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SCHEDULES

SCHEDULE 1

Section 6.

MATTERS FOR WHICH PROVISION IS TO BE MADE IN WRITTEN TENANCY AGREEMENTS

- 1 The names of the parties.
- 2 Particulars of the holding with sufficient description, by reference to a map or plan, of the fields and other parcels of land comprised in the holding to identify its extent.
- 3 The term or terms for which the holding or different parts of it is or are agreed to be let.
- 4 The rent reserved and the dates on which it is payable.
- 5 The incidence of the liability for rates (including drainage rates).
- 6 A covenant by the tenant in the event of the destruction by fire of harvested crops grown on the holding for consumption on it to return to the holding the full equivalent manorial value of the crops destroyed, in so far as the return of that value is required for the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry.
- 7 A covenant by the tenant (except where the interest of the tenant is held for the purposes of a government department or where the tenant has made provision approved by the Minister in lieu of such insurance) to insure against damage by fire all dead stock on the holding and all harvested crops grown on the holding for consumption on it.
- 8 A power for the landlord to re-enter on the holding in the event of the tenant not performing his obligations under the agreement.
- 9 A covenant by the tenant not to assign, sub-let or part with possession of the holding or any part of it without the landlord's consent in writing.

SCHEDULE 2

Section 12.

ARBITRATION OF RENT: PROVISIONS SUPPLEMENTARY TO SECTION 12

Amount of rent

- 1 (1) For the purposes of section 12 of this Act, the rent properly payable in respect of a holding shall be the rent at which the holding might reasonably be expected to be let by a prudent and willing landlord to a prudent and willing tenant, taking into account (subject to sub-paragraph (3) and paragraphs 2 and 3 below) all relevant factors, including (in every case) the terms of the tenancy (including those relating to rent), the character and situation of the holding (including the locality in which it is situated), the productive capacity of the holding and its related earning capacity,

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and the current level of rents for comparable lettings, as determined in accordance with sub-paragraph (3) below.

- (2) In sub-paragraph (1) above, in relation to the holding—
- (a) “productive capacity” means the productive capacity of the holding (taking into account fixed equipment and any other available facilities on the holding) on the assumption that it is in the occupation of a competent tenant practising a system of farming suitable to the holding, and
 - (b) “related earning capacity” means the extent to which, in the light of that productive capacity, a competent tenant practising such a system of farming could reasonably be expected to profit from farming the holding.
- (3) In determining for the purposes of that sub-paragraph the current level of rents for comparable lettings, the arbitrator shall take into account any available evidence with respect to the rents (whether fixed by agreement between the parties or by arbitration under this Act) which are, or (in view of rents currently being tendered) are likely to become, payable in respect of tenancies of comparable agricultural holdings on terms (other than terms fixing the rent payable) similar to those of the tenancy under consideration, but shall disregard—
- (a) any element of the rents in question which is due to an appreciable scarcity of comparable holdings available for letting on such terms compared with the number of persons seeking to become tenants of such holdings on such terms,
 - (b) any element of those rents which is due to the fact that the tenant of, or a person tendering for, any comparable holding is in occupation of other land in the vicinity of that holding that may conveniently be occupied together with that holding, and
 - (c) any effect on those rents which is due to any allowances or reductions made in consideration of the charging of premiums.
- 2 (1) On a reference under section 12 of this Act, the arbitrator shall disregard any increase in the rental value of the holding which is due to—
- (a) tenant’s improvements or fixed equipment other than improvements executed or equipment provided under an obligation imposed on the tenant by the terms of his contract of tenancy, and
 - (b) landlord’s improvements, in so far as the landlord has received or will receive grants out of money provided by Parliament or local government funds in respect of the execution of those improvements.
- (2) In this paragraph—
- (a) “tenant’s improvements” means any improvements which have been executed on the holding, in so far as they were executed wholly or partly at the expense of the tenant (whether or not that expense has been or will be reimbursed by a grant out of money provided by Parliament or local government funds) without any equivalent allowance or benefit made or given by the landlord in consideration of their execution,
 - (b) “tenant’s fixed equipment” means fixed equipment provided by the tenant, and
 - (c) “landlord’s improvements” means improvements executed on the holding by the landlord.
- (3) Where the tenant has held a previous tenancy of the holding, then—

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- (a) in the definition of “tenant’s improvements” in sub-paragraph (2)(a) above, the reference to any such improvements as are there mentioned shall extend to improvements executed during that tenancy, and
 - (b) in the definition of “tenant’s fixed equipment” in sub-paragraph (2)(b), the reference to such equipment as is there mentioned shall extend to equipment provided during that tenancy,

excluding, however, any improvement or fixed equipment so executed or provided in respect of which the tenant received any compensation on the termination of that (or any other) tenancy.
 - (4) For the purposes of sub-paragraph (2)(a) above, the continuous adoption by the tenant of a system of farming more beneficial to the holding—
 - (a) than the system of farming required by the contract of tenancy, or
 - (b) in so far as no system is so required, than the system of farming normally practised on comparable agricultural holdings,shall be treated as an improvement executed at his expense.
- 3 On a reference under section 12 of this Act the arbitrator—
- (a) shall disregard any effect on the rent of the fact that the tenant who is a party to the arbitration is in occupation of the holding, and
 - (b) shall not fix the rent at a lower amount by reason of any dilapidation or deterioration of, or damage to, buildings or land caused or permitted by the tenant.
- Frequency of arbitration under section 12*
- 4 (1) Subject to the following provisions of this Schedule, a demand for arbitration shall not be effective for the purposes of section 12 of this Act if the next termination date following the date of the demand falls earlier than the end of three years from any of the following dates, that is to say—
- (a) the commencement of the tenancy, or
 - (b) the date as from which there took effect a previous increase or reduction of rent (whether made under that section or otherwise), or
 - (c) the date as from which there took effect a previous direction of an arbitrator under that section that the rent should continue unchanged.
- (2) The following shall be disregarded for the purposes of sub-paragraph (1)(b) above—
- (a) an increase of rent under section 6(3) or 8(4) of this Act;
 - (b) an increase of rent under subsection (1) of section 13 of this Act or such an increase as is referred to in subsection (3) of that section, or any reduction of rent agreed between the landlord and the tenant of the holding in consequence of any change in the fixed equipment provided on the holding by the landlord;
 - (c) a reduction of rent under section 33 of this Act.
- 5 (1) This paragraph applies in any case where a tenancy of an agricultural holding (“the new holding”) commences under a contract of tenancy between—
- (a) a person who immediately before the date of the commencement of the tenancy was entitled to a severed part of the reversionary estate in an

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agricultural holding (“the original holding”) in which the new holding was then comprised, and

- (b) the person who immediately before that date was the tenant of the original holding,

and where the rent payable in respect of the new holding at the commencement of the tenancy of that holding represents merely the appropriate portion of the rent payable in respect of the original holding immediately before the commencement of that tenancy.

(2) In any case to which this paragraph applies—

- (a) paragraph (a) of sub-paragraph (1) of paragraph 4 above shall be read as referring to the commencement of the tenancy of the original holding, and
 (b) references to rent in paragraphs (b) and (c) of that sub-paragraph shall be read as references to the rent payable in respect of the original holding,

until the first occasion following the commencement of the tenancy of the new holding on which any such increase or reduction of, or direction with respect to, the rent of the new holding as is mentioned in paragraph (b) or (c) takes effect.

6 Where under an agreement between the landlord and the tenant of the holding (not being an agreement expressed to take effect as a new contract of tenancy between the parties) provision is made for adjustment of the boundaries of the holding or for any other variation of the terms of the tenancy, exclusive of those relating to rent, then, unless the agreement otherwise provides—

- (a) that provision shall for the purposes of sub-paragraph (1) of paragraph 4 above be treated as not operating to terminate the tenancy, and accordingly as not resulting in the commencement of a new contract of tenancy between the parties, and
 (b) any increase or reduction of rent solely attributable to any such adjustment or variation as aforesaid shall be disregarded for the purposes of paragraph (b) of that sub-paragraph.

VALID FROM 19/10/2006

[^{F17} (1) This paragraph applies in any case where—

- (a) a tenancy of an agricultural holding (the new tenancy) is granted to a person who, immediately before the grant of the new tenancy, was the tenant of the holding, or of any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding, under a contract of tenancy (“the previous tenancy”),
 (b) this Act applies in relation to the new tenancy by virtue of section 4(1)(g) of the Agricultural Tenancies Act 1995, and
 (c) the rent payable under the new tenancy is unchanged from that payable under the previous tenancy, disregarding any increase or reduction in rent solely attributable to an adjustment of the boundaries of the holding.

(2) The reference in sub-paragraph (1) above to a substantial part of the land comprised in the holding means a substantial part determined by reference to either area or value.

(3) In any case to which this paragraph applies—

- (a) paragraph (a) of sub-paragraph (1) of paragraph 4 above shall be read as referring to the commencement of the previous tenancy, and

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(b) references to rent in paragraphs (b) and (c) of that sub-paragraph shall be read as references to the rent payable under the previous tenancy,

until the first occasion following the commencement of the new tenancy on which any such increase or reduction of, or direction with respect to, the rent payable under the new tenancy as is mentioned in paragraph (b) or (c) takes effect.]

Textual Amendments

F1 Sch. 2 para. 7 inserted (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), **art. 8** (with art. 10)

SCHEDULE 3

Section 26.

CASES WHERE CONSENT OF TRIBUNAL TO OPERATION OF NOTICE TO QUIT IS NOT REQUIRED

PART I

THE CASES

CASE A

The holding is let as a smallholding by a smallholdings authority or the Minister in pursuance of Part III of the ^{M1}Agriculture Act 1970 and was so let on or after 12th September 1984, and

- (a) the tenant has attained the age of sixty-five, and
- (b) if the result of the notice to quit taking effect would be to deprive the tenant of living accommodation occupied by him under the tenancy, suitable alternative accommodation is available for him, or will be available for him when the notice takes effect, and
- (c) the instrument under which the tenancy was granted contains an acknowledgment signed by the tenant that the tenancy is subject to the provisions of this Case (or to those of Case I in section 2(3) of the ^{M2}Agricultural Holdings (Notices to Quit) Act 1977),

and it is stated in the notice to quit that it is given by reason of the said matter.

Marginal Citations

M1 1970 c. 40.

M2 1977 c. 12.

Marginal Citations

M1 1970 c. 40.

M2 1977 c. 12.

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[^{F2} CASE B

Textual Amendments

F2 Sch. 3 Pt. 1 Case B substituted by [Agricultural Holdings \(Amendment\) Act 1990 \(c. 15, SIF 2:3\)](#), ss. [1\(1\)\(2\)](#), [2](#)

The notice to quit is given on the ground that the land is required for a use, other than for agriculture—

- (a) for which permission has been granted on an application made under the enactments relating to town and country planning,
- (b) for which permission under those enactments is granted by a general development order by reason only of the fact that the use is authorised by—
 - (i) a private or local Act,
 - (ii) an order approved by both Houses of Parliament, or
 - (iii) an order made under section 14 or 16 of the Harbours Act 1964,
- (c) for which any provision that—
 - (i) is contained in an Act, but
 - (ii) does not form part of the enactments relating to town and country planning,
 deems permission under those enactments to have been granted,
- (d) which any such provision deems not to constitute development for the purposes of those enactments, or
- (e) for which permission is not required under the enactments relating to town and country planning by reason only of Crown immunity,

and that fact is stated in the notice.]

CASE C

Not more than six months before the giving of the notice to quit, the Tribunal granted a certificate under paragraph 9 of Part II of this Schedule that the tenant of the holding was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and that fact is stated in the notice.

CASE D

At the date of the giving of the notice to quit the tenant had failed to comply with a notice in writing served on him by the landlord, being either—

- (a) a notice requiring him within two months from the service of the notice to pay any rent due in respect of the agricultural holding to which the notice to quit relates, or
- (b) a notice requiring him within a reasonable period specified in the notice to remedy any breach by the tenant that was capable of being remedied of any term or condition of his tenancy which was not inconsistent with his responsibilities to farm in accordance with the rules of good husbandry,

and it is stated in the notice to quit that it is given by reason of the said matter.

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CASE E

At the date of the giving of the notice to quit the interest of the landlord in the agricultural holding had been materially prejudiced by the commission by the tenant of a breach, which was not capable of being remedied, of any term or condition of the tenancy that was not inconsistent with the tenant's responsibilities to farm in accordance with the rules of good husbandry, and it is stated in the notice that it is given by reason of the said matter.

CASE F

At the date of the giving of the notice to quit the tenant was a person who had become insolvent, and it is stated in the notice that it is given by reason of the said matter.

CASE G

The notice to quit is given—

- (a) following the death of a person who immediately before his death was the sole (or sole surviving) tenant under the contract of tenancy, and
- (b) not later than the end of the period of three months beginning with the date of any relevant notice,

and it is stated in the notice to quit that it is given by reason of that person's death.

CASE H

The notice to quit is given by the Minister and—

- (a) the Minister certifies in writing that the notice to quit is given in order to enable him to use or dispose of the land for the purpose of effecting any amalgamation (within the meaning of section 26(1) of the ^{M3}Agriculture Act 1967) or the reshaping of any agricultural unit, and
- (b) the instrument under which the tenancy was granted contains an acknowledgement signed by the tenant that the tenancy is subject to the provisions of this Case (or to those of Case H in section 2(3) of the ^{M4}Agricultural Holdings (Notices to Quit) Act 1977 or of section 29 of the ^{M5}Agriculture Act 1967).

Marginal Citations

M3 1967 c. 22.

M4 1977 c. 12.

M5 1967 c. 22.

Marginal Citations

M3 1967 c. 22.

M4 1977 c. 12.

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M5 1967 c. 22.

PART II

SUPPLEMENTARY PROVISIONS APPLICABLE TO CASES A, B, C, D, E AND G

Provisions applicable to Case A

- 1 Paragraphs 2 to 7 below have effect for determining whether, for the purposes of paragraph (b) of Case A, suitable alternative accommodation is or will be available for the tenant.
- 2 For the purposes of paragraph (b) of Case A, a certificate of the housing authority for the district in which the living accommodation in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.
- 3 Where no such certificate as is mentioned in paragraph 2 above has been issued, accommodation shall be deemed to be suitable for the purposes of paragraph (b) of Case A if it consists of either—
- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy (within the meaning of the ^{M6}Rent Act 1977), or
 - (b) premises to be let as a separate dwelling on terms which will afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of that Act in the case of a protected tenancy, [^{F3}or
 - (c) premises which are to be let as a separate dwelling such that they will then be let on an assured tenancy which is not an assured shorthold tenancy (construing those terms in accordance with Part I of the Housing Act 1988), or
 - (d) premises to be let as a separate dwelling on terms which will afford to the tenant security of tenure reasonably equivalent to the security afforded by Chapter I of Part I of that Act in the case of an assured tenancy which is not an assured shorthold tenancy.]

and the accommodation fulfils the conditions in paragraph 4 below.

- [^{F4}(2) Any reference in sub-paragraph (1) above to an assured tenancy does not include a reference to a tenancy in respect of which possession might be recovered on any of Grounds 1 to 5 in Schedule 2 to the Housing Act 1988.]

Textual Amendments

- F3** Sch. 3 Pt. II para. 3(c)(d) and the word “or” preceding inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140, [Sch. 17 para. 69\(1\)](#)
- F4** Sch. 3 Pt.II para.3(2) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140, [Sch. 17 para. 69\(2\)](#)

Marginal Citations

- M6** 1977 c. 42.

