary conviction to a fine not exceeding £100.

6 Power to obtain agricultural statistics

- (1) Section 78 of the Agriculture Act 1947 (power to obtain agricultural statistics) shall be amended as follows—
 - (a) in subsection (1)(a), for the words from " description " to " them " there shall be substituted the words " and description of relevant land owned or occupied by them ",
and after the word " therein " there shall be inserted the word " and "; and
 - (b) for the words " In this subsection the expression ' livestock ' includes any animal " at the end of subsection (1) there shall be substituted, as a new subsection (1A)—

“(1A) In the foregoing subsection—

' livestock ' includes any animal;

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'relevant land', in the case of any owner or occupier of land used for agriculture, means the aggregate of—

- (a) the land owned or occupied by him which is comprised in any agricultural unit; and
- (b) any other land owned or occupied by him which is either—
 - (i) used for forestry ; or
 - (ii) not used for any purpose, but capable of use for agriculture or forestry,

but which, if used as agricultural land by the occupier of that agricultural unit, would be comprised in that unit.”.

- (2) As regards any notice served under the said section 78(1) before the passing of this Act, subsection (1) above shall apply if, but only if, the time specified in the notice for furnishing the required information expires after 1st June 1976.
- (3) In accordance with subsections (1) and (2) above, subsections (1) and (1A) of the said section 78 shall, from the passing of this Act, have effect as set out in Schedule 2 to this Act.

7 **Adaptation of enactments to metric units**

- (1) The competent authority may by regulations amend any enactment to which this section applies—
 - (a) by substituting an amount, quantity or rate expressed in metric units for an amount, quantity or rate not so expressed; or
 - (b) by substituting an expression which is compatible with the use of metric units for an expression that has reference to a non-metric unit (for example "acreaage ").
- (2) This section applies to the following enactments, that is to say—
 - (a) the provisions of the Acts mentioned in Schedule 3 to this Act which are specified in the third column of that Schedule;
 - (b) any other provision contained in an Act (whenever passed), being a provision whose subject-matter is akin to that of any of the provisions so specified;
 - (c) any scheme made or having effect as if made under Part I of the Agricultural Marketing Act 1958 ; and
 - (d) any enactment (whenever passed or made) relating to any of the following matters, that is to say—
 - (i) sea-fishing or fishing for shellfish, salmon or migratory trout;
 - (ii) salmon, trout, freshwater fish or eels (within the meaning of those expressions as defined in section 41(1) of the Salmon and Freshwater Fisheries Act 1975);
 - (iii) salmon, trout or freshwater fish (within the meaning of those expressions as defined in section 24(1) of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951);
 - (iv) any harbour in England or Wales which is a fishery harbour for the purposes of the Sea Fish Industry Act 1951, or such harbours generally ;

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- (v) any harbour or boatslip in Scotland which is a marine work as defined in section 57(1) of the Harbours Act 1964, or such harbours and boatslips generally.
- (3) Any amendments made in an enactment by regulations under this section shall be such as to preserve the effect of the enactment except to such extent as in the opinion of the authority making the regulations is necessary to obtain amounts, quantities or rates expressed in convenient and suitable terms.
- (4) Before making any regulations under this section the authority proposing to do so shall consult such organisations as appear to the authority appropriate as representing any interests concerned.
- (5) Regulations under this section may contain such incidental, supplemental and consequential provisions as the authority making them considers expedient.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
- " the competent authority " means the Minister, or the Secretary of State, or the Minister and the Secretary of State acting jointly ;
- " enactment " means any provision of a public general Act, of a local, private or personal Act, of a provisional order confirmed by an Act, or of any instrument made or having effect under an Act.

8 Power to regulate the exportation of animals in the interests of their welfare

In the Diseases of Animals Act 1950 there shall be inserted after section 36A the following section:—

“36B Regulation of exportation of animals in the interests of their welfare.

- (1) The Minister and the Secretary of State acting jointly may by order make provision in the interests of animal welfare for regulating the exportation from Great Britain of animals, and in particular for prohibiting exportation without such certificate or licence as may be prescribed by the order, and as to the circumstances in which and conditions on which a certificate or licence may be obtained.
- (2) Without prejudice to the generality of the preceding subsection, an order under this section may include provision for requiring persons proposing to export animals from Great Britain to furnish information about the intended ultimate destination of the animals, the arrangements for conveying them to that destination, and any other matters which may be specified in the order.
- (3) Without prejudice to the construction of references to the Minister in any provision of this Act not contained in this section, an order under this section shall be treated for the purposes of any such provision as an order of the Minister.”.

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9 Power to provide for the destruction of wild life

- (1) This section applies to any disease other than rabies which is for the time being a disease for the purposes of section 1(1)(a) of the Diseases of Animals Act 1950 (general power to make orders for preventing the spreading of disease).
- (2) The appropriate authority, if satisfied in the case of any area—
 - (a) that there exists among the wild members of one or more species in the area a disease to which this section applies which has been or is being transmitted from members of that or those species to animals or poultry of any kind in the area ; and
 - (b) that destruction of wild members of that or those species in that area is necessary in order to eliminate, or substantially reduce the incidence of, that disease in animals or poultry of any kind in the area,may, subject to the following provisions of this section, by order make provision for the destruction of wild members of that or those species in that area.
- (3) Before making an order under this section the appropriate authority shall consult with the Nature Conservancy Council.
- (4) Every order under this section shall specify the area to which it applies, the disease to which it applies, and the one or more species to which it relates.
- (5) An order under this section providing for the destruction of wild members of one or more species in any area may make provision for authorising the use for that purpose of one or more methods of destruction that would otherwise be unlawful, but shall not do so unless the appropriate authority is satisfied that use of the method or methods in question is the most appropriate way of carrying out that destruction, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to wild members of the species in question.
- (6) An order under this section may include provision—
 - (a) for ensuring that destruction of wild members of any species to which the order relates is properly and effectively carried out, and in particular for preventing persons from taking into captivity, harbouring, concealing or otherwise protecting wild members of any such species with intent to prevent their destruction, or in any other way obstructing or interfering with anything which has been, is being or is to be done or used in connection with that destruction ;
 - (b) for regulating the ownership and disposal of the carcasses of members of any such species destroyed in the area to which the order relates.
- (7) Before commencing the destruction of wild members of a species on any land within an area to which an order under this section applies the appropriate authority shall take all reasonable steps to inform the occupier of the land and any other person who may be there of the authority's intention to carry out that destruction and of the methods of destruction to be used; and it shall be the duty of the authority to ensure that destruction is carried out on any such land in as safe a manner as is possible in all the circumstances.
- (8) Where an order under this section is in force, the appropriate authority shall have power to take such measures (including the erection of fences or other obstacles) as the authority considers appropriate—

