



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART III

NOTICES TO QUIT

Notices to quit whole or part of agricultural holding

25 Length of notice to quit

- (1) A notice to quit an agricultural holding or part of an agricultural holding shall (notwithstanding any provision to the contrary in the contract of tenancy of the holding) be invalid if it purports to terminate the tenancy before the expiry of twelve months from the end of the then current year of tenancy.
- (2) Subsection (1) above shall not apply—
 - (a) where the tenant is insolvent,
 - (b) to a notice given in pursuance of a provision in the contract of tenancy authorising the resumption of possession of the holding or some part of it for some specified purpose other than the use of the land for agriculture,
 - (c) to a notice given by a tenant to a sub-tenant,
 - (d) where the tenancy is one which, by virtue of subsection (6) of section 149 of the Law of Property Act 1925, has taken effect as such a term of years as is mentioned in that subsection.
- (3) Where on a reference under section 12 above with respect to an agricultural holding the arbitrator determines that the rent payable in respect of the holding shall be increased, a notice to quit the holding given by the tenant at least six months before it purports to take effect shall not be invalid by virtue of subsection (1) above if it purports to terminate the tenancy at the end of the year of the tenancy beginning with the date as from which the increase of rent is effective.
- (4) On an application made to the Tribunal with respect to an agricultural holding under paragraph 9 of Part II of Schedule 3 to this Act, the Tribunal may, if they grant a certificate in accordance with the application—

- (a) specify in the certificate a minimum period of notice for termination of the tenancy (not being a period of less than two months), and
- (b) direct that that period shall apply instead of the period of notice required in accordance with subsection (1) above;

and in any such case a notice to quit the holding which states that the Tribunal have given a direction under this subsection shall not be invalid by virtue of subsection (1) above if the notice given is not less than the minimum notice specified in the certificate.

- (5) A notice to quit within subsection (3) or (4) above shall not be invalid by virtue of any term of the contract of tenancy requiring a longer period of notice to terminate the tenancy, and a notice to quit within subsection (4) above shall not be invalid by reason of its terminating at a date other than the end of a year of the tenancy.

26 Restriction on operation of notices to quit

(1) Where

- (a) notice to quit an agricultural holding or part of an agricultural holding is given to the tenant, and
- (b) 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,

then, subject to subsection (2) below, the notice to quit shall not have effect unless, on an application by the landlord, the Tribunal consent to its operation.

- (2) Subsection (1) above shall not apply in any of the Cases set out in Part I of Schedule 3 to this Act; and in this Act " Case A ", " Case B " (and so on) refer severally to the Cases set out and so named in that Part of that Schedule.

- (3) Part II of that Schedule shall have effect in relation to the Cases there specified.

27 Tribunal's consent to operation of notice to quit

- (1) Subject to subsection (2) below, the Tribunal shall consent under section 26 above to the operation of a notice to quit an agricultural holding or part of an agricultural holding if, but only if, they are satisfied as to one or more of the matters mentioned in subsection (3) below, being a matter or matters specified by the landlord in his application for their consent.

- (2) Even if they are satisfied as mentioned in subsection (1) above, the Tribunal shall withhold consent under section 26 above to the operation of the notice to quit if in all the circumstances it appears to them that a fair and reasonable landlord would not insist on possession.

- (3) The matters referred to in subsection (1) above are—

- (a) that the carrying out of the purpose for which the land lord proposes to terminate the tenancy is desirable in the interests of good husbandry as respects the land to which the notice relates, treated as a separate unit;
- (b) that the carrying out of the purpose is desirable in the interests of sound management of the estate of which the land to which the notice relates forms part or which that land constitutes;

- (c) that the carrying out of the purpose is desirable for the purposes of agricultural research, education, experiment or demonstration, or for the purposes of the enactments relating to smallholdings ;
 - (d) that the carrying out of the purpose is desirable for the purposes of the enactments relating to allotments;
 - (e) that greater hardship would be caused by withholding than by giving consent to the operation of the notice ;
 - (f) that the landlord proposes to terminate the tenancy for the purpose of the land's being used for a use, other than for agriculture, not falling within Case B.
- (4) Where the Tribunal consent under section 26 above to the operation of a notice to quit, they may impose such conditions as appear to them requisite for securing that the land to which the notice relates will be used for the purpose for which the landlord proposes to terminate the tenancy.
- (5) Where, on an application by the landlord, the Tribunal are satisfied that, by reason of any change of circumstances or otherwise, any condition imposed under subsection (4) above ought to be varied or revoked, they shall vary or revoke the condition accordingly.
- (6) Where
- (a) on giving consent under section 26 above to the operation of a notice to quit the Tribunal imposed a condition under subsection (4) above, and
 - (b) it is proved on an application to the Tribunal on behalf of the Crown that the landlord has acted in contravention of the condition or has failed within the time allowed by the condition to comply with it,
- the Tribunal may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Tribunal is attributable to that part.
- (7) The Tribunal may, in proceedings under this section, by order provide for the payment by any party of such sum as the Tribunal consider a reasonable contribution towards costs.
- (8) A penalty imposed under subsection (6) above shall be a debt due to the Crown and shall, when recovered, be paid into the Consolidated Fund.
- (9) An order under subsection (6) or (7) above shall be enforceable in the same manner as a judgment or order of the county court to the like effect.