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- 4 (1) The accommodation must be reasonably suitable to the needs of the tenant's family as regards proximity to place of work and either—
- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any housing authority for persons whose needs as regards extent are similar to those of the tenant and his family, or
 - (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character.
- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of a housing authority stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
 - (b) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent,
- shall be conclusive evidence of the facts so stated.
- (3) If any furniture was provided by the landlord for use under the tenancy in question, furniture must be provided for use in the alternative accommodation which is either—
- (a) similar to that so provided, or
 - (b) reasonably suitable to the needs of the tenant and his family.
- 5 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of Part X of the ^{M7}Housing Act 1985.

Marginal Citations

M7 1985 c. 68.

- 6 Any document purporting—
- (a) to be a certificate of a housing authority named in it issued for the purposes of this Schedule, and
 - (b) to be signed by the proper officer of the authority,
- shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.
- 7 (1) In paragraphs 2, 4 and 6 above “housing authority”, and “district” in relation to such an authority, mean a local housing authority and their district within the meaning of the Housing Act 1985.
- (2) For the purposes of paragraphs 4 and 5 a dwelling-house may be a house or part of a house.

Provisions applicable to Case B

- 8 (1) For the purposes of Case B no account shall be taken of any permission granted as mentioned in paragraph (a) of that Case if the permission—

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- (a) was granted on an application made by the [^{F5}British Coal Corporation], and
- (b) relates to the working of coal by opencast operations, and
- (c) was granted subject to a restoration condition and to an aftercare condition in which the use specified is use for agriculture or use for forestry.

(2) In this paragraph “restoration condition” and “aftercare condition” have the meaning given by [^{F6}section 336(1) of the Town and Country Planning Act 1990].

Textual Amendments

F5 Words substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(2), [Sch. 1 para. 49](#)

F6 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 72](#)

[^{F7}8A (1) For the purposes of Case B—

- (a) “general development order” means an order under section 59 of the Town and Country Planning Act 1990 which is made as a general order, and
 - (b) “the enactments relating to town and country planning” means the planning Acts (as defined in section 336(1) of the Town and Country Planning Act 1990) and any enactment amending or replacing any of those Acts.
- (2) In relation to any time before the commencement of Part III of the Town and Country Planning Act 1990, sub-paragraph (1) above shall have effect as if—
- (a) in paragraph (a), for “59” there were substituted “24” and for “1990” there were substituted “1971”, and
 - (b) in paragraph (b), for the words from “planning Acts” onwards there were substituted “repealed enactments (as defined in section 1(1) of the Planning (Consequential Provisions) Act 1990)”.]

Textual Amendments

F7 [Sch. 3 Pt. II para. 8A](#) inserted by [Agricultural Holdings \(Amendment\) Act 1990 \(c. 15, SIF 2:3\)](#), [ss. 1\(1\)\(3\), 2](#)

Provisions applicable to Case C

- 9 (1) For the purposes of Case C the landlord of an agricultural holding may apply to the Tribunal for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry; and the Tribunal, if satisfied that the tenant is not fulfilling his said responsibilities, shall grant such a certificate.
- (2) In determining whether to grant a certificate under this paragraph the Tribunal shall disregard any practice adopted by the tenant in pursuance of any provision of the contract of tenancy, or of any other agreement with the landlord, which indicates (in whatever terms) that its object is the furtherance of one or more of the following purposes, namely—
- (a) the conservation of flora or fauna or of geological or physiological features of special interest;
 - (b) the protection of buildings or other objects of archaeological, architectural or historic interest;

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- (c) the conservation or enhancement of the natural beauty or amenity of the countryside or the promotion of its enjoyment by the public.

[^{F8}(3) In determining whether to grant a certificate under this paragraph, the tribunal shall disregard any practice adopted by the tenant in compliance with any obligation accepted by or imposed on the tenant under [^{F9}section 94 or 95 of the Water Resources Act 1991]]

Textual Amendments

- F8** Sch. 3 Pt. II para. 9(3) inserted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 25 para. 75(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F9** Sch. 3 Pt. II para. 9: words substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 43**

Provisions applicable to Case D

- 10 (1) For the purposes of Case D—
- (a) a notice such as that mentioned in paragraph (a) or (b) of that Case must be in the prescribed form,
 - (b) where such a notice in the prescribed form requires the doing of any work of repair, maintenance or replacement, any further notice requiring the doing of any such work which is served on the tenant less than twelve months after the earlier notice shall be disregarded unless the earlier notice was withdrawn with his agreement in writing,
 - (c) a period of less than six months shall not be treated as a reasonable period within which to do any such work, and
 - (d) any provision such as is mentioned in paragraph 9(2) above shall (if it would not otherwise be so regarded) be regarded as a term or condition of the tenancy which is not inconsistent with the tenant's responsibilities to farm in accordance with the rules of good husbandry.
- (2) Different forms may be prescribed for the purpose of paragraph (b) of Case D in relation to different circumstances.
- [^{F10}(3) For the purposes of that Case compliance with any obligation accepted by or imposed on the tenant under [^{F11}section 94 or 95 of the Water Resources Act 1991] shall not be capable of constituting a breach by the tenant of the terms or conditions of his tenancy.]

Textual Amendments

- F10** Sch. 3 Pt. II paras.10(3), 11(3) inserted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 25 para. 75(b), Sch. 26 paras. 57(6), **58**
- F11** Sch. 3 Pt. II para. 10: words substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para.43**

Provisions applicable to Case E

- 11 (1) Where—
- (a) the landlord is a smallholdings authority, or

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- (b) the landlord is the Minister and the holding is on land held by him for the purposes of smallholdings,
then, in considering whether the interest of the landlord has been materially prejudiced as mentioned in Case E, regard shall be had to the effect of the breach in question not only on the holding itself but also on the carrying out of the arrangements made by the smallholdings authority or the Minister (as the case may be) for the letting and conduct of smallholdings.
- (2) For the purposes of Case E any provision such as is mentioned in paragraph 9(2) above shall (if it would not otherwise be so regarded) be regarded as a term or condition of the tenancy which is not inconsistent with the tenant's responsibilities to farm in accordance with the rules of good husbandry.
- [^{F12}(3) For the purposes of that Case compliance with any obligation accepted by or imposed on the tenant under [^{F13}section 94 or 95 of the Water Resources Act 1991] shall not be capable of constituting a breach by the tenant of the terms or conditions of his tenancy.]

Textual Amendments

- F12** Sch. 3 Pt. II paras.10(3), 11(3) inserted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 25 para. 75(b), Sch. 26 paras. 57(6), 58
- F13** Sch. 3 Pt. II para. 11: words substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 43**

Provisions applicable to Case G

- 12 For the purposes of Case G—
- (a) “tenant” does not include an executor, administrator, trustee in bankruptcy or other person deriving title from a tenant by operation of law, and
- (b) the reference to the date of any relevant notice shall be construed as a reference—
- (i) to the date on which a notice in writing was served on the landlord by or on behalf of an executor or administrator of the tenant's estate informing the landlord of the tenant's death or the date on which the landlord was given notice by virtue of section 40(5) of this Act of any application with respect to the holding under section 39 or 41, or
- (ii) where both of those events occur, to the date of whichever of them occurs first.

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.

Status: Point in time view as at 01/12/1991.

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- 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 paragraph 1 of Schedule 11 to this Act for the appointment of an arbitrator, for the purposes of any such arbitration.
- 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 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

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- 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.

SCHEDULE 5

Section 30.

NOTICE TO QUIT WHERE TENANT IS A SERVICE MAN

- 1 In this Schedule—
- “the 1951 Act” means the ^{M8}Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
- “period of residence protection” in the case of a service man who performs a period of relevant service, other than a short period of training, means the period comprising that period of service and the four months immediately following the date on which it ends;
- “relevant service” means service (as defined in section 64(1) of the 1951 Act) of a description specified in Schedule 1 to that Act;
- “service man” means a man or woman who performs a period of relevant service;
- “short period of training” has the meaning given by section 64(1) of the 1951 Act.

Marginal Citations

M8 1951 c. 65.

- 2 (1) Paragraph 3 below shall have effect where—
- (a) the tenant of an agricultural holding to which this Schedule applies performs a period of relevant service, other than a short period of training, and
- (b) during his period of residence protection there is given to him—
- (i) notice to quit the holding, or
- (ii) notice to quit a part of it to which this Schedule applies.
- (2) This Schedule applies to—
- (a) any agricultural holding which comprises such a dwelling-house as is mentioned in section 10 of the ^{M9}Rent Act 1977, that is to say a dwelling-house occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding, and

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- (b) any part of an agricultural holding, being a part which consists of or comprises such a dwelling-house.

Marginal Citations

M9 1977 c. 42.

- 3 (1) Section 26(1) of this Act shall apply notwithstanding the existence of any such circumstances as are mentioned in Cases B to G; but where the Tribunal are satisfied that such circumstances exist, then, subject to sub-paragraph (2) below, the Tribunal shall not be required to withhold their consent to the operation of the notice to quit by reason only that they are not satisfied that circumstances exist such as are mentioned in paragraphs (a) to (f) of section 27(3) of this Act.
- (2) In determining whether to give or withhold their consent under section 26 of this Act the Tribunal—
- (a) if satisfied that circumstances exist such as are mentioned in Cases B to G or in section 27(3) of this Act, shall consider to what extent (if at all) the existence of those circumstances is directly or indirectly attributable to the service man's performing or having performed the period of service in question, and
- (b) in any case, shall consider to what extent (if at all) the giving of such consent at a time during the period of protection would cause special hardship in view of circumstances directly or indirectly attributable to the service man's performing or having performed that period of service,
- and the Tribunal shall withhold their consent to the operation of the notice to quit unless in all the circumstances they consider it reasonable to give their consent.
- 4 Where the tenant of an agricultural holding to which this Schedule applies performs a period of relevant service, other than a short period of training, and—
- (a) a notice to quit the holding, or a part of it to which this Schedule applies, is given to him before the beginning of his period of residence protection, and
- (b) the tenant duly serves a counter-notice under section 26(1) of this Act, and
- (c) the Tribunal have not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit,
- paragraph 3(2) above shall (with the necessary modifications) apply in relation to the giving or withholding of consent to the operation of the notice to quit as it applies in relation to the giving or withholding of consent to the operation of a notice to quit given in the circumstances mentioned in paragraph 2(1) above.
- 5 The Lord Chancellor's power under section 29 of this Act to provide for the matters specified in paragraphs 1 to 7 of Schedule 4 to this Act shall apply in relation to the provisions of sections 26 and 27 of this Act as modified by the preceding provisions of this Schedule as they apply in relation to the provisions of those sections apart from this Schedule.
- 6 (1) The Lord Chancellor may make regulations—
- (a) for enabling a counter-notice under section 26(1) of this Act to be served on behalf of a service man at a time when he is serving abroad, in a case where a notice to quit is given to him as mentioned in paragraph 2(1) above, and

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- (b) for enabling an act or proceedings consequential upon the service of a counter-notice under section 26(1) to be performed or conducted on behalf of a service man at a time when he is serving abroad, either in such a case as is mentioned in paragraph (a) above or in a case where paragraph 4 above applies in relation to him.
- (2) References in sub-paragraph (1) above to a time when a service man is serving abroad are references to a time when he is performing a period of relevant service and is outside the United Kingdom.
- (3) Regulations under this paragraph may contain such incidental and consequential provisions as appear to the Lord Chancellor to be necessary or expedient for the purposes of the regulations.

SCHEDULE 6

Sections 36 and 50.

ELIGIBILITY TO APPLY FOR NEW TENANCY UNDER PART IV OF THIS ACT

PART I

“ELIGIBLE PERSON”: SUPPLEMENTARY PROVISIONS

Preliminary

- 1 (1) In this Schedule—
 - “the livelihood condition” means paragraph (a) of the definition of “eligible person” in section 36(3) of this Act;
 - “the occupancy condition” means paragraph (b) of that definition.
- (2) For the purposes of the Schedule a body corporate is controlled by a close relative of the deceased if he or his spouse, or he and his spouse together, have the power to secure—
 - (a) by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or
 - (b) by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate,
 that the affairs of that body corporate are conducted in accordance with his, her or their wishes, respectively.
- (3) Any reference in this Schedule to the spouse of a close relative of the deceased does not apply in relation to any time when the relative’s marriage is the subject of a decree of judicial separation or a decree nisi of divorce or of nullity of marriage.

The livelihood condition

- 2 For the purposes of the livelihood condition, any period during which a close relative of the deceased was, in the period of seven years mentioned in that condition, attending a full-time course at a university, college or other

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[^{F14}establishment of higher or 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 paragraph.

Textual Amendments

F14 Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 12 para. 96](#)

Commercial unit of agricultural land

- 3 (1) In the occupancy condition “commercial unit of agricultural land” means a unit of agricultural land which is capable, when farmed under competent management, of producing a net annual income of an amount not less than the aggregate of the average annual earnings of two full-time, male agricultural workers aged twenty or over.
- (2) In so far as any units of production for the time being prescribed by an order under paragraph 4 below are relevant to the assessment of the productive capacity of a unit of agricultural land when farmed as aforesaid, the net annual income which that unit is capable of producing for the purposes of this paragraph shall be ascertained by reference to the provisions of that order.
- 4 The Minister shall by order—
- (a) prescribe such units of production relating to agricultural land as he considers appropriate, being units framed by reference to any circumstances whatever and designed for the assessment of the productive capacity of such land, and
 - (b) for any period of twelve months specified in the order, determine in relation to any unit of production so prescribed the amount which is to be regarded for the purposes of paragraph 3 above as the net annual income from that unit in that period.

Ministerial statements as to net annual income of land

- 5 (1) For the purposes of any proceedings under sections 36 to 48 of this Act in relation to the holding, the Minister shall—
- (a) at the request of any of the following persons, namely any close relative of the deceased, the landlord or the secretary of the Tribunal, and
 - (b) in relation to any relevant land,
- determine by reference to the provisions of any order for the time being in force under paragraph 4 above the net annual income which, in his view, the land is capable of producing for the purposes of paragraph 3 above, and shall issue a written statement of his view and the grounds for it to the person making the request.
- (2) In sub-paragraph (1) above “relevant land” means agricultural land which is—
- (a) occupied (or, by virtue of section 58 of this Act or this Part of this Schedule, deemed to be occupied) by any close relative of the deceased (whether he is, where the request is made by such a relative, the person making the request or not), or
 - (b) the subject of an application made under section 39 of this Act by any such relative.

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- (3) Where—
- (a) for the purposes of any proceedings under sections 36 to 48 of this Act the Minister has issued a statement to any person containing a determination under sub-paragraph (1) above made by reference to the provisions of an order under paragraph 4 above, and
 - (b) before any hearing by the Tribunal in those proceedings is due to begin it appears to him that any subsequent order under that paragraph has affected any matter on which that determination was based,
- he shall make a revised determination under sub-paragraph (1) above and shall issue a written statement of his view and the grounds for it to the person in question.
- (4) Any statement issued by the Minister in pursuance of this paragraph shall be evidence of any facts stated in it as facts on which his view is based.
- (5) Any document purporting to be a statement issued by the Minister in pursuance of this paragraph and to be signed for or on behalf of the Minister shall be taken to be such a statement unless the contrary is shown.