- (a) for preventing the movement of living creatures into or out of the area or any part of the area to which the order applies while destruction of wild members of any species to which the order relates is being carried out in the area ; and
 - (b) where destruction of wild members of any such species has been or is to be carried out in any part of that area, for preventing the recolonisation of that part by members of that species for as long as the authority considers necessary to prevent reappearance among them of the disease to which the order applies.
- (9) As soon as may be after the appropriate authority is satisfied, in the case of any land, that any measures affecting that land which have been taken in connection with an order under this section are no longer necessary, the authority shall remove from the land anything placed or erected on it and shall take such other steps as are reasonably practicable to reinstate the land.
- (10) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this and the following section—
- " animals " includes horses ;
 - " the appropriate authority "—
 - (a) in relation to any disease not mentioned in paragraph (b) of this definition, means the Minister ;
 - (b) in relation to brucellosis, tuberculosis, dourine or infestation with the maggot of the warble fly, means, for England and Wales, the Minister or, for Scotland, the Secretary of State ;
 - " land " includes land covered with water;
 - " species " means any species of bird or mammal, except man;
- and references to wild members of any species in an area are references to members of the species in the area that are neither domesticated nor held in captivity.
- (12) This and the following section and the Diseases of Animals Act 1950 shall have effect as if those sections were contained in that Act; and without prejudice to the construction of references to the Minister in any provision of that Act, an order of the Secretary of State under this section shall be treated for the purposes of any such provision as an order of the Minister.
- (13) The preceding provisions of this section are without prejudice to any powers conferred on the Minister or the Secretary of State by any provisions of the Diseases of Animals Act 1950.

10 Powers of entry etc. in connection with s. 9

- (1) In relation to any disease to which section 9 of this Act applies the following persons are authorised officers for the purposes of this section, namely—
- (a) an officer of the Minister or of the Secretary of State ;
 - (b) a veterinary inspector; and
 - (c) any person who, not being such an officer or inspector, is authorised by the Minister or the Secretary of State to exercise the powers conferred by this section.
- (2) Where an authorised officer has reasonable grounds for suspecting, in the case of any area, that there exists among the wild members of any species in the area a disease to which section 9 of this Act applies, he may enter any land in the area and—

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- (a) take samples of the wild members of that species, or of their excreta, or of any materials (whether or not forming part of the land) with which wild members of that species may have been in contact;
 - (b) carry out any other investigations which he considers necessary for the purpose of determining, as regards that species and that disease, whether an order under section 9 of this Act should be made in respect of the whole or part of the area in question.
- (3) An authorised officer may at any time enter any land in the area to which an order under section 9 of this Act applies for any of the following purposes, namely—
- (a) to carry out the destruction of any wild members of a species to which the order relates that may be on that land;
 - (b) to take any such measures as are mentioned in subsection (8) of that section ;
 - (c) to ascertain, as regards any wild members of a species to which the order relates, whether destruction has been effectively carried out.
- (4) Where in pursuance of an order under section 9 of this Act destruction of wild members of any species to which the order relates has been carried out on any land in the area to which the order applies, then, for the purpose of—
- (a) ascertaining whether the land has been or is being recolonised by wild members of that species and, if so,
 - (b) whether there exists among them the disease to which the order applies (or, if the order has been revoked, to which it previously applied),
- an authorised officer may enter the land and take such samples of or relating to that species as are mentioned in subsection (2)(a) above; but the powers conferred by this subsection shall not be exercisable at any time more than two years after the revocation of the order in question.
- (5) Nothing in this section shall authorise any person to enter a dwellinghouse.
- (6) A person entering any land in the exercise of powers conferred on him by this section shall, if so required by the owner or occupier or person in charge of the land—
- (a) produce to him some duly authenticated document showing his authority ; and
 - (b) state in writing his reasons for entering.
- (7) Without prejudice to subsection (6) above, an authorised officer—
- (a) shall not demand admission as of right to any land forming part of a nature reserve (within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949) maintained or managed by the Nature Conservancy Council under section 1 of the Nature Conservancy Council Act 1973 unless seven days' notice of the intended entry has been given to the Council; and
 - (b) in exercising any of his powers under subsection (2), (3) or (4) above on any such land shall, as far as possible, do so in accordance with such reasonable requirements for minimising damage to flora, fauna or geological or physiographical features within the reserve as may have been notified by the Council to the Minister or, in Scotland, the Secretary of State.
- (8) The preceding provisions of this section are without prejudice to any powers conferred on inspectors or others by or by virtue of any provisions of the Diseases of Animals Act 1950.