28 Additional restrictions on operation of notice to quit given* under Case D

- (1) This section applies where—
- (a) notice to quit an agricultural holding or part of an agricultural holding is given to the tenant, and
 - (b) the notice includes a statement in accordance with Case D to the effect that it is given by reason of the tenant's failure to comply with a notice to do work.
- (2) If the tenant serves on the landlord a counter-notice in writing in accordance with subsection (3) or (4) below 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 26(1)

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above does or does not apply) unless, on an application by the landlord, the Tribunal consent to its operation.

- (3) Subject to subsection (4) below, a counter-notice under subsection (2) above shall be served not later than one month from the giving of the notice to quit.
- (4) Where the tenant not later than one month from the giving of the notice to quit 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 this Act—
 - (a) any counter-notice already served under subsection (2) above shall be of no effect, but
 - (b) if the notice to quit would, apart from this subsection, have effect in consequence of the arbitration, the tenant may serve a counter-notice under subsection (2) not later than one month from the date on which the arbitrator's award is delivered to him.
- (5) The Tribunal shall consent under subsection (2) above to the operation of the notice to quit unless it appears to them, having regard—
 - (a) to the extent to which the tenant has failed to comply with the notice to do work,
 - (b) to the consequences of his failure to comply with it in any respect, and
 - (c) to the circumstances surrounding any such failure,
 that a fair and reasonable landlord would not insist on possession.
- (6) In this section "notice to do work" means a notice served on a tenant of an agricultural holding for the purposes of paragraph (b) of Case D, being a notice requiring the doing of any work of repair, maintenance or replacement

29 Power to make supplementary provision

The Lord Chancellor may by order provide for any of the matters specified in Schedule 4 to this Act

30 Notice to quit where tenant is a service man

Schedule 5 to this Act, which makes provision as to notices to quit in cases where the tenant of an agricultural holding is a service man, shall have effect

Notices to quit part of agricultural holding

31 Notice to quit part of holding valid in certain cases

- (1) A notice to quit part of an agricultural holding held on a tenancy from year to year given by the landlord of the holding shall not be invalid on the ground that it relates to part only of the holding if it is given—
 - (a) for the purpose of adjusting the boundaries between agricultural units or amalgamating agricultural units or parts of such units, or
 - (b) with a view to the use of the land to which the notice relates for any of the objects mentioned in subsection (2) below,
 and the notice states that it is given for that purpose or with a view to any such use, as the case may be.

- (2) The objects referred to in subsection (1) above are—
- (a) the erection of cottages or other houses for farm labourers, whether with or without gardens;
 - (b) the provision of gardens for cottages or other houses for farm labourers;
 - (c) the provision of allotments ;
 - (d) the letting of land (with or without other land) as a smallholding under Part III of the Agriculture Act 1970;
 - (e) the planting of trees;
 - (f) the opening or working of a deposit of coal, ironstone, limestone, brick-earth or other mineral, or a stone quarry or a clay, sand or gravel pit, or the construction of any works or buildings to be used in connection therewith;
 - (g) the making of a watercourse or reservoir;
 - (h) the making of a road, railway, tramroad, siding, canal or basin, or a wharf, pier, or other work connected therewith.

32 Right to treat notice to quit part of holding as notice to quit entire holding

- (1) Where there is given to the tenant of an agricultural holding a notice to quit part of the holding, being either—
- (a) such a notice as is rendered valid by section 31 above, or
 - (b) a notice given by a person entitled to a severed part of the reversionary estate in the holding,
- subsection (2) below shall apply.
- (2) If—
- (a) within twenty-eight days after the giving of the notice, or
 - (b) where the operation of the notice depends on any proceedings under this Part of this Act, within twenty-eight days after the time at which it is determined that the notice has effect,

the tenant gives to the landlord or (as the case may be) to the persons severally entitled to the severed parts of the reversion a counter-notice in writing to the effect that he accepts the notice to quit as a notice to quit the entire holding given by the landlord or (as the case may be) those persons, to take effect at the same time as the original notice, the notice to quit shall have effect accordingly.

33 Reduction of rent where notice is given to quit part of holding

- (1) Where the landlord of an agricultural holding resumes possession of part of the holding either—
- (a) by virtue of section 31(1) above, or
 - (b) in pursuance of a provision in that behalf contained in the contract of tenancy,
- the tenant shall be entitled to a reduction of rent proportionate to that part of the holding and in respect of any depreciation of the value to him of the residue of the holding caused by the severance or by the use to be made of the part severed.
- (2) The amount of any reduction of rent under this section shall, in default of agreement made after the landlord resumes possession of the part of the holding concerned, be determined by arbitration under this Act.

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- (3) In a case falling within subsection (1)(b) above that falls to be determined by arbitration under this Act the arbitrator, in assessing the amount of the reduction, shall take into consideration any benefit or relief allowed to the tenant under the contract of tenancy in respect of the land possession of which is resumed by the landlord.