Occupation to be disregarded for purposes of occupancy condition

- 6 (1) Occupation by a close relative of the deceased of any agricultural land shall be disregarded for the purposes of the occupancy condition if he occupies it only—
- (a) under a tenancy approved by the Minister under subsection (1) of section 2 of this Act or under a tenancy falling within subsection (3) (a) of that section,
 - (b) under a tenancy for more than one year but less than two years,
 - (c) under a tenancy not falling within paragraph (a) or (b) above and not having effect as a contract of tenancy,
 - (d) under a tenancy to which section 3 of this Act does not apply by virtue of section 5 of this Act,
 - (e) as a licensee, or
 - (f) as an executor, administrator, trustee in bankruptcy or person otherwise deriving title from another person by operation of law.
- (2) Paragraphs (a) to (e) of sub-paragraph (1) above do not apply in the case of a tenancy or licence granted to a close relative of the deceased by his spouse or by a body corporate controlled by him.
- (3) References in the following provisions of this Schedule to the occupation of land by any person do not include occupation under a tenancy, or in a capacity, falling within paragraphs (a) to (f) of that sub-paragraph.

Joint occupation

- 7 (1) Where any agricultural land is jointly occupied by a close relative of the deceased and one or more other persons as—
- (a) beneficial joint tenants,
 - (b) tenants in common,
 - (c) joint tenants under a tenancy, or
 - (d) joint licensees,

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the relative shall be treated for the purposes of the occupancy condition as occupying the whole of the land.

- (2) If, however, the Tribunal in proceedings under section 39 of this Act determine on the application of the close relative that his appropriate share of the net annual income which the land is, or was at any time, capable of producing for the purposes of paragraph 3 above is or was then less than the aggregate of the earnings referred to in that paragraph, then, for the purpose of determining whether the occupancy condition is or was then satisfied in his case, the net annual income which the land is, or (as the case may be) was, capable of so producing shall be treated as limited to his appropriate share.
- (3) For the purposes of sub-paragraph (2) above the appropriate share of the close relative shall be ascertained—
 - (a) where he is a beneficial or other joint tenant or a joint licensee, by dividing the net annual income which the land is or was at the time in question capable of producing for the purposes of paragraph 3 above by the total number of joint tenants or joint licensees for the time being,
 - (b) where he is a tenant in common, by dividing the said net annual income in such a way as to attribute to him and to the other tenant or tenants in common shares of the income proportionate to the extent for the time being of their respective undivided shares in the land.

Deemed occupation in case of Tribunal direction

- 8 (1) Where a close relative of the deceased is, by virtue of a direction of the Tribunal under section 39 of this Act, for the time being entitled (whether or not with any other person) to a tenancy of the whole or part of any agricultural holding held by the deceased at the date of death other than the holding, he shall, for the purposes of the occupancy condition, be deemed to be in occupation of the land comprised in that holding or (as the case may be) in that part of that holding.
- (2) Where by virtue of sub-paragraph (1) above any land is deemed to be occupied by each of two or more close relatives of the deceased as a result of a direction entitling them to a joint tenancy of the land, the provisions of paragraph 7 above shall apply to each of the relatives as if the land were jointly occupied by him and the other relative or relatives as joint tenants under that tenancy.

Occupation by spouse or controlled company

- 9 (1) For the purposes of the occupancy condition and of paragraph 7 above, occupation—
 - (a) by the spouse of a close relative of the deceased, or
 - (b) by a body corporate controlled by a close relative of the deceased,shall be treated as occupation by the relative.
- (2) Where, in accordance with sub-paragraph (1) above, paragraph 7 above applies to a close relative of the deceased in relation to any time by virtue of the joint occupation of land by his spouse or a body corporate and any other person or persons, sub-paragraphs (2) and (3) of that paragraph shall apply to the relative as if he were the holder of the interest in the land for the time being held by his spouse or the body corporate, as the case may be.

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*Deemed occupation in case of tenancy or licence
granted by close relative, spouse or controlled company*

- 10 (1) Where—
- (a) any agricultural land is occupied by any person under such a tenancy as is mentioned in paragraphs (a) to (d) of paragraph 6(1) above or as a licensee, and
 - (b) that tenancy or licence was granted by a close relative of the deceased or a connected person (or both), being at the time it was granted a person or persons entitled to occupy the land otherwise than under a tenancy, or in a capacity, falling within paragraphs (a) to (f) of paragraph 6(1),
- then, unless sub-paragraph (2) below applies, the close relative shall, for the purposes of the occupancy condition, be deemed to be in occupation of the whole of the land.
- (2) Where the tenancy or licence referred to in sub-paragraph (1) above was granted by the person or persons there referred to and one or more other persons who were at the time it was granted entitled to occupy the land as mentioned in paragraph (b) of that sub-paragraph, sub-paragraphs (2) and (3) of paragraph 7 above shall apply to the close relative as if the land were jointly occupied by him and the said other person or persons as holders of their respective interests for the time being in the land.
- (3) In this paragraph “connected person”, in relation to a close relative of the deceased, means—
- (a) the relative’s spouse, or
 - (b) a body corporate controlled by the relative;
- and for the purposes of sub-paragraph (2) above and the provisions of paragraph 7 there mentioned any interest in the land for the time being held by a connected person by whom the tenancy or licence was granted shall be attributed to the relative.

PART II

MODIFICATIONS OF PART I OF THIS SCHEDULE IN ITS APPLICATION TO SUCCESSION ON RETIREMENT

- 11 The modifications of Part I of this Schedule referred to in section 50(4) of this Act are as follows.
- 12 The reference in paragraph 1(1) to section 36(3) of this Act shall be read as a reference to section 50(2) of this Act.
- 13 References to a close relative of the deceased shall be read as references to the nominated successor.
- 14 In paragraph 5—
- (a) references to sections 36 to 48 of this Act shall be read as references to sections 50 to 58 of this Act,
 - (b) the reference in sub-paragraph (1) to any close relative of the deceased shall be read as a reference to the nominated successor, and
 - (c) for sub-paragraph (2) there shall be substituted—

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“(2) In sub-paragraph (1) above ”relevant land’ means agricultural land which is occupied (or, by virtue of this Part of this Schedule, is deemed to be occupied) by the nominated successor.”

15 The reference in paragraph 7(2) to section 39 of this Act shall be read as a reference to section 53 of this Act.

16 For paragraph 8 there shall be substituted—

“8 Where the nominated successor is, by virtue of a direction of the Tribunal under section 53(7) of this Act, for the time being entitled to a tenancy of any agricultural holding held by the retiring tenant other than the holding he shall, for the purposes of the occupancy condition, be deemed to be in occupation of that holding.”

SCHEDULE 7

Sections 64, 66, etc.

LONG-TERM IMPROVEMENTS BEGUN ON OR AFTER 1ST MARCH 1948 FOR WHICH COMPENSATION IS PAYABLE

PART I

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD REQUIRED

- 1 Making or planting of osier beds.
- 2 Making of water meadows.
- 3 Making of watercress beds.
- 4 Planting of hops.
- 5 Planting of orchards or fruit bushes.
- 6 Warping or weiring of land.
- 7 Making of gardens.
- 8 Provision of underground tanks.

PART II

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD OR APPROVAL OF TRIBUNAL REQUIRED

- 9 Erection, alteration or enlargement of buildings, and making or improvement of permanent yards.
- 10 Carrying out works in compliance with an improvement notice served, or an undertaking accepted, under Part VII of the ^{M10}Housing Act 1985 or Part VIII of the ^{M11}Housing Act 1974.

Marginal Citations

M10 1985 c. 68.

Status: Point in time view as at 01/12/1991.

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M11 1974 c. 44.

- 11 Erection or construction of loading platforms, ramps, hard standings for vehicles or other similar facilities.
- 12 Construction of silos.
- 13 Claying of land.
- 14 Marling of land.
- 15 Making or improvement of roads or bridges.
- 16 Making or improvement of water courses, culverts, ponds, wells or reservoirs, or of works for the application of water power for agricultural or domestic purposes or of works for the supply, distribution or use of water for such purposes (including the erection or installation of any structures or equipment which form part of or are to be used for or in connection with operating any such works).
- 17 Making or removal of permanent fences.
- 18 Reclaiming of waste land.
- 19 Making or improvement of embankments or sluices.
- 20 Erection of wirework for hop gardens.
- 21 Provision of permanent sheep-dipping accommodation.
- 22 Removal of bracken, gorse, tree roots, boulders or other like obstructions to cultivation.
- 23 Land drainage (other than improvements falling within paragraph 1 of Schedule 8 to this Act).
- 24 Provision or laying-on of electric light or power.
- 25 Provision of facilities for the storage or disposal of sewage or farm waste.
- 26 Repairs to fixed equipment, being equipment reasonably required for the proper farming of the holding, other than repairs which the tenant is under an obligation to carry out.
- 27 The grubbing up of orchards or fruit bushes.
- 28 Planting trees otherwise than as an orchard and bushes other than fruit bushes.

SCHEDULE 8

Sections 64, 65, etc.

SHORT-TERM IMPROVEMENTS BEGUN ON OR AFTER 1ST MARCH 1948, AND OTHER MATTERS, FOR WHICH COMPENSATION IS PAYABLE

PART I

IMPROVEMENTS (TO WHICH NO CONSENT REQUIRED)

- 1 Mole drainage and works carried out to secure its efficient functioning.
- 2 Protection of fruit trees against animals.

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- 3 Clay burning.
- 4 Liming (including chalking) of land.
- 5 Application to land of purchased manure and fertiliser, whether organic or inorganic.
- 6 Consumption on the holding of corn (whether produced on the holding or not), or of cake or other feeding stuff not produced on the holding, by horses, cattle, sheep, pigs or poultry.

PART II

TENANT-RIGHT MATTERS

- 7 Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the holding in the last year of tenancy, but not including crops or produce which the tenant has a right to sell or remove from the holding.
- 8 Seeds sown and cultivations, fallows and acts of husbandry performed on the holding at the expense of the tenant (including the growing of herbage crops for commercial seed production).
- 9 Pasture laid down with clover, grass, lucerne, sainfoin or other seeds, being either—
 - (a) pasture laid down at the expense of the tenant otherwise than in compliance with an obligation imposed on him by an agreement in writing to lay it down to replace temporary pasture comprised in the holding when the tenant entered on the holding which was not paid for by him, or
 - (b) pasture paid for by the tenant on entering on the holding.
- 10 (1) Acclimatisation, hefting or settlement of hill sheep on hill land.
 (2) In this paragraph—
 “hill sheep” means sheep which—
 - (a) have been reared and managed on a particular hill or mountain,
 - (b) have developed an instinct not to stray from the hill or mountain,
 - (c) are able to withstand the climatic conditions typical of the hill or mountain, and
 - (d) have developed resistance to diseases which are likely to occur in the area in which the hill or mountain is situated;
 “hill land” means any hill or mountain where only hill sheep are likely to thrive throughout the year.
- 11 (1) In areas of the country where arable crops can be grown in an unbroken series of not less than six years and it is reasonable that they should be grown on the holding or part of it, the residual fertility value of the sod of the excess qualifying leys on the holding, if any.
 (2) For the purposes of this paragraph—
 - (a) the growing of an arable crop includes the growing of clover, grass, lucerne, sainfoin or other seeds grown for a period of less than one year but does not include the laying down of a ley continuously maintained as such for more than one year,

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- (b) the qualifying leys comprising the excess qualifying leys shall be those indicated to be such by the tenant, and
- (c) qualifying leys laid down at the expense of the landlord without reimbursement by the tenant or any previous tenant of the holding or laid down by and at the expense of the tenant pursuant to agreement by him with the landlord for the establishment of a specified area of leys on the holding as a condition of the landlord giving consent to the ploughing or other destruction of permanent pasture or pursuant to a direction given by an arbitrator on a reference under section 14(2) of this Act, shall not be included in the excess qualifying leys.

(3) In this paragraph—

“leys” means land laid down with clover, grass, lucerne, sainfoin or other seeds, but does not include permanent pasture;

“qualifying leys” means—

- (a) leys continuously maintained as such for a period of three or more growing seasons since being laid down excluding, if the leys were undersown or autumn-sown, the calendar year in which the sowing took place, and
- (b) arable land which within the three growing seasons immediately preceding the termination of the tenancy was ley continuously maintained as aforesaid before being destroyed by ploughing or some other means for the production of a tillage crop or crops;

and for the purpose of paragraph (a) above the destruction of a ley (by ploughing or some other means) followed as soon as practicable by re-seeding to a ley without sowing a crop in the interval between such destruction and such re-seeding shall be treated as not constituting a break in the continuity of the maintenance of the ley;

“the excess qualifying leys” means the area of qualifying leys on the holding at the termination of the tenancy which is equal to the area (if any) by which one-third of the aggregate of the areas of leys on the holding on the following dates, namely,

- (a) at the termination of the tenancy,
- (b) on the date one year prior to such termination, and
- (c) on the date two years prior to such termination,

exceeds the accepted proportion at the termination of the tenancy;

“the accepted proportion” means the area which represents the proportion which the total area of the leys on the holding would, taking into account the capability of the holding, be expected to bear to the area of the holding, excluding the permanent pasture on the holding, or, if a greater proportion is provided for by or under the terms of the tenancy, that proportion.

Status: Point in time view as at 01/12/1991.

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SCHEDULE 9

Sections 64 and 79.

COMPENSATION TO TENANT FOR IMPROVEMENTS BEGUN BEFORE 1ST MARCH 1948

PART I

TENANT'S RIGHT TO COMPENSATION FOR OLD IMPROVEMENTS

- 1 (1) The tenant of an agricultural holding shall, subject to the provisions of this Act, be entitled on the termination of the tenancy, on quitting the holding, to obtain from his landlord compensation for an improvement specified in Part II of this Schedule carried out on the holding by the tenant, being an improvement begun before 1st March 1948.
- (2) Improvements falling within sub-paragraph (1) above are in this Schedule referred to as “old improvements”.
- (3) The tenant of an agricultural holding shall not be entitled to compensation under this Schedule for an improvement which he was required to carry out by the terms of his tenancy where the contract of tenancy was made before 1st January 1921.
- (4) Nothing in this Schedule shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom or agreement, or otherwise, in lieu of any compensation provided by this Schedule.
- (5) The tenant of an agricultural holding shall not be entitled to compensation under this Schedule for an old improvement made on land which, at the time when the improvement was begun, was not a holding within the meaning of the ^{M12}Agricultural Holdings Act 1923, as originally enacted, and would not have fallen to be treated as such a holding by virtue of section 33 of that Act.

Marginal Citations

M12 1923 c. 9.

- 2 (1) The amount of any compensation under this Schedule for an old improvement shall be an amount equal to the increase attributable to the improvement in the value of the agricultural holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry.
- (2) In the ascertainment of the amount of the compensation payable under this Schedule to the tenant of an agricultural holding in respect of an old improvement, there shall be taken into account any benefit which the landlord has given or allowed to the tenant in consideration of the tenant's executing the improvement, whether expressly stated in the contract of tenancy to be so given or allowed or not.
- 3 (1) Compensation under this Schedule shall not be payable for an old improvement specified in any of paragraphs 1 to 15 of Part II of this Schedule unless, before the execution of the improvement, the landlord consented in writing (whether unconditionally or upon terms as to compensation or otherwise agreed between him and the tenant) to the execution of the improvement.