11 Agricultural holdings in England and Wales: power to enable notices to do work to be modified on arbitration

In section 19(2) of the Agriculture (Miscellaneous Provisions) Act 1963 (paragraph (a) of which enables the Lord Chancellor to provide by order for the determination by arbitration under the Agricultural Holdings Act 1948 of any question arising under such a notice as is mentioned in paragraph (d) of section 24(2) of the said Act of 1948, being a notice requiring the doing of any work of repair, maintenance or replacement), after paragraph (a) there shall be inserted as paragraph (aa)—

“(aa) for enabling the arbitrator, on an arbitration under the said Act of 1948 relating to such a notice as is mentioned in the preceding paragraph, to modify the notice—

(i) by deleting therefrom any item or part of an item of work specified in the notice as to which, having due regard to the interests of good husbandry as respects the agricultural holding to which the notice relates and of sound management of the estate of which that holding forms part or which that holding constitutes, the arbitrator is satisfied that it is unnecessary or unjustified ; or

(ii) by substituting, in the case of any item or part of an item of work so specified, a different method or material for the method or material which the notice would otherwise require to be followed or used where, having regard to the purpose which that item or part is intended to achieve, the arbitrator is satisfied that the last-mentioned method or material would involve undue difficulty or expense, that the first-mentioned method or material would be substantially as effective for that purpose, and that in all the circumstances the substitution is justified;”.

12 Agricultural holdings in England and Wales: further restrictions on operation of certain notices to quit

(1) Subsections (2) to (4) below shall apply where—

(a) notice to quit an agricultural holding or part of an agricultural holding is given to the tenant thereof ; and

(b) the notice includes a statement in accordance with paragraph (d) of section 24(2) of the 1948 Act to the effect that it is given by reason of the tenant's failure to comply with a notice to do work.

(2) If not later than one month from the giving of the notice to quit the tenant serves on the landlord a counter-notice in writing requiring that this subsection shall apply to the notice to quit, the notice to quit shall not have effect (whether as a notice to which section 24(1) of the 1948 Act does or does not apply) unless the Agricultural Land Tribunal consent to the operation thereof:

Provided that a counter-notice under this subsection shall be of no effect if within one month after the giving of the notice to quit the tenant serves on the landlord an effective notice requiring the validity of the reason stated in the notice to quit to be determined by arbitration under the 1948 Act.

(3) Where—

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- (a) the tenant has not later than one month from the giving of the notice to quit served on the landlord an effective notice requiring the validity of the reason stated in the notice to quit to be determined by arbitration under the 1948 Act; and
- (b) the notice to quit would, apart from this subsection, have effect in consequence of the arbitration,

then, if not later than one month from the date on which the arbitrator's award is delivered to the tenant the tenant serves on the landlord a counter-notice in writing requiring that this subsection shall apply to the notice to quit, the notice to quit shall not have effect (whether as a notice to which section 24(1) of the 1948 Act does or does not apply) unless the Agricultural Land Tribunal consent to the operation thereof.

- (4) On an application made in that behalf by the landlord, the Tribunal shall consent under subsection (2) or (3) above to the operation of the notice to quit unless in all the circumstances it appears to them that a fair and reasonable landlord would not insist on possession.
- (5) In section 19(2) of the Agriculture (Miscellaneous Provisions) Act 1963 (matters for which the Lord Chancellor may provide by order in connection with section 24(2)(d) of the 1948 Act), after paragraph (c) there shall be inserted as paragraph (cc)—
 - “(cc) for securing that, where a subsequent notice to quit is given in accordance with provisions made by virtue of paragraph (c) above in a case where the original notice to quit fell within section 12(1) of the Agriculture (Miscellaneous Provisions) Act 1976, then, if the tenant serves on the landlord a counter-notice in writing within one month after the giving of the subsequent notice to quit (or, if the date specified in that notice for the termination of the tenancy is earlier, before that date), the subsequent notice to quit shall not have effect unless the Agricultural Land Tribunal consent to the operation thereof, and for applying section 12(4) of the said Act of 1976 as regards the giving of that consent;”.
- (6) In section 26(1)(c) of the 1948 Act (power to provide by order for postponing the date at which a tenancy is to be terminated by a notice to quit which has effect in consequence of an application under section 24 of that Act), at the end there shall be added the words " or under section 12(2) or (3) of the Agriculture (Miscellaneous Provisions) Act 1976 or under provisions made by virtue of section 19(2)(cc) of the Agriculture (Miscellaneous Provisions) Act 1963. "
- (7) In this section—
 - " the 1948 Act " means the Agricultural Holdings Act 1948 ;
 - " notice to do work " means a notice served on a tenant of an agricultural holding for the purposes of paragraph (d) of section 24(2) of the 1948 Act requiring him to remedy a breach of a term or condition of his tenancy, being a notice requiring the doing of any work of repair, maintenance or replacement;
 and any expression used in this section and the 1948 Act has the same meaning in this section as in that Act.
- (8) Section 87(1) and (2) of the 1948 Act (Crown land) shall have effect as if references to that Act included references to subsections (1) to (4) and (7) above.

13 Agricultural holdings in Scotland: power to enable demand to remedy a breach to be modified on arbitration

- (1) Where a question or difference required by section 74 of the Agricultural Holdings (Scotland) Act 1949 to be determined by arbitration relates to a demand in writing served on a tenant by a landlord requiring the tenant to remedy a breach of any term or condition of his tenancy by the doing of any work of provision, repair, maintenance or replacement of fixed equipment, the arbiter may—
 - (a) in relation to all or any of the items specified in the demand substitute for any period so specified as the period within which the breach should be remedied such period as appears in all the circumstances to the arbiter to be a reasonable period ;
 - (b) where no such period is specified in the demand, specify in relation to all or any of the items so specified such period as appears in all the circumstances to the arbiter to be a reasonable period ;
 - (c) delete from the demand any item or part of an item as to which, having due regard to the interests of good husbandry as respects the agricultural holding to which the demand relates and of sound management of the estate of which that holding forms part or which that holding constitutes, the arbiter is satisfied that it is unnecessary or unjustified ;
 - (d) substitute, in the case of any item or part of an item specified in the demand, a different method or material for the method or material which the demand would otherwise require to be followed or used where, having regard to the purpose which that item or part is intended to achieve, the arbiter is satisfied that the last-mentioned method or material would involve undue difficulty or expense, that the first-mentioned method or material would be substantially as effective for that purpose, and that in all the circumstances the substitution is justified.
- (2) Where under paragraph (a) or (b) of subsection (1) above an arbiter specifies a period within which a breach should be remedied or the time for remedying a breach is extended by virtue of subsection (4) below, the Land Court may, on the application of the arbiter or the landlord, specify a date for the termination of the tenancy by notice to quit in the event of the tenant's failure to remedy the breach within the period specified by the arbiter or the extended time, being a date not earlier than whichever of the two following dates is the later, that is to say—
 - (a) the date on which the tenancy could have been terminated by notice to quit served on the expiration of the time originally specified in the demand, or if no such time is so specified, on the date of the giving of the demand, or
 - (b) six months after the expiration of the period specified by the arbiter or the extended time.
- (3) A notice to quit on a date specified in accordance with subsection (2) above shall be served on the tenant within one month after the expiration of the period specified by the arbiter or the extended time, and shall be valid notwithstanding that it is served less than twelve months before the date on which the tenancy is to be terminated or that that date is not the end of a year of the tenancy.
- (4) Where—
 - (a) notice to quit given in accordance with section 25(2)(e) of the said Act of 1949 is stated to be given by reason of the tenant's failure to remedy within the time specified in the demand a breach of any term or condition of his tenancy by the

