

## SCHEDULES

### SCHEDULE 4

Section 29.

#### MATTERS FOR WHICH PROVISION MAY BE MADE BY ORDER UNDER SECTION 29

- 1 Requiring any question arising under the provisions of section 26(2) of, and Schedule 3 to, this Act to be determined by arbitration under this Act.
- 2 Limiting the time within which any such arbitration may be required or within which an arbitrator may be appointed by agreement between the parties, or (in default of such agreement) an application may be made under [<sup>F1</sup>section 84(2) of] this Act for the appointment of an arbitrator, for the purposes of any such arbitration.

#### Textual Amendments

- F1** Words in [Sch. 4 para. 2](#) substituted (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), [art. 7\(5\)](#) (with [art. 10](#))

- 3 Extending the period within which a counter-notice may be given by the tenant under section 26(1) of this Act where any such arbitration is required.
- 4 Suspending the operation of notices to quit until the expiry of any time fixed in pursuance of paragraph 2 above for the making of any such appointment by agreement or application as is there mentioned or, where any such appointment or application has been duly made, until the termination of any such arbitration.
- 5 Postponing the date at which a tenancy is to be terminated by a notice to quit which has effect in consequence of any such arbitration or of an application under section 26(1) or 28(2) of this Act or under provisions made by virtue of paragraph 12 below.
- 6 Excluding the application of section 26(1) of this Act in relation to sub-tenancies in such cases as may be specified in the order.
- 7 Making such provision as appears to the Lord Chancellor expedient for the purpose of safeguarding the interests of sub-tenants including provision enabling the Tribunal, where the interest of a tenant is terminated by notice to quit, to secure that a sub-tenant will hold from the landlord on the like terms as he held from the tenant.
- 8 The determination by arbitration under this Act of any question arising under such a notice as is mentioned in paragraph (b) of Case D, being a notice requiring the doing of any work of repair, maintenance or replacement (including the question whether the notice is capable of having effect for the purposes of that Case).
- 9 Enabling the arbitrator, on an arbitration under this Act relating to such a notice as is mentioned in paragraph 8 above, to modify the notice—
  - (a) by deleting 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

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*Changes to legislation: There are currently no known outstanding effects for the  
Agricultural Holdings Act 1986, SCHEDULE 4. (See end of Document for details)*

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- 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
- (b) 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—
- (i) the last-mentioned method or material would involve undue difficulty or expense,
  - (ii) the first-mentioned method or material would be substantially as effective for the purpose, and
  - (iii) in all the circumstances the substitution is justified.
- 10      Enabling the time within which anything is to be done in pursuance of such a notice as is mentioned in paragraph (b) of Case D to be extended or to be treated as having been extended.
- 11      Enabling a tenancy, in a case where that time is extended, to be terminated either by a notice to quit served less than twelve months before the date on which it is to be terminated, or at a date other than the end of a year of the tenancy, or both by such a notice and at such a date.
- 12      Securing that, where a subsequent notice to quit is given in accordance with provisions made by virtue of paragraph 11 above in a case where the original notice to quit fell within section 28(1) of this Act, 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 Tribunal consent to its operation, and applying section 28(5) of this Act as regards the giving of that consent.
- 13      The recovery by a tenant of the cost of any work which is done by him in compliance with a notice requiring him to do it, but which is found by arbitration under this Act to be work which he was not under an obligation to do.

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, SCHEDULE 4.