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- (2) Where the consent was given upon agreed terms as to compensation, compensation payable under the agreement shall be substituted for compensation under this Schedule.
- 4 (1) Compensation under this Schedule shall not be payable for an old improvement consisting of that specified in paragraph 16 of Part II of this Schedule unless the tenant gave to the landlord, not more than three nor less than two months before beginning to execute the improvement, notice in writing under section 3 of the ^{M13}Agricultural Holdings Act 1923 of his intention to execute the improvement and of the manner in which he proposed to execute it, and—
- (a) the landlord and tenant agreed on the terms on which the improvement was to be executed, or
 - (b) in a case where no agreement was reached and the tenant did not withdraw the notice, the landlord failed to exercise the right conferred on him by that section to execute the improvement himself within a reasonable time.
- (2) Subsection (1) above shall not have effect if the landlord and tenant agreed, by the contract of tenancy or otherwise, to dispense with notice under the said section 3.
- (3) If the landlord and tenant agreed (whether after notice was given under the said section 3 or by an agreement to dispense with notice under that section) upon terms as to compensation upon which the improvement was to be executed, compensation payable under the agreement shall be substituted for compensation under this Schedule.

Marginal Citations

M13 1923 c. 9.

- 5 (1) Where the tenant of an agricultural holding has remained in the holding during two or more tenancies, he shall not be deprived of his right to compensation under this Schedule in respect of old improvements by reason only that the improvements were made during a tenancy other than the one at the termination of which he quits the holding.
- (2) Where, on entering into occupation of an agricultural holding, the tenant, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Schedule (or the ^{M14}Agricultural Holdings Act 1948 or the ^{M15}Agricultural Holdings Act 1923) in respect of the whole or part of an old improvement, he shall be entitled, on quitting the holding, to claim compensation for the improvement or part in the same manner, if at all, as the outgoing tenant would have been entitled if the outgoing tenant had remained tenant of the holding and quitted it at the time at which the tenant quits it.

Marginal Citations

M14 1948 c. 63.

M15 1923 c. 9.

Status: Point in time view as at 01/12/1991.

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PART II

OLD IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE

- 1 Erection, alteration or enlargement of buildings.
- 2 Formation of silos.
- 3 Making and planting of osier beds.
- 4 Making of water meadows or works of irrigation.
- 5 Making of gardens.
- 6 Making or improvement of roads or bridges.
- 7 Making or improvement of watercourses, ponds, wells or reservoirs or of works for the application of water power or for supply of water for agricultural or domestic purposes.
- 8 Making or removal of permanent fences.
- 9 Planting of hops.
- 10 Planting of orchards or fruit bushes.
- 11 Reclaiming of waste land.
- 12 Warping or weiring of land.
- 13 Embankments and sluices against floods.
- 14 Erection of wirework in hop gardens.
- 15 Provision of permanent sheep-dipping accommodation.
- 16 Drainage.

SCHEDULE 10

Sections 79 and 80.

MARKET GARDEN IMPROVEMENTS

- 1 Planting of standard or other fruit trees permanently set out.
- 2 Planting of fruit bushes permanently set out.
- 3 Planting of strawberry plants.
- 4 Planting of asparagus, rhubarb and other vegetable crops which continue productive for two or more years.
- 5 Erection, alteration or enlargement of buildings for the purpose of the trade or business of a market gardener.

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SCHEDULE 11

Sections 84 and 94.

ARBITRATIONS

Appointment and remuneration of arbitrator

- 1 (1) The arbitrator shall be a person appointed by agreement between the parties or, in default of agreement, a person appointed on the application of either of the parties by the President of the Royal Institution of Chartered Surveyors (referred to in this Schedule as “the President”) from among the members of the panel constituted for the purposes of this paragraph.
 - (2) No application may be made to the President for an arbitrator to be appointed by him under this paragraph unless the application is accompanied by such fee as may be prescribed as the fee for such an application; but once the fee has been paid in connection with any such application no further fee shall be payable in connection with any subsequent application for the President to exercise any function exercisable by him in relation to the arbitration by virtue of this Schedule (including an application for the appointment by him in an appropriate case of a new arbitrator).
 - (3) Any such appointment by the President shall be made by him as soon as possible after receiving the application; but where the application is referable to a demand for arbitration made under section 12 of this Act any such appointment shall in any event not be made by him earlier than four months before the next termination date following the date of the demand (as defined by subsection (4) of that section).
 - (4) A person appointed by the President as arbitrator shall, where the arbitration relates to an agricultural holding in Wales, be a person who possesses a knowledge of Welsh agricultural conditions, and, if either party to the arbitration so requires, a knowledge also of the Welsh language.
 - (5) For the purposes of this Schedule there shall be constituted a panel consisting of such number of persons as the Lord Chancellor may determine, to be appointed by him.
- 2 If the arbitrator dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbitrator may be appointed as if no arbitrator had been appointed.
 - 3 In relation to an arbitrator who is appointed in place of another arbitrator (whether under paragraph 2 above or otherwise) the reference in section 12(2) of this Act to the date of the reference shall be construed as a reference to the date when the original arbitrator was appointed.
 - 4 Neither party shall have power to revoke the appointment of the arbitrator without the consent of the other party; and his appointment shall not be revoked by the death of either party.
 - 5 Every appointment, application, notice, revocation and consent under the foregoing paragraphs must be in writing.

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- 6 The remuneration of the arbitrator shall be—
- (a) where he is appointed by agreement between the parties, such amount as may be agreed upon by him and the parties or, in default of agreement, fixed by the registrar of the county court (subject to an appeal to the judge of the court) on an application made by the arbitrator or either of the parties,
 - (b) where he is appointed by the President, such amount as may be agreed upon by the arbitrator and the parties or, in default of agreement, fixed by the President,
- and shall be recoverable by the arbitrator as a debt due from either of the parties to the arbitration.

Conduct of proceedings and witnesses

- 7 The parties to the arbitration shall, within thirty-five days from the appointment of the arbitrator, deliver to him a statement of their respective cases with all necessary particulars and—
- (a) no amendment or addition to the statement or particulars delivered shall be allowed after the expiry of the said thirty-five days except with the consent of the arbitrator,
 - (b) a party to the arbitration shall be confined at the hearing to the matters alleged in the statement and particulars delivered by him and any amendment or addition duly made.

Modifications etc. (not altering text)

C1 Sch. 11 para. 7 applied (with modifications) by S.I.s 1986/1611, reg. 16(2), 1987/908, reg. 16(2)

- 8 The parties to the arbitration and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the arbitrator, on oath or affirmation, in relation to the matters in dispute and shall, subject to any such objection, produce before the arbitrator all samples and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings the arbitrator may require.
- 9 Witnesses appearing at the arbitration shall, if the arbitrator thinks fit, be examined on oath or affirmation, and the arbitrator shall have power to administer oaths to, or to take the affirmation of, the parties and witnesses appearing.
- 10 The provisions of county court rules as to the issuing of witness summonses shall, subject to such modifications as may be prescribed by such rules, apply for the purposes of the arbitration as if it were an action or matter in the county court.
- 11 (1) Subject to sub-paragraphs (2) and (3) below, any person who—

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- (a) having been summoned in pursuance of county court rules as a witness in the arbitration refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced, or
 - (b) having been so summoned or being present at the arbitration and being required to give evidence, refuses to be sworn or give evidence,
- shall forfeit such fine as the judge of the county court may direct.
- (2) A judge shall not have power under sub-paragraph (1) above to direct that a person shall forfeit a fine of an amount exceeding £10.
- (3) No person summoned in pursuance of county court rules as a witness in the arbitration shall forfeit a fine under this paragraph unless there has been paid or tendered to him at the time of the service of the summons such sum in respect of his expenses (including, in such cases as may be prescribed by county court rules, compensation for loss of time) as may be so prescribed for the purposes of section 55 of the ^{M16}County Courts Act 1984.
- (4) The judge of the county court may at his discretion direct that the whole or any part of any such fine, after deducting costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.

Marginal Citations

M16 1984 c. 28.

- 12 (1) Subject to sub-paragraph (2) below, the judge of the county court may, if he thinks fit, upon application on affidavit by either party to the arbitration, issue an order under his hand for bringing up before the arbitrator any person (in this paragraph referred to as a “prisoner”) confined in any place under any sentence or under committal for trial or otherwise, to be examined as a witness in the arbitration.
- (2) No such order shall be made with respect to a person confined under process in any civil action or matter.
- (3) Subject to sub-paragraph (4) below, the prisoner mentioned in any such order shall be brought before the arbitrator under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ of habeas corpus to be brought before the High Court and examined there as a witness.
- (4) The person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at, and returning from, the place where the arbitration is held.
- 13 The High Court may order that a writ of habeas corpus ad testificandum shall issue to bring up a prisoner for examination before the arbitrator, if the prisoner is confined in any prison under process in any civil action or matter.

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Award

- 14 (1) Subject to sub-paragraph (2) below, the arbitrator shall make and sign his award within fifty-six days of his appointment.
- (2) The President may from time to time enlarge the time limited for making the award, whether that time has expired or not.

Modifications etc. (not altering text)

C2 Sch. 11 para. 14 applied (with modifications) by S.I.s 1986/1611, reg. 16(3), 1987/908, art. 16(3)

- 15 The arbitrator may if he thinks fit make an interim award for the payment of any sum on account of the sum to be finally awarded.
- 16 The arbitrator shall—
- (a) state separately in the award the amounts awarded in respect of the several claims referred to him, and
 - (b) on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award.
- 17 Where by virtue of this Act compensation under an agreement is to be substituted for compensation under this Act for improvements or for any such matters as are specified in Part II of Schedule 8 to this Act, the arbitrator shall award compensation in accordance with the agreement instead of in accordance with this Act.
- 18 The award shall fix a day not later than one month after the delivery of the award for the payment of the money awarded as compensation, costs or otherwise.

Modifications etc. (not altering text)

C3 Sch. 11 para. 18 applied (with modifications) by Agriculture Act 1986 (c. 49, SIF 2:1), s. 13, Sch. 1 Pt. III para. 11(5), S. I.s 1986/1611, reg. 16(4), 1987/908, art. 16(4)

- 19 The award shall be final and binding on the parties and the persons claiming under them respectively.
- 20 The arbitrator shall have power to correct in the award any clerical mistake or error arising from any accidental slip or omission.

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Reasons for award

- 21 Section 12 of the ^{M17}Tribunals and Inquiries Act 1971 (reasons to be given for decisions of tribunals etc.) shall apply in relation to the award of an arbitrator appointed under this Schedule by agreement between the parties as it applies in relation to the award of an arbitrator appointed under this Schedule otherwise than by such agreement.

Marginal Citations

M17 1971 c. 62.

Interest on awards

- 22 Any sum directed to be paid by the award shall, unless the award otherwise directs, carry interest as from the date of the award and at the same rate as a judgment debt.

Costs

- 23 The cost of, and incidental to, the arbitration and award shall be in the discretion of the arbitrator who may direct to and by whom and in what manner the costs, or any part of the costs, are to be paid.
- 24 On the application of either party, any such costs shall be taxable in the county court according to such of the scales prescribed by county court rules for proceedings in the county court as may be directed by the arbitrator under paragraph 23 above, or, in the absence of any such direction, by the county court.
- 25 (1) The arbitrator shall, in awarding costs, take into consideration—
- (a) the reasonableness or unreasonableness of the claim of either party, whether in respect of amount or otherwise,
 - (b) any unreasonable demand for particulars or refusal to supply particulars, and
 - (c) generally all the circumstances of the case.
- (2) The arbitrator may disallow the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been unnecessarily incurred.

Special case, setting aside award and remission

- 26 The arbitrator may, at any stage of the proceedings, and shall, upon a direction in that behalf given by the judge of the county court upon an application made by either party, state in the form of a special case for the opinion of the county court

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any question of law arising in the course of the arbitration and any question as to the jurisdiction of the arbitrator.

- 27 (1) Where the arbitrator has misconducted himself, the county court may remove him.
- (2) Where the arbitrator has misconducted himself, or an arbitration or award has been improperly procured, or there is an error of law on the face of the award, the county court may set the award aside.
- 28 (1) The county court may from time to time remit the award, or any part of the award, to the reconsideration of the arbitrator.
- (2) In any case where it appears to the county court that there is an error of law on the face of the award, the court may, instead of exercising its power of remission under sub-paragraph (1) above, vary the award by substituting for so much of it as is affected by the error such award as the court considers that it would have been proper for the arbitrator to make in the circumstances; and the award shall thereupon have effect as so varied.
- (3) Where remission is ordered under that sub-paragraph, the arbitrator shall, unless the order otherwise directs, make and sign his award within thirty days after the date of the order.
- (4) If the county court is satisfied that the time limited for making the said award is for any good reason insufficient, the court may extend or further extend that time for such period as it thinks proper.

Miscellaneous

- 29 Any amount paid, in respect of the remuneration of the arbitrator by either party to the arbitration, in excess of the amount, if any, directed by the award to be paid by him in respect of the costs of the award shall be recoverable from the other party.
- 30 The provisions of this Schedule relating to the fixing and recovery of the remuneration of an arbitrator and the making and enforcement of an award as to costs, together with any other provision in this Schedule applicable for the purposes of or in connection with those provisions, shall apply where the arbitrator has no jurisdiction to decide the question referred to him as they apply where the arbitrator has jurisdiction to decide that question.
- 31 For the purposes of this Schedule, an arbitrator appointed by the President shall be taken to have been so appointed at the time when the President executed the instrument of appointment; and in the case of any such arbitrator the periods mentioned in paragraphs 7 and 14 above shall accordingly run from that time.
- 32 Any instrument of appointment or other document purporting to be made in the exercise of any function exercisable by the President under paragraph 1, 6 or 14

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above and to be signed by or on behalf of the President shall be taken to be such an instrument or document unless the contrary is shown.

SCHEDULE 12

Sections 65, 70, 76, 77, 78, 98.

MODIFICATIONS APPLICABLE TO OLD TENANCIES AND OTHER SIMILAR CASES

General

- 1 Section 2 of this Act shall not apply to an agreement made before 1st March 1948.
- 2 Section 3 of this Act shall not apply to a tenancy granted or agreed to be granted before 1st January 1921.

Right to remove fixtures

- 3 A tenant shall not be entitled by virtue of section 10(1) or 79 of this Act (or the said section 79 as applied by paragraph 10 below) to remove a fixture or building acquired by him before 1st January 1901.

Notices to quit

- 4 (1) Where a tenancy of an agricultural holding subsists under an agreement entered into before 25th March 1947, section 25(1) of this Act does not apply—
- (a) to a notice given by or on behalf of the Secretary of State under the provisions of any agreement of tenancy, where possession of the land is required for naval, military or air force purposes, or
 - (b) to a notice given by a corporation carrying on a railway, dock, canal, water or other undertaking in respect of land acquired by the corporation for the purposes of their undertaking or by a government department or local authority, where possession of the land is required by the corporation, government department or authority for the purpose (not being the use of the land for agriculture) for which it was acquired by the corporation, department or authority or appropriated under any statutory provision.
- (2) In the application of sub-paragraph (1)(b) above to a Board, the reference to land acquired by the corporation for the purposes of their undertaking shall be construed as including a reference to land transferred to that Board by section 31 of the ^{M18}Transport Act 1962 or, in the case of London Regional Transport, by section 16 of the ^{M19}Transport (London) Act 1969, being land—
- (a) acquired, for the purpose of an undertaking vested in the British Transport Commission by Part II of the ^{M20}Transport Act 1947, by the body carrying on that undertaking, or
 - (b) acquired by a body carrying on an undertaking vested in any such undertaking as is mentioned in paragraph (a) above by virtue of an amalgamation or absorption scheme under the ^{M21}Railways Act 1921, being a scheme that came into operation on or after 7th July 1923,
- and the reference to the purpose for which the land was acquired or appropriated by the corporation shall be construed accordingly.