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doing of any work of provision, repair, maintenance or replacement of fixed equipment, or within that time as extended by the landlord or the arbiter; and

- (b) it appears to the arbiter on an arbitration required by notice under section 27(2) of the said Act of 1949 that, notwithstanding that the time originally specified or extended was reasonable, it would, in consequence of any happening before the expiration of that time, have been unreasonable to require the tenant to remedy the breach within that time,

the arbiter may treat the time as having been extended or further extended and make his award as if the time had not expired; and where the breach has not been remedied at the date of the award, the arbiter may extend the time by such period as he considers reasonable, having regard to the length of time which has elapsed since the service of the demand.

- (5) Section 86 of the said Act of 1949 (Crown land) shall have effect as if references to that Act included references to this section.

14 Agricultural holdings in Scotland: further restrictions on operation of certain notices to quit

- (1) Subsections (2) to (4) below shall apply where—
 - (a) notice to quit an agricultural holding or part of an agricultural holding is given to the tenant thereof ; and
 - (b) the notice includes a statement in accordance with paragraph (e) of section 25(2) of the Agricultural Holdings (Scotland) Act 1949 to the effect that it is given by reason of the tenant's failure to remedy any such breach as is mentioned in section 13(1) of this Act.
- (2) If not later than one month from the giving of the notice to quit the tenant serves on the landlord a counter-notice in writing requiring that this subsection shall apply to the notice to quit, the notice to quit shall not have effect (whether as a notice to which section 25(1) of the said Act of 1949 does or does not apply) unless the Land Court consent to the operation thereof :

Provided that a counter-notice under this subsection shall be of no effect if within one month after the giving of the notice to quit the tenant serves on the landlord an effective notice under section 27(2) of the said Act of 1949 requiring the validity of the reason stated in the notice to quit to be determined by arbitration.

- (3) Where—
 - (a) the tenant has, not later than one month from the giving of the notice to quit, served on the landlord an effective notice under section 27(2) of the said Act of 1949 requiring the validity of the reason stated in the notice to quit to be determined by arbitration ; and
 - (b) the notice to quit would, apart from this subsection, have effect in consequence of the arbitration,

then, if not later than one month from the date on which the arbiter's award is delivered to the tenant the tenant serves on the landlord a counter-notice in writing requiring that this subsection shall apply to the notice to quit, the notice to quit shall not have effect (whether as a notice to which section 25(1) of the said Act of 1949 does or does not apply) unless the Land Court consent to the operation thereof.

- (4) On an application made in that behalf by the landlord, the Land Court shall consent under subsection (2) or (3) above to the operation of the notice to quit unless in all the

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circumstances it appears to them that a fair and reasonable landlord would not insist on possession.

- (5) Where a subsequent notice to quit is given in accordance with section 13(3) of this Act in a case where the original notice to quit fell within subsection (1) above, then, if the tenant serves on the landlord a counter-notice in writing within one month after the giving of the subsequent notice to quit (or, if the date specified in that notice for the termination of the tenancy is earlier, before that date), the subsequent notice to quit shall not have effect unless the Land Court, on an application of the landlord, consent to the operation thereof, and the Land Court shall consent to the operation thereof unless in all the circumstances it seems to them that a fair and reasonable landlord would not insist on possession.
- (6) Any expression used in section 13 of this Act or this section and in the said Act of 1949 has the same meaning in those sections as in that Act; and the provisions of the Small Landholders (Scotland) Acts 1886 to 1931 with regard to the Land Court shall, with any necessary modifications, apply for the purpose of the determination by the Land Court of any matter under those sections as they apply for the purpose of the determination by the Land Court of matters referred to them under those Acts.
- (7) Section 86 of the said Act of 1949 (Crown land) shall have effect as if references to that Act included references to this section.

15 Recovery of farm capital grants made by reference to false or misleading information

- (1) With a view to enabling the appropriate Minister to recover payments made by way of grant by virtue of section 29 of the Agriculture Act 1970 if it appears to him that the person on whose application any such payment was made gave false or misleading information, section 29(4) of that Act shall be amended as follows—
 - (a) in paragraph (c) for the words " was made (hereafter in this subsection referred to as ' the applicant')" there shall be substituted the words " or for the making of any payment was made ", and after the words " the giving of the approval " there shall be inserted the words " or the making of the payment " ;
 - (b) for the words " equal to that payment " there shall be substituted the words " equal to the payment which has been so made " ; and
 - (c) for paragraphs (i) to (iii) there shall be substituted—
 - “(i) shall give to the person to whom any payment by way of grant would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken by the appropriate Minister ;
 - (ii) shall afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister; and
 - (iii) shall consider the report by a person so appointed and supply a copy of the report to the person mentioned in paragraph (i) above.”.
- (2) The preceding subsection shall not have effect as regards information given before the passing of this Act.

