



Agriculture (Miscellaneous Provisions) Act 1976

1976 CHAPTER 55

PART I

MISCELLANEOUS PROVISIONS

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—
- (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.