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- (3) In sub-paragraph (2) above “a Board” means any of the following, namely—
Associated British Ports,
the British Railways Board,
the British Waterways Board, and
London Regional Transport.
- (4) Sub-paragraph (2) above shall have effect in relation to a subsidiary of London Regional Transport (within the meaning of the ^{M22}London Regional Transport Act 1984) as it has effect in relation to London Regional Transport, so far as relates to land transferred to London Regional Transport as there mentioned and subsequently transferred to that subsidiary by a scheme made under section 4 or 5 of that Act.
- (5) Where by a scheme under section 7 of the ^{M23}Transport Act 1968 relevant land has been transferred by the British Railways Board to another body, sub-paragraph (2) above shall (so far as relates to relevant land so transferred) have effect in relation to that body as it has effect in relation to the British Railways Board; and in this sub-paragraph “relevant land” means land falling within paragraph (a) or (b) of sub-paragraph (2) above and transferred to the British Railways Board as there mentioned.
- (6) Where, by virtue of an Act (whether public, general or local) passed, or an instrument having effect under an Act made, after 7th July 1923 and before 30th July 1948, any right of a corporation carrying on a water undertaking or of a local authority to avail itself of the benefit conferred by section 25(2)(b) of the ^{M24}Agricultural Holdings Act 1923 was transferred to some other person, that other person shall have the same right to avail himself of the benefit conferred by sub-paragraph (1)(b) above as the corporation or authority would have had if the Act or instrument by virtue of which the transfer was effected had not been passed or made.

Marginal Citations

- M18** 1962 c. 46.
M19 1969 c. 35.
M20 1947 c. 49.
M21 1921 c. 55.
M22 1984 c. 32.
M23 1968 c. 73.
M24 1923 c. 9.

Compensation for improvements

- 5 The tenant of an agricultural holding shall not be entitled to compensation under section 64(1) of this Act for an improvement which he was required to carry out by the terms of his tenancy where the contract of tenancy was made before 1st January 1921.

Compensation for tenant-right matters

- 6 (1) Where the tenant of an agricultural holding entered into occupation of the holding before 1st March 1948, section 65(1) of this Act shall not apply to him as regards the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act, unless,

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before the termination of the tenancy, he gives notice in writing to the landlord stating that he elects that it is to apply to him as regards those matters.

- (2) Where the tenancy terminates by reason of a notice to quit and at any time while the notice to quit is current the landlord gives notice in writing to the tenant requiring him to elect whether section 65(1) of this Act is to apply to him as regards the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act, the tenant shall not be entitled to give a notice under sub-paragraph (1) above after the expiry of—
- (a) one month from the giving of the notice under this sub-paragraph, or
 - (b) if the operation of the notice to quit depends upon any proceedings under section 26 or 27 of this Act (including any proceedings under Schedule 3 to this Act), one month from the termination of those proceedings.
- 7 (1) This paragraph applies where the tenant of an agricultural holding entered into occupation of the holding before 31st December 1951 and immediately before that date subsection (1) of section 47 of the ^{M25}Agricultural Holdings Act 1948 applied to him as regards the matters now specified in paragraphs 7 to 9 of Part II of Schedule 8 to this Act (whether by virtue of his having entered into occupation of the holding on or after 1st March 1948 or by virtue of a notice having been given under paragraph (c) of the proviso to subsection (1) of the said section 47).
- (2) Where this paragraph applies, section 65(1) of this Act shall not apply to the tenant as regards the matters specified in paragraph 10 of Part II of Schedule 8 to this Act unless, before the termination of the tenancy, he gives notice in writing to the landlord that it is to apply to him as regards those matters.
- (3) Paragraph 6(2) above shall have effect in relation to a notice under this paragraph as if in that provision there were substituted—
- (a) for the reference to the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act a reference to the matters specified in paragraph 10 of Part II of that Schedule, and
 - (b) for the reference to a notice under paragraph 6(1) above, a reference to a notice under this paragraph.

Marginal Citations

M25 1948 c. 63.

- 8 (1) In a case where, by virtue of paragraph 6 or 7 above, section 65(1) above does not apply to a tenant as regards all or any of the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act—
- (a) sections 70(4) and (5) and 76(3) of this Act shall have effect with the omission of references to the excluded matters,
 - (b) section 77(1) of this Act shall not apply to compensation to the tenant for the excluded matters, and
 - (c) section 78(3) of this Act, in so far as it provides that a claim for compensation in a case for which the provisions of this Act do not provide for compensation shall not be enforceable except under an agreement in writing, shall not apply to a claim by a tenant for compensation for the excluded matters.
- (2) In this paragraph “the excluded matters” means, in relation to a case to which this paragraph applies, the matters as regards which section 65(1) does not apply to the tenant.

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- 9 The Minister may revoke or vary the provisions of paragraphs 6 to 8 above so far as they relate to the matters specified in paragraph 10 of Part II of Schedule 8 to this Act as if those provisions were contained in an order made under section 91 of this Act.

Market gardens

- 10 (1) Except as provided by this paragraph, subsections (2) to (5) of section 79 of this Act shall not apply unless the agreement in writing mentioned in subsection (1) of that section was made on or after 1st January 1896.
- (2) Where—
- (a) under a contract of tenancy current on 1st January 1896 an agricultural holding was at that date in use or cultivation as a market garden with the knowledge of the landlord, and
 - (b) the tenant had then executed on the holding, without having received before the execution a written notice of dissent by the landlord, an improvement of a kind specified in Schedule 10 to this Act (other than one consisting of such an alteration of a building as did not constitute an enlargement of it),
- subsections (2) to (5) of section 79 (and section 81) of this Act shall apply in respect of the holding as if it had been agreed in writing after that date that the holding should be let or treated as a market garden.
- (3) The improvements in respect of which compensation is payable under subsection (2) to (5) of section 79 of this Act as applied by this paragraph shall include improvements executed before, as well as improvements executed after, 1st January 1896.
- (4) Where the land used and cultivated as mentioned in sub-paragraph (2) above consists of part of an agricultural holding only, this paragraph shall apply as if that part were a separate holding.

SCHEDULE 13

Section 99

TRANSITIONAL PROVISIONS AND SAVINGS

Construction of references to old and new law

- 1 (1) Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 14 to this Act), to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the times, circumstances or purposes in relation to which the corresponding provision repealed by this Act has or had effect, a reference to, or as the case may be, to things done or falling to be done under or for the purposes of, that corresponding provision.
- (2) Any reference, whether express or implied, in any enactment, instrument or document (including the enactments repealed by this Act and enactments, instruments and documents passed or made after the passing of this Act) to, or to things done or falling to be done under or for the purposes of, any provision repealed by this Act shall, if and so far as the nature of the reference permits, be construed as

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including, in relation to the times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference to, or as the case may be, to things done or falling to be done under or for the purposes of, that corresponding provision.

- (3) In this paragraph references to any provision repealed by this Act include references to any earlier provision, corresponding to a provision so repealed, which was repealed by the ^{M26}Agricultural Holdings (Notices to Quit) Act 1977, the ^{M27}Agricultural Holdings Act 1948, the ^{M28}Agricultural Holdings Act 1923 or the ^{M29}Agricultural Holdings Act 1908.

Marginal Citations

M26 1977 c. 12.

M27 1948 c. 63.

M28 1923 c. 9.

M29 1908 c. 28.

- 2 References, in whatever terms, in any enactment to a holding within the meaning of the ^{M30}Agricultural Holdings Act 1923 shall be construed as references to an agricultural holding within the meaning of this Act.

Marginal Citations

M30 1923 c. 9.

Continuation of old law for certain pending cases

- 3 (1) Nothing in this Act shall apply in relation to—
- (a) a notice to quit an agricultural holding or part of an agricultural holding—
 - (i) given before the commencement of this Act, or
 - (ii) in the case of a notice to quit given after that time which includes a statement that it is given by reason of the death of a former tenant, where the date of death was before that time,
 - (b) an agricultural holding—
 - (i) the tenancy of which terminated before the commencement of this Act, or
 - (ii) the tenant of which quitted the holding before the commencement of this Act or quitted after that time in consequence of a notice to quit falling within paragraph (a) above,
 - (c) an arbitration where the arbitrator was appointed under the ^{M31}Agricultural Holdings Act 1948 before the commencement of this Act,
 - (d) an application made before the commencement of this Act to the Tribunal under any of the enactments repealed by this Act, or
 - (e) an application made after the commencement of this Act to the Tribunal for a direction entitling the applicant to a tenancy of an agricultural holding on the death or retirement of the tenant where the date of death or the date of the giving of the retirement notice was before that time;

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and accordingly the enactments repealed or amended by this Act shall in relation to any such notice to quit, agricultural holding, arbitration (including an award made in such an arbitration) or application (including any proceedings arising out of any such application or any direction given in any such proceedings) continue to have effect as if this Act had not been passed.

- (2) This paragraph shall have effect subject to paragraph 1 above and paragraph 11 below.

Marginal Citations

M31 1948 c. 63.

Periods of time

- 4 Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when the period began to run.

Transfer of functions

- 5 Any reference, whether express or implied, in this Act (or any enactment amended by Schedule 14 to this Act) to, or to anything done by, the Minister, the Tribunal, an arbitrator or the President of the Royal Institution of Chartered Surveyors shall where the relevant function has been transferred to that person be construed, in relation to any time before the transfer, as including a reference to, or to the corresponding thing done by, the person by whom the function was then exercisable.
- 6 Section 22 of this Act shall have effect in relation to the appointment of a person in pursuance of an application made before 1st January 1986 under section 16(2) of the ^{M32}Agricultural Holdings Act 1948 as if for references to the President of the Royal Institution of Chartered Surveyors there were substituted references to the Minister and as if subsections (4) and (5) were omitted.

Marginal Citations

M32 1948 c. 63.

- 7 (1) Schedule 11 to this Act shall have effect in relation to the appointment of an arbitrator in pursuance of an application made before 1st January 1986 under Schedule 6 to the Agricultural Holdings Act 1948 and in relation to an arbitrator appointed in pursuance of such an application as if—
- (a) for references to the President of the Royal Institution of Chartered Surveyors there were substituted references to the Minister,
 - (b) paragraphs 1(2) and 32 were omitted, and
 - (c) at the end there were inserted—

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“33 Where the Minister or any other person acting on behalf of Her Majesty is a party to the arbitration, anything which under this Schedule is to be done by the Minister in relation to the appointment or remuneration of the arbitrator or the extension of time for making and signing his award shall be done instead by the President of the Royal Institution of Chartered Surveyors.”

- (2) An order under section 84 of this Act shall not make provision inconsistent with the modifications of Schedule 11 effected by sub-paragraph (1) above.

Compensation

- 8 Notwithstanding section 16 of the ^{M33}Interpretation Act 1978, rights to compensation conferred by this Act shall be in lieu of rights to compensation conferred by any enactment repealed by this Act.

Marginal Citations

M33 1978 c. 30.

Right to remove fixtures

- 9 Sections 13 and 67 of the Agricultural Holdings Act 1948 shall continue to have effect (to the exclusion of sections 10 and 79 of this Act) in relation to an agricultural holding in a case where the tenant gave notice under subsection (2)(b) of the said section 13 before 12th September 1984 as the said sections 13 and 67 had effect before that date.

Compensation for damage by game

- 10 Section 14 of the Agricultural Holdings Act 1948 shall continue to have effect (to the exclusion of section 20 of this Act) in relation to an agricultural holding in a case where a notice was given to the landlord under paragraph (a) of the proviso to subsection (1) of the said section 14 before 12th September 1984 as the said section 14 had effect before that date.

Succession on death or retirement

- 11 (1) Where Part IV of this Act has effect in relation to an application under that Part, references in that Part to notices to quit shall include references to notices to quit given before the commencement of this Act and, in particular, section 54 of this Act shall apply (to the exclusion of paragraph 4 of Schedule 2 to the ^{M34}Agricultural Holdings Act 1984) in relation to a notice to quit given before the commencement of this Act as it applies in relation to a notice to quit given after that time.
- (2) Where, by virtue of paragraph 3(1) above, Part II of the ^{M35}Agriculture (Miscellaneous Provisions) Act 1976 or Schedule 2 to the Agricultural Holdings Act 1984 has effect in relation to an application under the said Part II or, as the case may be, under the said Schedule 2, references in the said Part II or the said Schedule 2 to notices to quit shall include references to notices to quit given after

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the commencement of this Act and, in particular, paragraph 4 of the said Schedule 2 shall apply (to the exclusion of section 54 of this Act) in relation to a notice to quit given after the commencement of this Act as it applies in relation to a notice to quit given before that time.

(3) This paragraph is without prejudice to the generality of paragraph 1 above.

Marginal Citations

M34 1984 c. 41.

M35 1976 c. 55.

- 12 Without prejudice to the generality of section 34(1)(b)(iii) of this Act, a written contract of tenancy which grants the tenancy of an agricultural holding and indicates (in whatever terms) that section 2(1) of the Agricultural Holdings Act 1984 is not to apply in relation to the tenancy shall be taken to be such a contract of tenancy as is mentioned in that section.

Record of condition of holding

- 13 (1) In section 70(2)(b) of this Act the reference to a record made under section 22 of this Act shall include a reference to a record made before 12th September 1984 under section 16 of the ^{M36}Agricultural Holdings Act 1948 as it had effect before that date.
- (2) Sub-paragraph (1) above is without prejudice to the generality of paragraph 1 above.

Marginal Citations

M36 1948 c. 63.

Insolvency

- 14 Sections 80(9) and 96(2) of this Act shall have effect—
- (a) until the date on which Part III of the ^{M37}Insolvency Act 1985 comes into force, and
- (b) on or after that date, in any case in which a petition of bankruptcy was presented, or a receiving order or adjudication in bankruptcy was made, before that date.
- as if for paragraph (a) of section 96(2) there were substituted—
- “(a) he has become bankrupt or has made a composition or arrangement with his creditors or a receiving order is made against him”.

Marginal Citations

M37 1985 c. 65.

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Forms for arbitration

- 15 Any form specified in pursuance of paragraph 15 or 27 of Schedule 6 to the ^{M38}Agricultural Holdings Act 1948 and in force immediately before 12th September 1984 shall have effect as if prescribed by an order under section 84 of this Act, and may be varied or revoked accordingly.

Marginal Citations

M38 1948 c. 63.

Notices to quit

- 16 Paragraphs 10(1)(d) and 11(2) of Part II of Schedule 3 to this Act shall not apply in relation to any act or omission by a tenant which occurred before 12th September 1984.

SCHEDULE 14

Section 100.

CONSEQUENTIAL AMENDMENTS

The Small Holdings and Allotments Act 1908

- 1 (1) Section 47 of the ^{M39}Small Holdings and Allotments Act 1908 shall be amended as follows.
- (2) In subsection (1) for the words “section forty-two of the Agricultural Holdings Act 1908” there shall be substituted the words “ subsections (2) to (5) of section 79 of the Agricultural Holdings Act 1986 ”.
- (3) In subsection (2)—
- (a) for the words “Agricultural Holdings Act 1908”, in the first place where they occur, there shall be substituted the words “ Agricultural Holdings Act 1986 ”,
 - (b) for the words “section forty-two of the Agricultural Holdings Act 1908” there shall be substituted the words “ subsections (2) to (5) of section 79 of the Agricultural Holdings Act 1986 ”, and
 - (c) for the words “Part III of the First Schedule to the Agricultural Holdings Act 1908” there shall be substituted the words “ Schedule 8 to the Agricultural Holdings Act 1986 ”.
- (4) In subsection (3) for the words “Agricultural Holdings Act 1908” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

Marginal Citations

M39 1908 c. 36.