PART II

AGRICULTURAL HOLDINGS: PROVISION FOR SUCCESSION ON DEATH OF TENANT

Amendment of Agricultural Holdings Act 1948 s.24(2)(g) and Sch. 1

16 **Operation of notice to quit given by reason of death of tenant**

(1) In subsection (2) of section 24 (restrictions on operation of notices to quit) of the Agricultural Holdings Act 1948—

(a) for paragraph (g) (by virtue of which the consent of the Agricultural Land Tribunal to a notice to quit cannot be required under subsection (1) of that section if the notice is given within three months after, and by reason of, the death of the tenant with whom the contract of tenancy was made) there shall be substituted—

“(g) there had died within three months before the date of the giving of the notice to quit a person who immediately before his death was the sole (or sole surviving) tenant under the contract of tenancy, and it is stated in the notice that it is given by reason of the matter aforesaid.”; and

(b) after that paragraph there shall be added—

“In paragraph (g) of this subsection 'tenant' does not include an executor, administrator, committee of the estate, trustee in bankruptcy or other person deriving title from a tenant by operation of law.”.

(2) This section shall apply to any notice to quit given after the passing of this Act.

17 **Covenant against assignment**

In Schedule 1 to the Agricultural Holdings Act 1948 (matters for which provision is to be made in written tenancy agreements), after paragraph 9 there shall be added—

“10 A covenant by the tenant not to assign, sub-let or part with possession of the holding or any part thereof without the landlord's consent in writing.”.

Provision for succession on death of tenant

18 **Application of following sections of Part II**

(1) Where after the passing of this Act the sole (or sole surviving) tenant of an agricultural holding dies and is survived by any of the following persons:—

- (a) the wife or husband of the deceased ;
- (b) a brother or sister of the deceased ;
- (c) a child of the deceased ;
- (d) any person (not within (b) or (c) above) who, in the case of any marriage to which the deceased was at any time a party, was treated by the deceased as a child of the family in relation to that marriage,

the following sections of this Part of this Act (except sections 20(14) and 23(8), which are of general application) shall apply unless excluded by subsection (4) below.

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In this subsection "tenant" does not include an executor, administrator, committee of the estate, trustee in bankruptcy or other person deriving title from a tenant by operation of law.

- (2) In the following provisions of this Part of this Act—
- "the 1948 Act" means the Agricultural Holdings Act 1948 ;
 - "the holding" means the agricultural holding mentioned in subsection (1) above;
 - "the deceased" means the deceased tenant of the holding ;
 - "the date of death" means the date of the death of the deceased;
 - "eligible person" means (subject to subsection (3) below and without prejudice to section 21 of this Act) a survivor of the deceased in whose case the following conditions are satisfied—
 - (a) he falls within paragraphs (a) to (d) of subsection (1) above;
 - (b) in the seven years ending with the date of death his only or principal source of livelihood throughout a continuous period of not less than five years, or two or more discontinuous periods together amounting to not less than five years, derived from his agricultural work on the holding or on an agricultural unit of which the holding forms part; and
 - (c) he is not the occupier of a commercial unit of agricultural land within the meaning of Part II of the Agriculture Act 1967 or, if he is, occupies it as a licensee only;
 - "the relevant period" means—
 - (a) except where the following paragraph applies, the period of three months beginning with the day after the date of death;
 - (b) if the deceased died between the passing of this Act and the end of 1976, the period of three months beginning with 1st January 1977 or with such later date as may be prescribed for the purposes of this paragraph by order under section 73(3) of the Agriculture Act 1947 (procedure of Agricultural Land Tribunals);
 - "the tenancy" means the tenancy of the holding;
 - "the Tribunal" means the Agricultural Land Tribunal.
- (3) For the purposes of paragraph (b) of the definition of "eligible person" in subsection (2) above any period during which a survivor of the deceased was, in the period of seven years mentioned in that paragraph, attending a full-time course at a university, college or other establishment of further education shall be treated as a period throughout which his only or principal source of livelihood derived from his agricultural work on the holding; but not more than three years in all shall be so treated by virtue of this subsection.
- (4) The following sections of this Part of this Act shall not apply—
- (a) if on the date of death the tenancy is the subject of a valid notice to quit to which subsection (1) of section 24 of the 1948 Act applies, being a notice given before that date in the case of which either—
 - (i) the month allowed by that subsection for serving a counter-notice thereunder expired before that date without such a counter-notice having been served; or
 - (ii) the Tribunal consented to its operation before that date;

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- (b) if on the date of death the tenancy is the subject of a valid notice to quit given before that date and falling within section 24(2)(a), (c) or (f) of the 1948 Act;
 - (c) if on the date of death the tenancy is the subject of a valid notice to quit given before that date and falling within section 24(2)(b), (d) or (e) of the 1948 Act, and either—
 - (i) the time within which the tenant could have required any question arising in connection with the notice to be determined by arbitration under that Act expired before that date without such a requirement having been made by the tenant, and the month allowed for serving any counter-notice in respect of the notice expired before that date without any such counter-notice having been served -, or
 - (ii) questions arising in connection with the notice were referred to arbitration under that Act before that date and were determined before that date in such a way as to uphold the operation of the notice, and (where applicable) the month allowed for serving any counter-notice in respect of the notice expired before that date without a counter-notice having been served ; or
 - (iii) the Tribunal consented to the operation of the notice before that date ;
 - (d) if on the date of death the holding was held by the deceased—
 - (i) under a tenancy for a fixed term of years of which more than twenty-seven months remained unexpired, or a tenancy for a fixed term of more than one but less than two years ; or
 - (ii) for an interest less than a tenancy from year to year;
 - (e) without prejudice to subsection (5) below, if on each of the two last occasions when there died a sole (or sole surviving) tenant (within the meaning of subsection (1) above) of the holding or of an agricultural holding which comprised the whole or a substantial part of the land comprised in the holding there occurred one or other of the following things, namely—
 - (i) a direction under section 20 of this Act was given by the Tribunal in respect of the holding or such an agricultural holding as aforesaid; or
 - (ii) a tenancy of the holding or of such an agricultural holding as aforesaid was granted by the landlord to a person who, being on that occasion an eligible person, was or had become the sole or sole remaining applicant for such a direction ;
 - (f) if the holding consists of land held by a smallholdings authority or the Minister for the purposes of smallholdings within the meaning of Part III of the Agriculture Act 1970, and the tenancy was granted by them or him in pursuance of the said Part III;
 - (g) if the tenancy was granted by trustees in whom the land is vested on charitable trusts the sole or principal object of which is the settlement or employment in agriculture of persons who have served in any of Her Majesty's naval, military or air forces.
- (5) If on any occasion prior to the date of death the holding, or an agricultural holding which comprised the whole or a substantial part of the land comprised in the holding, became let under a new tenancy thereof granted by the landlord, with the agreement of the outgoing tenant, to a person who, if the outgoing tenant had died immediately before the grant, would have fallen within paragraphs (a) to (d) of subsection (1) above, that occasion shall for the purposes of paragraph (e) of subsection (4) above be deemed to be an occasion such as is mentioned in that paragraph on which a direction under