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2 In section 58 of that Act for the words “Agricultural Holdings Act 1908” there shall be substituted the words “Agricultural Holdings Act 1986”.

3 In paragraph (3) of Part II of Schedule 1 to that Act for the words “Agricultural Holdings Act 1908” there shall be substituted the words “Agricultural Holdings Act 1986”.

The Law of Distress Amendment Act 1908

4 In section 4(1) of the ^{M40}Law of Distress Amendment Act 1908 for the words from “live stock” to “Act 1908” there shall be substituted the words “agisted livestock within the meaning of section 18 of the Agricultural Holdings Act 1986 to which that section”.

Marginal Citations

M40 1908 c. 53.

The Chequers Estate Act 1917

5 In clauses 6B(b) and 8D of the Deed set out in the Schedule to the ^{M41}Chequers Estate Act 1917 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986, except section 60(2)(b) or 62 of that Act”.

Marginal Citations

M41 1917 c. 55.

The Land Settlement (Facilities) Act 1919

6 In section 2(3) of the ^{M42}Land Settlement (Facilities) Act 1919 for the words “Second Schedule of the Agricultural Holdings Act 1908” there shall be substituted the words “Agricultural Holdings Act 1986”.

Marginal Citations

M42 1919 c. 59.

7 In section 11(4) of that Act for the words “Second Schedule to the Agricultural Holdings Act 1908” there shall be substituted the words “Agricultural Holdings Act 1986”.

8 In section 27(7) of that Act—
(a) for the words “Second Schedule to the Agricultural Holdings Act 1923” there shall be substituted the words “Agricultural Holdings Act 1986”, and
(b) for the words “the said Second Schedule” there shall be substituted the words “Schedule 11 to the said Act of 1986”.

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The Allotments Act 1922

- 9 In section 3(5) of the ^{M43}Allotments Act 1922—
- (a) for the words “Agricultural Holdings Acts 1908 to 1921” there shall be substituted the words “ Agricultural Holdings Act 1986 ”,
 - (b) for the words “to which those Acts apply” there shall be substituted the words “ which is an agricultural holding within the meaning of that Act ”, and
 - (c) for the words “those Acts”, in the second and third places where they occur, there shall be substituted the words “ that Act ”.

Marginal Citations

M43 1922 c. 51.

- 10 In section 11(2) of that Act for the words “Second Schedule to the Agricultural Holdings Act 1908” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

The Settled Land Act 1925

- 11 In section 73(1) of the ^{M44}Settled Land Act 1925—
- (a) for the words “Agricultural Holdings Act 1923”, in both places where they occur, there shall be substituted the words “ Agricultural Holdings Act 1986 ”, and
 - (b) for the words “Part I or Part II of the First Schedule” there shall be substituted the words “ Schedule 7 ”.

Marginal Citations

M44 1925 c. 18.

The Law of Property Act 1925

- 12 (1) In section 99 of the ^{M45}Law of Property Act 1925 (which provides for the making by a mortgagee or mortgagor of such leases as are authorised by that section, which shall be binding on the mortgagor or mortgagee), subsection (13), which provides that the section applies only if and so far as the contrary intention is not expressed in the mortgage deed or otherwise in writing and that the section has effect subject to the terms of the mortgage deed or of any such writing, shall continue not to have effect in relation to a mortgage made after 1st March 1948 of agricultural land within the meaning of the ^{M46}Agriculture Act 1947.
- (2) This paragraph shall be construed as one with the said section 99.

Marginal Citations

M45 1925 c. 20.

M46 1947 c. 48.

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The Universities and College Estates Act 1925

- 13 In section 26(1) of the ^{M47}Universities and College Estates Act 1925—
- (a) for the words “Agricultural Holdings Act 1923”, in both places where they occur, there shall be substituted the words “Agricultural Holdings Act 1986”, and
 - (b) for the words “Part I and Part II of the First Schedule” there shall be substituted the words “Schedule 7”.

Marginal Citations

M47 1925 c. 24.

The Landlord and Tenant Act 1927

- 14 In section 17(1) of the ^{M48}Landlord and Tenant Act 1927 for the words “Agricultural Holdings Act 1923” there shall be substituted the words “Agricultural Holdings Act 1986”.

Marginal Citations

M48 1927 c. 36.

- 15 In section 19(4) of that Act for the words “Agricultural Holdings Act 1923” there shall be substituted the words “Agricultural Holdings Act 1986”.

The Agricultural Credits Act 1928

- 16 In section 5(7) of the ^{M49}Agricultural Credits Act 1928 for the words “Agricultural Holdings Act 1923” there shall be substituted the words “Agricultural Holdings Act 1986, except under section 60(2)(b) or 62, ”.

Marginal Citations

M49 1928 c. 43.

The Leasehold Property (Repairs) Act 1938

- 17 In section 7(1) of the ^{M50}Leasehold Property (Repairs) Act 1938 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986”.

Marginal Citations

M50 1938 c. 34.

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The Agriculture Act 1947

- 18 In section 73(3)(a) of the ^{M51}Agriculture Act 1947 for the words “Agricultural Holdings Act 1923” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

Marginal Citations

M51 1947 c. 48.

- 19 In Schedule 2 to that Act—
- (a) in paragraph 1 for the words “any provision of Part III of this Act” there shall be substituted the words “ section 14 of the Agricultural Holdings Act 1986 ”, and
 - (b) in paragraph 3 for the words “Part III of this Act” there shall be substituted the words “ the Agricultural Holdings Act 1986 ” and for the words “a holding (as defined in the Agricultural Holdings Act 1923)” there shall be substituted the words “ an agricultural holding within the meaning of the Agricultural Holdings Act 1986 ”.

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

- 20 In section 27(1) of the ^{M52}Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

Marginal Citations

M52 1951 c. 65.

The Landlord and Tenant Act 1954

- 21 In section 43(1)(a) of the ^{M53}Landlord and Tenant Act 1954 for the words from “the proviso” to “the said subsection (1)” there shall be substituted the words “ subsection (3) of section 2 of the Agricultural Holdings Act 1986 did not have effect or, in a case where approval was given under subsection (1) of that section ”.

Marginal Citations

M53 1954 c. 56.

- 22 In section 69(1) of that Act for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

The Agriculture (Safety, Health and Welfare Provisions) Act 1956

- 23 In section 24(1) of the ^{M54}Agriculture (Safety, Health and Welfare Provisions) Act 1956 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

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Marginal Citations

M54 1956 c. 49.

The Coal-Mining (Subsidence) Act 1957

^{F15}24

Textual Amendments

F15 Sch. 14 para. 24 repealed (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\)](#), s. 53(2), [Sch.8](#) (with [Sch. 7](#)); S.I. 1991/2508, [art.2](#)

The Opencast Coal Act 1958

[^{F16}25 (1) Section 14 of the ^{M55}Opencast Coal Act 1958 shall be amended as follows.

- (2) In subsection (2)—
 - (a) for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986”, and
 - (b) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (3) In subsection (3) and (4) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (4) In subsection (5) for the words “Case B in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977” there shall be substituted the words “Case B in Part I of Schedule 3 to the Agricultural Holdings Act 1986”; and that subsection shall continue to have effect with the substitution of the words “that Case” for the words “that paragraph” made by paragraph 3(3) of Schedule I to the ^{M56}Agricultural Holdings (Notices to Quit) Act 1977.
- (5) In subsection (6)—
 - (a) for the words from “section 3” to “section 2” there shall be substituted the words “section 27 of the Agricultural Holdings Act 1986 (in which subsections (1) to (3) specify conditions for the giving of consent under section 26”, and
 - (b) for the words “paragraph (e) of the said subsection (3)” there shall be substituted the words “paragraph (f) of the said subsection (3)”.
- (6) In subsection (7) for the words “section eight of the Act of 1948” there shall be substituted the words “section 12 of the Act of 1986”.
- (7) In subsection (8) for the words “section nine of the Act of 1948” there shall be substituted the words “section 13 of the Act of 1986”.

^{F17}(8)]

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Textual Amendments

- F16** Sch. 14 para. 25 repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 86, 123:1\)](#), s. 39(4), [Sch. 12 Pt. II](#)
- F17** Sch. 14 para. 25(8) repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13 Pt. I](#) (with s. 45(3), Sch. 12 paras. 1,3)

Marginal Citations

- M55** 1958 c. 69.
- M56** 1977 c. 12.

- 26 (1) Section 24 of that Act shall be amended as follows.
- (2) In subsection (1) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (3) In subsection (2) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (4) In subsection (3) for the words “Act of 1948”, in each place where they occur, there shall be substituted the words “Act of 1986”.
- (5) In subsection (5)—
- for the words “section forty-four or section fifty-four of the Act of 1948” there shall be substituted the words “section 69(1) of the Act of 1986 or paragraph 5(1) of Part I of Schedule 9 to that Act”, and
 - for the words “section forty-five or section fifty-five of the Act of 1948” there shall be substituted the words “section 69(2) or (3) of the Act of 1986 or paragraph 5(2) of Part I of Schedule 9 to that Act”.
- (6) In subsection (6)—
- for the words “Act of 1948”, in both places where they occur, there shall be substituted the words “Act of 1986”, and
 - for the words “subsection (3) of section seventy” there shall be substituted the words “section 83(4)”;
- and that subsection in its application to England and Wales shall continue to have effect with the substitution for each of the words “four” and “five” of the word “eight” made by paragraph 29 of Schedule 3 to the ^{M57}Agricultural Holdings Act 1984.
- (7) In subsection (7)—
- for the words “Act of 1948”, in both places where they occur, there shall be substituted the words “Act of 1986” and
 - for the words “section fifty-six” there shall be substituted the words “section 70”.
- (8) In subsection (8) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (9) In subsection (9) for the words “the Third Schedule to the Act of 1948” there shall be substituted the words “Schedule 7 to the Act of 1986”.
- (10) After subsection (9) there shall be inserted—

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“(9A) In this section the references to the Act of 1986 in subsections (1)(b), (7) and (8) and the second and fourth references to that Act in subsection (3) include references to the Agricultural Holdings Act 1948 (in this Act called the Act of 1948) and the reference to section 70 of the Act of 1986 in subsection (7) (b) includes a reference to section 56 of the Act of 1948.”

[^{F18}(11) For subsection (10) there shall be substituted—

“(10) In the application of this section to Scotland, for references—

- (a) to the Act of 1986 and to sections 70 and 83(4) of that Act there shall be substituted respectively references to the Scottish Act of 1949 and to sections 56 and 68(3) of that Act,
- (b) to subsections (1), (2) and (3) of section 69 of the Act of 1986 there shall be substituted respectively references to sections 54, and subsections (1) and (2) of section 55 of the Scottish Act of 1949,
- (c) to Parts I and II of Schedule 7 to the Act of 1986 and to the first day of March 1948 there shall be substituted references to Parts I and II of Schedule 1 to the Scottish Act of 1949 and to the first day of November 1948, and
- (d) to sub-paragraphs (1) and (2) of paragraph 5 of Part I of Schedule 9 to the 1986 Act there shall be substituted respectively references to sections 45 and 46 of the Scottish Act of 1949.”]

Textual Amendments

F18 Sch. 14 para. 26(11) repealed (S.)(25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13 Pt. I** (with s. 45(3), Sch. 12 paras. 1, 3)

Marginal Citations

M57 1984 c. 41.

27 (1) Section 25 of that Act shall be amended as follows.

(2) In subsection (1)—

- (a) for the words “section fifty-seven of the Act of 1948” there shall be substituted the words “section 71 of the Act of 1986”, and
- (b) for the words “section fifty-eight” there shall be substituted the words “section 72”.

(3) In subsection (2) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.

(4) After subsection (2) there shall be inserted—

“(2A) In this section references to the Act of 1986 and to sections 71 and 72 of that Act include respectively references to the Act of 1948 and to sections 57 and 58 of that Act”.

(5) In subsection (3) for the words from “Act of 1948” to “fifty-eight” there shall be substituted the words “Act of 1986 and to sections 71 and 72”.

28 (1) Section 26 of that Act shall be amended as follows.

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- (2) In subsection (3) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (3) In subsection (5) for the words “section seventy-eight of the Act of 1948, the provisions of the Fourth Schedule” there shall be substituted the words “section 91 of the Act of 1986, the provisions of Schedule 8”.
- (4) After subsection (5) there shall be inserted—
- “(5A) the reference in subsection (3) of this section to the 1986 Act includes a reference to the 1948 Act”.
- (5) In subsection (6)—
- (a) for the words “Act of 1948”, in the first place where they occur, there shall be substituted the words “Act of 1986”, and
- (b) for the words “section seventy-eight of the Act of 1948 and to the Fourth Schedule” there shall be substituted the words “section 91 of the Act of 1986 and to Schedule 8”.
- 29 (1) Section 27 of that Act shall be amended as follows.
- (2) In subsection (1)(b) for the words “section thirteen of the Act of 1948” there shall be substituted the words “section 10 of the Act of 1986”.
- (3) In subsection (4) for the words “section thirteen of the Act of 1948” there shall be substituted the words “section 10 of the Act of 1986”.
- 30 (1) Section 28 of that Act shall be amended as follows.
- (2) In subsection (3)—
- (a) for the words “section sixty-seven of the Act of 1948” there shall be substituted the words “subsections (2) to (5) of section 79 of the Act of 1986”, and
- (b) for the words “subsection (1) of section sixty-eight” there shall be substituted the words “subsection (2) of section 80”.
- (3) In subsection (4)—
- (a) for the words “section thirteen of the Act of 1948” there shall be substituted the words “section 10 of the Act of 1986”, and
- (b) for the words “paragraph (b) of subsection (1) of section sixty-seven of the Act of 1948” there shall be substituted the words “subsection (3) of section 79 of the Act of 1986”.
- (4) In subsection (5) for the words from “section seventy-eight” to “Fifth Schedule” there shall be substituted the words “section 91 of the Act of 1986 the provisions of Schedule 10”.
- (5) In subsection (6)—
- (a) for the words “section sixty-seven of the Act of 1948 and to paragraph (b) of subsection (1)” there shall be substituted the words “subsections (2) to (5) of section 79 of the Act of 1986 and subsection (3) of that section”,
- (b) for the words “subsection (1) of section sixty-eight of the Act of 1948 and to section thirteen” there shall be substituted the words “subsection (2) of section 80 of the Act of 1986 and to section 10”, and

Status: Point in time view as at 01/12/1991.