section 20 of this Act was given by the Tribunal in respect of the holding or such an agricultural holding as aforesaid.

In this subsection "tenant" has the same meaning as in subsection (1) above; and if such a new tenancy was granted as aforesaid for a term commencing later than the date of the grant, the holding in question shall for the purposes of this subsection not be taken to have become let under that tenancy until the commencement of the term.

- (6) For the purposes of the following sections of this Part of this Act a certificate of the Minister that a particular agricultural unit is, or would if brought into existence be, a commercial unit within the meaning of Part II of the Agriculture Act 1967 shall be conclusive evidence that this is so ; and any document purporting to be such a certificate and to be signed by or on behalf of the Minister shall be deemed to be such a certificate, unless the contrary is shown.
- (7) Unless the context otherwise requires, expressions used in this Part of this Act and the 1948 Act have the same meaning in this Part of this Act as in that Act.
- (8) Section 87(1) and (2) of the 1948 Act (Crown land) shall have effect as if references to that Act included references to this Part of this Act.

19 Restriction on operation of notice to quit given by reason of death of tenant

A notice to quit the holding given to the tenant thereof by reason of the death of the deceased and falling within section 24(2)(g) of the 1948 Act shall not have effect unless either—

- (a) no application to become the tenant of the holding is made under section 20 of this Act within the relevant period ; or
- (b) one or more such applications having been made within that period, either—
 - (i) none of the applicants is determined by the Tribunal to be in their opinion a suitable person to become the tenant of the holding ; or
 - (ii) the Tribunal consent under section 22 of this Act to the operation of the notice to quit.

20 Applications for tenancy of the holding

- (1) Any eligible person may within the relevant period apply to the Tribunal for a direction entitling him to a tenancy of the holding.
- (2) Where only one application is made under this section the Tribunal, if satisfied that the applicant is an eligible person, shall determine whether he is in their opinion a suitable person to become the tenant of the holding.
- (3) Where two or more applications are made under this section, then, subject to subsection (4) below, subsection (2) above shall apply to each of the applicants as if he were the only applicant.
- (4) If the applicants under this section include a person validly designated by the deceased in his will as the person he wished to succeed him as tenant of the holding, the Tribunal shall first make a determination under subsection (2) above as regards that person, and shall do so as regards the other applicant or each of the other applicants only if the Tribunal determine that the person so designated is not in their opinion a suitable person to become the tenant of the holding.

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- (5) If under the preceding provisions of this section only one applicant is determined by the Tribunal to be in their opinion a suitable person to become the tenant of the holding, the Tribunal shall, subject to section 22 of this Act, give a direction entitling him to a tenancy of the holding.
- (6) If under the preceding provisions of this section each of two or more applicants is determined by the Tribunal to be in their opinion a suitable person to become the tenant of the holding, the Tribunal shall, subject to subsection (9) below, determine which of those applicants is in their opinion the more or most suitable person to become the tenant of the holding and shall, subject to section 22 of this Act, give a direction entitling that applicant to a tenancy of the holding.
- (7) Before making a determination under subsection (2) above in the case of any applicant the Tribunal shall afford the landlord an opportunity of stating his views on the suitability of that applicant.
- (8) In making a determination under subsection (2) above in the case of a particular applicant, or a determination under subsection (6) above as between two or more applicants, the Tribunal shall have regard to all relevant matters, including—
 - (a) the extent to which the applicant or each of those applicants has been trained in, or has had practical experience of, agriculture;
 - (b) the age, physical health and financial standing of the applicant or each of those applicants ; and
 - (c) the views (if any) stated by the landlord on the suitability of the applicant or any of those applicants.
- (9) Where subsection (6) above would apply apart from this subsection, the Tribunal may, with the consent of the landlord, give instead a direction specifying any two, any three or any four of the applicants within that subsection, and entitling the specified applicants to a joint tenancy of the holding.
- (10) In this section " will" includes codicil, and for the purposes of this section a person shall be taken to be validly designated by the deceased in his will as the person he wishes to succeed him as tenant of the holding if, but only if, a will of the deceased which is the subject of a grant of probate or administration either—
 - (a) contains an effective specific bequest to that person of the deceased's tenancy of the holding ; or
 - (b) does not contain an effective specific bequest of that tenancy, but does contain a statement specifically mentioning the holding or the deceased's tenancy thereof and exclusively designating that person (in whatever words, and whether by name or description) as the person whom the deceased wishes to succeed him as tenant of the holding.
- (11) For the purposes of subsection (10) above a statement which is framed so as to designate as mentioned in paragraph (b) of that subsection different persons in different circumstances shall be taken to satisfy that paragraph if, in the events which have happened, the statement exclusively designates a particular person.
- (12) A direction under this section given in favour of a person by reason of his being a person validly designated by the deceased as mentioned in subsection (4) above shall be valid even if the probate or administration by virtue of which he was such a person at the giving of the direction is subsequently revoked or varied.

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- (13) For the purposes of this Part of this Act an application under subsection (1) above which is withdrawn or abandoned shall be treated as if it had never been made.
- (14) Provision shall be made by order under section 73(3) of the Agriculture Act 1947 (procedure of Agricultural Land Tribunals) for requiring any person making an application to such a tribunal under this or the following section to give notice of the application to the landlord of the agricultural holding to which the application relates and to take such steps as the order may require for bringing the application to the notice of other persons interested in the outcome of the application.

21 Application by not fully eligible person to be treated as eligible

- (1) This section applies to any survivor of the deceased who for some part of the seven years ending with the date of death engaged (whether full-time or part-time) in agricultural work on the holding, being a person in whose case—
- (a) the conditions specified in paragraphs (a) and (c) of the definition of "eligible person" in section 18(2) of this Act are satisfied ; and
 - (b) the condition specified in paragraph (b) of that definition, though not fully satisfied, is satisfied to a material extent.
- (2) A person to whom this section applies may within the relevant period apply to the Tribunal for a determination that he is to be treated as an eligible person for the purposes of this Part of this Act.
- (3) If on an application under this section—
- (a) the Tribunal are satisfied that the applicant is a person to whom this section applies ; and
 - (b) it appears to the Tribunal that in all the circumstances it would be fair and reasonable for the applicant to be able to apply under section 20 of this Act for a direction entitling him to a tenancy of the holding,
- the Tribunal shall determine that he is to be treated as an eligible person for the purposes of this Part of this Act, but shall otherwise dismiss the application.
- (4) In relation to a person in respect of whom the Tribunal have determined as mentioned in subsection (3) above this Part of this Act shall apply as if he were an eligible person.
- (5) A person to whom this section applies may make an application under section 20 of this Act as well as an application under this section; and if the Tribunal determine as mentioned in subsection (3) above in respect of a person who has made an application under that section, the application under that section shall (without prejudice to subsection (4) above) be treated as made by an eligible person.
- (6) Without prejudice to the generality of subsection (1)(b) above, cases where the condition mentioned in subsection (1)(b) above might be less than fully satisfied include cases where the survivor's agricultural work on the holding fell short of providing him with his principal source of livelihood because the holding was too small.

22 Opportunity for landlord to obtain Tribunal's consent to operation of notice to quit

- (1) Before giving a direction under section 20(5) or (6) of this Act in a case where a notice to quit to which section 19 of this Act applies has been given the Tribunal shall

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afford the landlord an opportunity of applying for their consent under this section to the operation of the notice.

- (2) Section 25 of the 1948 Act (provisions as to Tribunal's consent for purposes of section 24 of that Act) and section 29 of that Act (penalty for breach of condition accompanying consent to notice to quit) shall apply in relation to an application for, or the giving of, the Tribunal's consent under this section as they apply in relation to an application for, or the giving of, their consent under the said section 24.
- (3) The Tribunal shall not entertain an application for their consent to the operation of a notice to quit to which section 19 of this Act applies unless it is made in pursuance of subsection (1) above.
- (4) If the Tribunal give their consent on an application made in pursuance of subsection (1) above, they shall dismiss the application or each of the applications made under section 20 of this Act.

23 Effect of direction under s. 20

- (1) Subject to the provisions of this and the following section, a direction by the Tribunal under section 20(5), (6) or (9) of this Act entitling an applicant to a tenancy of the holding, or two or more applicants to a joint tenancy thereof, shall entitle him or them to a tenancy or joint tenancy of the holding as from the relevant time on the same terms as those on which the holding was let immediately before it ceased to be let under the contract of tenancy under which it was let at the date of death; and accordingly, subject as aforesaid, such a tenancy or joint tenancy shall be deemed to be at that time granted by the landlord to, and accepted by, the person or persons so entitled.
- (2) In this and the following section " the relevant time "—
 - (a) except where the following paragraph applies, means the end of the twelve months immediately following the end of the year of tenancy in which the deceased died;
 - (b) if a notice to quit the holding was given to the tenant thereof by reason of the death of the deceased, being a notice falling within section 24(2)(g) of the 1948 Act which, apart from section 19 of this Act, would have terminated the tenancy at a time after the end of those twelve months, means that time.
- (3) If on the date of death the holding was held by the deceased under a tenancy for a fixed term of years, subsection (1) above shall have effect as if the tenancy under which the holding was let at the date of death had before that date become a tenancy from year to year on (with that exception) the terms of the actual tenancy so far as applicable.
- (4) If the terms of the tenancy to which such a direction entitles the person or persons concerned would not, apart from this subsection, include a covenant by the tenant or each of the tenants not to assign, sub-let or part with possession of the holding or any part thereof without the landlord's consent in writing, subsection (1) above shall have effect as if those terms included such a covenant.
- (5) Any tenancy of the holding inconsistent with the tenancy to which such a direction entitles the person or persons concerned shall, if it would not cease at the relevant time apart from this subsection, cease at that time as if terminated at that time by a valid notice to quit given by the tenant.
- (6) If the person or persons whom such a direction entitles to a tenancy or joint tenancy of the holding as from the relevant time becomes or become the tenant or joint tenants

thereof before that time under a tenancy granted by the landlord to, and accepted by, the person or persons concerned, the direction shall cease to have effect and section 24 of this Act shall not apply.

- (7) The rights conferred on any person by such a direction (as distinct from his rights under his tenancy of the holding after he has become the tenant or a joint tenant thereof) shall not be capable of assignment.
- (8) The Lord Chancellor may by regulations made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament provide for all or any of the provisions of this Part of this Act (except this subsection) to apply, with such exceptions, additions or other modifications as may be specified in the regulations, in cases where the person or any of the persons whom such a direction entitles to a tenancy or joint tenancy of the holding dies before the relevant time.