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- (c) for the words “section seventy-eight of the Act of 1948 and to the Fifth Schedule” there shall be substituted the words “ section 91 of the Act of 1986 and to Schedule 10 ”.
- 31 In section 51(1) of that Act—
- (a) after the definition of “the Acquisition of Land Act” there shall be inserted—
- ““the Act of 1986’ means the Agricultural Holdings Act 1986;”,
and
- (b) in the definition of “agricultural holding” for the words “Act of 1948” there shall be substituted the words “ Act of 1986 ”.
- 32 (1) Schedule 6 to that Act shall be amended as follows.
- (2) In paragraph 20(a) for the words from “made” to “year” there shall be substituted the words “ falling within section 2(3)(a) of the 1986 Act ”.
- (3) In paragraph 24—
- (a) for the words from “by the Minister” to “1948 (” there shall be substituted the words “ under section 2 of the Act of 1986 or of the Act of 1948 (each of”, and
- (b) for the words from “by the said Minister” to “of the section)” there shall be substituted the words “ under that section from the operation of that section) ”.
- (4) In paragraph 25 for the words from “by the Minister” to “section two” there shall be substituted the words “ under section 2 of the Act of 1986 or ”.
- (5) In paragraph 31 for the words from “for the letting” to “Secretary of State” there shall be substituted the words “ falling within section 2(3)(a) of the 1986 Act, to an agreement for the letting of land and to section 2 of the Act of 1986 there shall be substituted respectively references to a lease of land entered into in contemplation of the use of land only for grazing or mowing falling within the proviso to section 2(1) of the Scottish Act of 1949, to a lease ”.
- 33 (1) Schedule 7 to that Act shall be amended as follows.
- (2) In paragraph 1(2) for the words “Act of 1948” there shall be substituted the words “ Act of 1986 ”.
- (3) In paragraph 2—
- (a) for the words “Act of 1948”, in each place where they occur, there shall be substituted the words “ Act of 1986 ”, and
- (b) after sub-paragraph (3) there shall be inserted—
- “(3A) The references in sub-paragraph (1)(a) of this paragraph to the Act of 1986 include references to the Act of 1948”.
- (4) In paragraph 3—
- (a) in sub-paragraph (1) for the words “Act of 1948” there shall be substituted the words “ Act of 1986 ”, and
- (b) in sub-paragraph (2) for the words “section nine of the Act of 1948 in so far as the said section nine” there shall be substituted the words “ section 13 of the Act of 1986 in so far as the said section 13 ”.

Status: Point in time view as at 01/12/1991.

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- (5) In paragraph 4—
- (a) in sub-paragraph (2) for the words “Act of 1948” there shall be substituted the words “ Act of 1986 ”.
 - (b) in sub-paragraph (4) for the words “Section seventy-seven of the Act of 1948” there shall be substituted the words “ Section 84 of the Act of 1986 ” and for the words “Act of 1948”, in the second place where they occur, there shall be substituted the words “ Act of 1986 ”,
 - (c) in sub-paragraph (5) for the words “section eight or section nine of the Act of 1948” there shall be substituted the words “ section 12 or section 13 of the Act of 1986 ”, and
 - (d) in sub-paragraph (6) for the words “section nine of the Act of 1948” there shall be substituted the words “ section 13 of the Act of 1986 ”.
- (6) In paragraph 5—
- (a) in sub-paragraph (1) for the words “section thirteen of the Act of 1948” there shall be substituted the words “ section 10 of the Act of 1986 ”.
 - (b) in sub-paragraph (2) for the words “subsection (2)” there shall be substituted the words “ subsection (3) ”,
 - (c) in sub-paragraph (3) for the words “subsection (2)” there shall be substituted the words “ subsection (3) ” and for the words “subsection (3)” there shall be substituted the words “ subsection (4) ”, and
 - (d) in sub-paragraph (5) for the words “section thirteen of the Act of 1948” there shall be substituted the words “ section 10 of the Act of 1986 ” and for the words “paragraph (b) of subsection (1) of section sixty-seven” there shall be substituted the words “ subsection (3) of section 79 ”.
- (7) In paragraph 6(2) for the words “section seventeen of the Act of 1948” there shall be substituted the words “ section 23 of the Act of 1986 ”.
- [^{F19}(8) In paragraph 25, for sub-paragraph (a) there shall be substituted—
- “(a) for references—
 - (i) to the Act of 1986 and to sections 12, 13, 23 and 84 of that Act there shall be substituted respectively references to the Scottish Act of 1949 and to sections 7, 8, 18 and 75 of that Act,
 - (ii) to section 10 of the Act of 1986 and to subsections (3) and (4) of that section there shall be substituted respectively references to section 14 of the Scottish Act of 1949 and to subsections (2) and (3) of that section, and
 - (iii) to subsection (3) of section 79 of the Act of 1986 there shall be substituted references to paragraph (b) of subsection (1) of section 65 of the Scottish Act of 1949.”]

Textual Amendments

F19 Sch. 14 para. 33(8) repealed (S.)(25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13 Pt. I](#) (with s. 45(3), [Sch. 12 paras. 1, 3](#))

Status: Point in time view as at 01/12/1991.

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The Chevening Estate Act 1959

- 34 In clauses 15(i) and 23(b) of the Trust Instrument set out in the Schedule to the ^{M58}Chevening Estate Act 1959 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986, except section 60(2)(b) or 62 of that Act, ”.

Marginal Citations

M58 1959 c. 49.

The Horticulture Act 1960

- 35 In section 1(1)(b) of the ^{M59}Horticulture Act 1960 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986”.

Marginal Citations

M59 1960 c. 22.

The Agriculture (Miscellaneous Provisions) Act 1963

- 36 In subsections (1)(a) and (6)(c) of section 22 of the ^{M60}Agriculture (Miscellaneous Provisions) Act 1963 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986 ”.

Marginal Citations

M60 1963 c. 11.

The Agriculture Act 1967

- 37 In section 26(1) of the ^{M61}Agriculture Act 1967 for the words “Agriculture Holdings Act 1948”, in both places where they occur, there shall be substituted the words “Agricultural Holdings Act 1986 ”.

Marginal Citations

M61 1967 c. 22.

- 38 In section 27(5B)(a) of that Act for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986 ”.
- 39 In section 28(1)(a) of that Act for the words “section 34 of the Agricultural Holdings Act 1948” there shall be substituted the words “section 60(2)(a) of the Agricultural Holdings Act 1986 ”.

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- 40 In section 29(3)(a) of that Act for the words “section 34 of the Agricultural Holdings Act 1948” there shall be substituted the words “ section 60(2)(a) of the Agricultural Holdings Act 1986 ”.
- 41 (1) Section 48 of that Act shall be amended as follows.
- (2) In subsection (2)(a) for the words “section 34 of the Agricultural Holdings Act 1948” there shall be substituted the words “ section 60(2)(a) of the Agricultural Holdings Act 1986 ”.
- (3) For subsection (4) there shall be substituted—
- “(4) Case H in Part I of Schedule 3 to the Agricultural Holdings Act 1986 shall apply in relation to a Rural Development Board as it applies in relation to the Minister within the meaning of that Act.”

Extent Information

E1 Sch. 14 para. 41 is co-extensive with exceptions, see s. 102(5)

- 42 In paragraph 7(4) of Schedule 3 to that Act for the words “Section 77 of the Agricultural Holdings Act 1948” there shall be substituted the words “ Section 84 of the Agricultural Holdings Act 1986 ”.

The Leasehold Reform Act 1967

- 43 In section 1(3)(b) of the ^{M62}Leasehold Reform Act 1967 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

Marginal Citations

M62 1967 c. 88.

The Agriculture (Miscellaneous Provisions) Act 1968

- 44 In section 12(1) of the ^{M63}Agriculture (Miscellaneous Provisions) Act 1968 for the words from “section 9” to the end there shall be substituted the words “ subsection (2)(b) of section 60 of the Agricultural Holdings Act 1986 (additional compensation to tenant for disturbance) shall apply as if the acquiring authority were the landlord of the holding and on the date of the acquisition or taking of possession the tenancy of the holding or part of it had terminated, and the tenant had quitted the holding or part of it, in consequence of such a notice or counter-notice as is mentioned in subsection (1) of that section; and section 61 of that Act (exceptions to section 60) shall not apply in such a case. ”

Marginal Citations

M63 1968 c. 34.

Status: Point in time view as at 01/12/1991.

Changes to legislation: Agricultural Holdings Act 1986 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 45 In section 13(1) of that Act for the words “section 2(1) of the principal Act” there shall be substituted the words “ section 2(2) of the Agricultural Holdings Act 1986 ”.
- 46 (1) Section 17 of that Act shall be amended as follows.
- (2) In subsection (1) for the words “principal Act”, in the second place where they occur, there shall be substituted the words “ Agricultural Holdings Act 1986 ”.
- (3) In subsection (3) for the words “Section 87(1) and (2) of the principal Act” there shall be substituted the words “ Section 95(1), (2) and (3) of the Agricultural Holdings Act 1986 ”.
- 47 In section 42(2) of that Act, as it has effect for the purposes of section 48(6) of the ^{M64}Land Compensation Act 1973, for the words “section 24 of the principal Act” there shall be substituted the words “ section 26 of the Agricultural Holdings Act 1986 ” and for the words “principal Act”, in the second place where they occur, there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

Marginal Citations

M64 1973 c. 26.

- 48 (1) Schedule 3 to that Act shall be amended as follows.
- (2) In paragraph 2—
- (a) for the words “section 9(2) of this Act” there shall be substituted the words “ section 60(4) of the Agricultural Holdings Act 1986 ”, and
- (b) for the words “section 8 or section 9 of the principal Act” there shall be substituted the words “ section 12 or section 13 of the Agricultural Holdings Act 1986 ”.
- (3) In paragraph 3—
- (a) for the words “section 8 of the principal Act” there shall be substituted the words “ section 12 of the Agricultural Holdings Act 1986 ”, and
- (b) for the words “section 9(2)” there shall be substituted the words “ section 60(4) ”.

The Tribunals and Inquiries Act 1971

- 49 In paragraph 1(b) of Part I of Schedule 1 to the ^{M65}Tribunals and Inquiries Act 1971 for the words “Schedule 6 to the Agricultural Holdings Act 1948 (c.63)” there shall be substituted the words “Schedule 11 to the Agricultural Holdings Act 1986”.

Marginal Citations

M65 1971 c. 62.

Status: Point in time view as at 01/12/1991.

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The Town and Country Planning Act 1971

- 50 In section 27(7) of the ^{M66}Town and Country Planning Act 1971 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986”.

Marginal Citations

M66 1971 c. 78.

The Land Charges Act 1972

- 51 (1) Schedule 2 to the ^{M67}Land Charges Act 1972 shall be amended as follows.
- (2) In paragraph 1(g) for the words from “Sections” to “tenant or” there shall be substituted the words “Section 74 (charge in respect of sums due to ” and the words from “Section 82” to “improvements)” shall be omitted.
- (3) After paragraph 1(h) there shall be inserted—

“(i) The Agricultural Holdings Act 1986	Section 85 (charges in respect of sums due to tenant of agricultural holding).
	Section 86 (charges in favour of landlord of agricultural holding in respect of compensation for or cost of certain improvements).”

- (4) In paragraph 3 for the words from the beginning to “Act 1948” there shall be substituted the words “The reference in paragraph 1(g) above to section 74 of the Agricultural Holdings Act 1948 and the references in paragraph 1(i) above to section 85 and 86 of the Agricultural Holdings Act 1986”.

Marginal Citations

M67 1972 c. 61.

The Land Compensation Act 1973

- 52 In section 34(3) (c) of the ^{M68}Land Compensation Act 1973 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986”.

Marginal Citations

M68 1973 c. 26.

- 53 (1) Section 48 of that Act shall be amended as follows.
- (2) In subsection (2)—

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- (a) for the words “Case B in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977” there shall be substituted the words “ Case B in Part I of Schedule 3 to the Agricultural Holdings Act 1986 ”,
- (b) for the words “section 3(3)(e)” there shall be substituted the words “ section 27(3)(f) ”;

and that subsection shall continue to have effect with the substitution of the words “ the said Case B ” for the words “section 24(2)(b)” made by paragraph 6 of Schedule 1 to the ^{M69}Agricultural Holdings (Notices to Quit) Act 1977.

- (3) In subsection (3) for the words “Case B and section 3(3)(e)” there shall be substituted the words “ Case B and section 27(3)(f) ”.
- (4) After subsection (6) there shall be inserted—

“(6A) In assessing the tenant’s compensation no account shall be taken of any benefit which might accrue to the tenant by virtue of section 60(2)(b) of the Agricultural Holdings Act 1986 (additional payments by landlord for disturbance); and in this subsection the reference to the said section 60(2)(b) does not include a reference to it as applied by section 12 of the Agriculture (Miscellaneous Provisions) Act 1968.”

Marginal Citations

M69 1977 c. 12.

- 54 (1) Section 56 of that Act shall be amended as follows.
 - (2) In subsection (3)(d) for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.
 - (3) In subsection (4) for the words “section 58 of the Agricultural Holdings Act 1948” there shall be substituted the words “ section 72 of the Agricultural Holdings Act 1986 ” and for the words “the proviso” there shall be substituted the words “ subsection (4) of that section ”.
- 55 (1) Section 59 of that Act shall be amended as follows.
 - (2) In subsection (1)(b)—
 - (a) in paragraph (i) for the words “subsection (1) of section 2 of the Agricultural Holdings (Notices to Quit) Act 1977” there shall be substituted the words “ section 26(1) of the Agricultural Holdings Act 1986 ” and for the words “Case B in subsection (3) of that section” there shall be substituted the words “ Case B in Part I of Schedule 3 to that Act ”, and
 - (b) in paragraph (ii) for the words “section 3(3)(e)” there shall be substituted the words “ section 27(3)(f) ”;and that subsection shall continue to have effect with the substitution of the words “ the said Case B ” for the words “section 24(2)(b)” made by paragraph 6 of Schedule 1 to the Agricultural Holdings (Notice to Quit) Act 1977.
 - (3) In subsection (2)(b) for the words from “Agricultural Holdings Act 1948” to “notice to quit” there shall be substituted the words “ Agricultural Holdings Act 1986 relating to compensation to a tenant on the termination of his tenancy ”.

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(4) In subsection (6) for the words “section 9 of the Agricultural Holdings (Notices to Quit) Act 1977” there shall be substituted the words “ section 32 of the Agricultural Holdings Act 1986 ”.

56 In section 87(1) for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

The Rent (Agriculture) Act 1976

57 In section 9(3) and (4)(c) of the ^{M70}Rent (Agriculture) Act 1976 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

Marginal Citations

M70 1976 c. 80.

58 In paragraph 2 of Schedule 2 to that Act for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

The Rent Act 1977

59 In section 10 of the ^{M71}Rent Act 1977 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

Marginal Citations

M71 1977 c. 42.

60 In section 137(3) and (4)(c) of that Act for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

The Protection from Eviction Act 1977

61 In section 8(1)(d) of the ^{M72}Protection from Eviction Act 1977 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “ Agricultural Holdings Act 1986 ”.

Marginal Citations

M72 1977 c. 43.

The Cycle Tracks Act 1984

62 In section 3(2) of the ^{M73}Cycle Tracks Act 1984 for the words “section 1(2) of the Agricultural Holdings Act 1948” there shall be substituted the words “ section 1(4) of the Agricultural Holdings Act 1986 ”.

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Marginal Citations

M73 [1984 c. 38.](#)

The Housing Act 1985

- 63 In paragraph 8 of Schedule 1 to the ^{M74}Housing Act 1985 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986”.

Marginal Citations

M74 [1985 c. 68.](#)

The Landlord and Tenant Act 1985

- 64 In section 14(3) of the ^{M75}Landlord and Tenant Act 1985 for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986”.

Marginal Citations

M75 [1985 c. 70.](#)

SCHEDULE 15

Section 101.

REPEALS AND REVOCATIONS

Extent Information

E2 [Sch. 15](#) is co-extensive with exceptions, see [s. 102\(5\)](#)

PART I

REPEALS

Chapter	Short title	Extent of repeal
9 & 10 Geo. 6. c. 73.	The Hill Farming Act 1946.	Section 9.
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act 1948.	The whole Act.
12 & 13 Geo. 6. c. 37.	The Agricultural (Miscellaneous Provisions) Act 1949.	Section 10.

Status: Point in time view as at 01/12/1991.