24 Arbitration on terms of new tenancy

- (1) Where the Tribunal give a direction such as is mentioned in subsection (1) of section 23 of this Act, the provisions of this section shall apply unless excluded by subsection (6) of that section.
- (2) In the following provisions of this section—
 - " the landlord " means the landlord of the holding ;
 - " the tenant " means the person or persons entitled to a tenancy or joint tenancy of the holding by virtue of the direction;
 - " the relevant time " has the meaning given by section 23(2) of this Act;
 - " the prescribed period " means the period between the giving of the direction and the end of the three months immediately following the relevant time.
- (3) At any time within the prescribed period the landlord or the tenant may by notice in writing served on the tenant or landlord (as the case may be) demand a reference to arbitration under the 1948 Act of one or both of the following questions, namely—
 - (a) what variations in the terms of the tenancy which the tenant is entitled to or has obtained by virtue of the direction are justifiable having regard to the circumstances of the holding and the length of time since the holding was first let on those terms ;
 - (b) what rent should be or should have been properly payable in respect of the holding at the relevant time.

In the following provisions of this section those questions are referred to as " question (a) " and " question (b) " respectively.

- (4) On a reference under subsection (3) above the arbitrator—
 - (a) where question (a) is so referred (with or without question (b))—
 - (i) shall determine what variations, if any, in the terms mentioned in that question are justifiable as there mentioned; and
 - (ii) without prejudice to the preceding sub-paragraph, shall include in his award such provisions, if any, as are necessary for entitling the landlord to recover from the tenant under those terms a sum equal to so much as is in all the circumstances fair and reasonable of the aggregate amount of the compensation mentioned in subsection (5) (a) below, and for entitling the tenant to recover from the landlord

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under those terms a sum equal to so much as is in all the circumstances fair and reasonable of the aggregate amount of the compensation mentioned in subsection (5)(b) below,

and shall accordingly, with effect from the relevant time, vary those terms in accordance with his determination or direct that they are to remain unchanged ;

- (b) if, where question (a) but not question (b) is so referred, it appears to him that by reason of any provision included in his award under paragraph (a) above (not being a provision of a kind mentioned in sub-paragraph (ii) of that paragraph) it is equitable that the rent of the holding should be varied, may vary the rent accordingly with effect from the relevant time ;
- (c) where question (b) is so referred (with or without question (a)), shall determine what rent should be or should have been properly payable in respect of the holding at the relevant time and accordingly shall, with effect from that time, increase or reduce the rent which would otherwise be or have been payable or direct that it shall remain unchanged ;

and if the date of the award is before the relevant time, section 23(1) of this Act shall have effect subject to, and in accordance with, the award.

- (5) The compensation referred to in subsection (4)(a)(ii) above is—
 - (a) the compensation paid or payable by the landlord, whether under the 1948 Act or under agreement or custom, on the termination of the deceased's tenancy of the holding;
 - (b) the compensation paid or payable to the landlord, whether under the 1948 Act or under agreement, on that termination in respect of any such dilapidation or deterioration of, or damage to, any part of the holding or anything in or on the holding as the tenant is or will be liable to make good under the terms of his tenancy.
- (6) For the purposes of this section the rent properly payable in respect of the holding shall be the rent at which, having regard to the terms of the tenancy or prospective tenancy (other than those relating to rent), the holding might reasonably be expected to be let in the open market by a willing landlord to a willing tenant, there being disregarded any effect on rent of the fact that the tenant will be or is in occupation of the holding.
- (7) On any reference under subsection (3) above the arbitrator may include in his award such further provisions, if any, relating to the tenancy which the tenant is entitled to or has obtained by virtue of the direction as may be agreed between the landlord and the tenant.
- (8) The award of an arbitrator under this section, if made after the relevant time, shall have effect as if the terms of the award were contained in an agreement in writing entered into by the landlord and the tenant and having effect as from the relevant time.
- (9) Section 77 of the 1948 Act (arbitration under that Act) shall have effect as if in subsection (1) the first reference to that Act included a reference to this Part of this Act.

PART III

SUPPLEMENTAL AND GENERAL

25 Expenses and receipts

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by any Minister under this Act; and
- (b) any increase attributable to this Act in the sums payable out of such money under any other Act;

and any sums received by any Minister by virtue of this Act shall be paid into the Consolidated Fund.

26 Interpretation and repeals

- (1) In this Act (and in the Sugar Act 1956) "the Minister" means the Minister of Agriculture, Fisheries and Food.
- (2) Except where the context otherwise requires, any reference in this Act to an enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.
- (3) The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

27 Short title, commencement and extent

- (1) This Act may be cited as the Agriculture (Miscellaneous Provisions) Act 1976.
- (2) Section 3 of, and Schedule 1 to, this Act, and Part II of Schedule 4 to this Act so far as it relates to the Agriculture Act 1967, shall not come into force until such day as may be appointed by an order made by statutory instrument by the Minister and the Secretary of State acting jointly.
- (3) Section 12(1) to (4) of this Act shall not come into force until such day as the Minister may by order made by statutory instrument appoint; and sections 13 and 14 shall not come into force until such day as the Secretary of State may by order so made appoint.
- (4) Part I of Schedule 4 to this Act shall not come into force until the coming into force of an order under section 1 of this Act dissolving the Sugar Board.
- (5) Sections 2, 4, 5, 11 and 12 and Part II of this Act do not extend to Scotland, and sections 13 and 14 extend to Scotland only.
- (6) Except for the following provisions, namely—
 - (a) sections 1, 15, 26(1) and (2) and this section;
 - (b) section 7 and Schedule 3 so far as they relate to enactments (within the meaning of that section) that extend to Northern Ireland ; and
 - (c) Part I of Schedule 4 and, so far as it relates to that Part, section 26(3),this Act does not extend to Northern Ireland.