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6 & 7 Eliz. 2, c. 71.	The Agriculture Act 1958.	<p>In the Schedule, Part II.</p> <p>Section 4.</p> <p>In section 9(1), in the definition of “agricultural holding” the words from “as respects England” to “1948 and”, the definitions of “contract of tenancy” and “fixed equipment” and in the definition of “landlord and tenant” the words from “as respects England” to “1948 and”.</p> <p>In Schedule 1, in Part I, paragraphs 6, 7, 14 to 18, 20 and 21.</p> <p>In Schedule 4, paragraphs 5, 9 and 11.</p>
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	<p>In section 20, paragraph (b), the words “and the period within which the arbitrator is to make his award”, the words “the said paragraph 6 or” and paragraph (ii).</p>
1964 c. 51.	The Universities and College Estates Act 1964.	<p>In Schedule 3, in Part I, the entry relating to the Agricultural Holdings Act 1948.</p>
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	<p>Sections 9 and 10.</p> <p>In section 15, subsection (2), in subsection (4) the words from the beginning to “section and”, the words “subsection (2) or” and the words “as the case may be” and in subsection (5)(a) the words “or subsection (2)”.</p> <p>In section 17, in subsection (1) the definition of “the principal Act” and in subsection (2) the words from “references to the termination” to “holding and”.</p>

Status: Point in time view as at 01/12/1991.

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1970 c. 40.	The Agriculture Act 1970.	In Schedule 4, the entry relating to the Agricultural Holdings Act 1948.
1971 c. 23.	The Courts Act 1971.	In Schedule 9, in Part I, the entry relating to the Agricultural Holdings Act 1948.
1972 c. 61.	The Land Charges Act 1972.	In Schedule 2, in paragraph 1(g), the words from “Section 82” to “improvements”.
1972 c. 62.	The Agriculture (Miscellaneous Provisions) Act 1972.	Section 15.
1976 c. 55.	The Agriculture (Miscellaneous Provisions) Act 1976.	Sections 17 to 24. In section 27(5), the words “and Part II”. In Schedule 3, the entries relating to the Agricultural Holdings Act 1948. Schedule 3A.
1977 c. 12.	The Agricultural Holdings (Notices to Quit) Act 1977.	The whole Act.
1984 c. 32.	The London Regional Transport Act 1984.	In Schedule 6, paragraph 13.
1984 c. 41.	The Agricultural Holdings Act 1984.	The whole Act.
1985 c. 65.	The Insolvency Act 1985.	In Schedule 8, paragraphs 9 and 30.
1985 c. 68.	The Housing Act 1985.	Section 231.
1985 c. 71.	The Housing (Consequential Provisions) Act 1985.	In Schedule 2, paragraph 34.

PART II

REVOCATIONS

Number	Title	Extent of Revocation
S.I. 1951/2168.	The Agricultural Holdings Act (Variation of Fourth Schedule) Order 1951.	The whole order.

Status: Point in time view as at 01/12/1991.

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S.I. 1978/447.	The Agricultural Holdings Act 1948 (Amendment) Regulations 1978.	The whole instrument.
S.I. 1978/742.	The Agricultural Holdings Act 1948 (Variation of Fourth Schedule) Order 1978.	The whole order.
S.I. 1985/1947.	The Agricultural Holdings Act 1948 (Variation of Fourth Schedule) Order 1985.	The whole order.

TABLE OF DERIVATIONS NOTE: THE FOLLOWING
ABBREVIATIONS ARE USED IN THIS TABLE:—

1948	=	The Agricultural Holdings Act 1948 (11 & 12 Geo. 6. c. 63)
1949	=	The Agriculture (Miscellaneous Provisions) Act 1949 (12 & 13 Geo. 6. c. 37)
1958	=	The Agriculture Act 1958 (6 & 7 Eliz. 2, c. 71)
1963	=	The Agriculture (Miscellaneous Provisions) Act 1963 (c. 11)
1968	=	The Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)
1970	=	The Agriculture Act 1970 (c. 40)
1972	=	The Agriculture (Miscellaneous Provisions) Act 1972 (c. 62)
1976	=	The Agriculture (Miscellaneous Provisions) Act 1976 (c. 55)
1977	=	The Agricultural Holdings (Notices to Quit) Act 1977 (c. 12)
1984	=	The Agricultural Holdings Act 1984 (c. 41)
S.I. 1951/2168	=	The Agricultural Holdings Act (Variation of Fourth Schedule) Order 1951 (S.I. 1951/2168)

Status: Point in time view as at 01/12/1991.

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S.I. 1955/554	=	The Transfer of Functions (Ministry of Food) Order 1955 (S.I. 1955/554)
S.I. 1978/272	=	The Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272)
S.I. 1978/447	=	The Agricultural Holdings Act 1948 (Amendment) Regulations 1978 (S.I. 1978/447)
S.I. 1978/742	=	The Agricultural Holdings Act 1948 (Variation of Fourth Schedule Order 1978 (S.I. 1978/742)
S.I. 1985/1947	=	The Agricultural Holdings Act 1948 (Variation of Fourth Schedule) Order 1985 (S.I. 1985/1947)
R (followed by a number)	=	The recommendation set out in the paragraph of that number in the Appendix to the Report of the Law Commission on this Act (Cmnd. 9665).

Provision	Derivation
1(1)	1948 s. 1(1); 1984 Sch. 3 para. 1(2).
(2)(3)	1948 s. 1(1A)(1B); 1984 Sch. 3 para. 1(3).
(4)	1984 s. 1(2); 1976 s. 18(2); 1984 Sch. 1 para. 1, Sch. 2 para. 1(2).
(5)	1948 s. 94(1).
2	1948 s. 2; R.1.
3(1)	1948 s. 3(1); 1984 Sch. 3 para. 2(1)(a).
(2)	1948 s. 3(2).
(3)	1948 s. 3(3).
(4)	1948 s. 3(1).
4(1)	1948 s. 3A(1)(2)(3); 1984 Sch. 3 para. 2(2).
(2)	1948 s. 3A(2)(3); 1984 Sch. 3 para. 2(2).
(3)	1948 s. 3A(4); 1984 Sch. 3 para. 2(2).
(4)	1948 s. 3A(2)(3); 1984 Sch. 3 para. 2(2).
5(1)	1948 s. 3(4); 1984 Sch. 3 para. 2(1)(b).
(2)(3)	1948 s. 3B; 1984 Sch. 3 para. 2(2).

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6(1)	1948 s. 5(1); 1984 Sch. 3 para. 3(2).
(2)	1948 s. 5(2) (3).
(3)	1948 s. 7(3).
(4)	1948 s. 7(5); 1984 Sch. 3 para. 4.
(5)	1948 s. 5(4)(6); 1984 Sch. 3 para. 3(3).
(6)	1948 s. 5(5); 1984 Sch. 3 para. 3(3).
7(1)	1948 s. 6(1).
(2)	1972 s. 15(2).
(3)	1948 s. 6(1).
8(1)(2)	1948 s. 6(2).
(3)	1948 s. 6(3).
(4)	1948 s. 7(3).
(5)	1948 s. 7(5); 1984 Sch. 3 para. 4.
(6)	1948 s. 6(2).
9(1)(2)	1948 s. 7(1).
(3)	1948 s. 7(2).
(4)	1948 s. 7(4).
10(1)	1948 s. 13(1)(4A); 1984 Sch. 3 para. 6(2)(3).
(2)	1948 s. 13(1)(5)(b).
(3) to (5)	1948 s. 13(2) to (4).
(6)	1948 s. 13(4B); 1984 Sch. 3 para. 6(3).
(7)	1948 s. 13(5)(a).
(8)	1948 s. 13(4A); 1984 Sch. 3 para. 6(3).
11(1)	1958 s. 4(1).
(2)	1958 s. 4(1); 1984 Sch. 3 para. 30.
(3) to (7)	1958 s. 4(2) to (4).
(8)	1958 s. 4(7).
12(1)(2)	1948 s. 8(1)(2); 1984 s. 1.
(3)	1948 s. 8(13); 1984 ss. 1, 8(2).
(4)	1948 s. 8A(2); 1984 s. 1.
(5)	Introduces Schedule 2.
13(1)	1948 s. 9(1).
(2)	1948 s. 9(1); 1958 s. 4(5); 1984 Sch. 3 para. 5(2)(b); Housing Act 1985 (c. 68)s. 231(1).
(3)	1948 s. 9(2); 1958 s. 4(5); 1984 Sch. 3 para. 5(3); Housing Act 1985 (c. 68)s. 231(1).

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(4)	1948 s. 9(1); 1958 s. 4(5); 1984 Sch. 3 para. 5(2)(c); Housing Act 1985 (c. 68)s. 231(1)(2).
(5)(6)	1958 s. 4(5)(7).
(7)	1948 s. 9(4).
(8)	1948 s. 9(1).
14(1)(2)	1948 s. 10(1); 1958 Sch. 1 Pt. I para. 6.
(3)	1948 s. 10(2)(a); 1958 Sch. 1 Pt. I para. 6.
(4)(5)	1948 s. 10(2)(b); 1958 Sch. 1 Pt. I para. 6.
15(1)	1948 s. 11(1).
(2)	1948 s. 11(4)(a)(b).
(3)	1948 s. 12(1).
(4)(5)	1948 s. 11(1)(2).
(6)	1948 s. 11(3); 1958 Sch. 1 Pt. I para. 7.
(7)	1948 ss. 11(5), 12(2).
16	1948 s. 18.
17	1948 s. 22.
18(1)	1948 s. 20(1).
(2)(3)(4)	1948 s. 19(1)(2)(3).
(5)	1948 ss. 19(1)(4), 20(2).
19(1)	1948 s. 21(1)(2).
(2)	1948 s. 21(3); Courts Act 1971 (c. 23)Sch. 9 Pt. I.
(3)	1948 s. 21(4).
20(1)(2)(3)	1948 s. 14(1); 1984 Sch. 3 para. 7(2).
(4)	1948 s. 14(2).
(5)	1948 s. 14(3); 1984 Sch. 3 para. 7(3).
21(1)(2)(3)	1948 s. 4(1)(2)(3).
22(1)	1948 s. 16(1); 1984 Sch. 3 para. 8(a).
(2)	1948 s. 16(2); 1984 s. 8(1)(2), Sch. 3 para. 8(b).
(3)	1948 s. 16(3).
(4)	1948 s. 8(3)(4).
(5)	1984 s. 8(5).
23	1948 s. 17.
24	1948 s. 15.

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25(1)	1977 s. 1(1).
(2)	1977 s. 1(2); 1984 Sch. 3 para. 36.
(3) to (5)	1977 s. 1(5) to (7); 1984 s. 5.
26(1)	1977 s. 2(1).
(2)	1977 ss. 2(2), 12(1).
(3)	Introduces Schedule 3.
27(1) to (5)	1977 s. 3.
(6)	1977 s. 6(1).
(7)	1977 s. 6(3).
(8)	1977 s. 6(2).
(9)	1977 s. 6(4).
28(1)	1977 s. 4(1).
(2)	1977 s. 4(2)(3).
(3)	1977 s. 4(2).
(4)	1977 s. 4(2)(3).
(5)	1977 s. 4(4), 1984 s. 7.
(6)	1977 s. 4(5).
29	Introduces Schedule 4.
30	Introduces Schedule 5.
31(1)	1977 s. 8(1).
(2)	1977 s. 8(2); 1984 Sch. 3 para. 39.
32	1977 s. 9.
33(1)	1977 s. 10(1); 1984 Sch. 3 para. 40(a).
(2)	1977 s. 10(1A); 1984 Sch. 3 para. 40(b).
(3)	1977 s. 10(2); 1984 Sch. 3 para. 40(c).
34(1)	1984 s. 2(1)(2), Sch. 2 paras. 1(1)(a), 10(1)(a).
(2)	1984 s. 2(3).
35(1)	1976 s. 18(1); 1984 s. 2(1)(2), Sch. 1 para. 5(1).
(2)	1976 s. 18(1)(2); 1984 Sch. 1 para. 1.
36(1)	1976 ss. 18(1), 20(1).
(2)	1976 s. 18(4)(d).
(3)	1976 s. 18(2).
(4)	1976 s. 18(2); 1984 s. 3(2)(b).
(5)	Introduces Schedule 6.

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37(1)	1976 s. 18(4)(e); 1984 Sch. 1 para. 2(5).
(2)(3)	1976 s. 18(5); 1984 Sch. 1 para. 2(7).
(4)(5)	1976 s. 18(5A); 1984 Sch. 1 para. 2(7).
(6)	1984 Sch. 2 para. 10(1)(b), (2).
(7)	1984 Sch. 5 para. 2(2)(a).
(8)	1984 Sch. 5 para. 2(2)(b).
(9)	1976 s. 18(4)(e), (5); 1984 Sch. 1 para. 2(5), (7).
38(1)	1976 s. 18(4)(a); 1977 Sch. 1 para. 7(2)(b); 1984 Sch. 1 para. 2(2).
(2)	1976 s. 18(4)(b); 1977 Sch. 1 para. 7(2)(c); 1984 Sch. 3 para. 34.
(3)	1976 s. 18(4)(c); 1977 Sch. 1 para. 7(2)(d); 1984 Sch. 1 para. 2(3).
(4)	1976 s. 18(4)(f); 1984 Sch. 1 para. 2(6).
(5)	1976 s. 18(4)(g).
39(1)	1976 ss. 18(2), 20(1).
(2)	1976 s. 20(2); 1984 Sch. 1 para. 4.
(3)	1976 s. 20(3).
(4)	1976 s. 20(4).
(5)	1976 s. 20(5); 1984 Sch. 1 para. 3(3)(a).
(6)	1976 s. 20(6); 1984 Sch. 1 para. 3(3)(a).
(7) to (9)	1976 s. 20(7) to (9).
(10)	1976 s. 20(9A); 1984 Sch. 1 para. 3(3)(b).
40(1) to (5)	1976 s. 20(10) to (14).
41	1976 ss. 18(2), 21.
42	1976 s. 20(15); 1984 Sch. 1 para. 5(2).
43	1976 s. 19; 1977 Sch. 1 para. 7(3); 1984 s. 6(9), Sch. 1 para. 3(2).
44(1)	1976 s. 22(1).
(2)	1976 s. 22(2); 1977 Sch. 1 para. 7(4); 1984 Sch. 1 para. 3(4)(a).
(3)	1976 s. 22(3).
(4)	1976 s. 22(4); 1984 Sch. 1 para. 3(4)(a).
(5)	1976 s. 22(5); 1984 Sch. 1 para. 3(4)(b).
(6)	1976 s. 22(6); 1984 Sch. 1 para. 6.
(7)	1976 s. 22(7); 1984 Sch. 1 para. 6.

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45(1)	1976 s. 23(1).
(2) to (4)	1976 s. 23(1A); 1984 s. 3(1).
(5) to (8)	1976 s. 23(5) to (8).
46(1)	1976 s. 23(2); 1977 Sch. 1 para. 7(5); 1984 Sch. 1 para. 7(1).
(2)	1976 s. 23(2A); 1984 Sch. 1 para. 7(2).
(3)	1976 s. 23(9); 1984 Sch. 1 para. 3(5).
47(1)	1976 s. 23(1).
(2)	1976 s. 23(3).
(3)	1976 s. 23(4).
48(1)	1976 s. 24(1).
(2)	1976 s. 24(2); 1984 Sch. 1 paras. 3(6), 7(3).
(3)(4)	1976 s. 24(3).
(5)	1976 s. 24(4)(a).
(6)	1976 s. 24(4)(b).
(7)	1976 s. 24(4)(c).
(8)	1976 s. 24(5).
(9)	1976 s. 24(6); 1984 Sch. 3 para. 35.
(10)	1976 s. 24(7).
(11)	1976 s. 24(4).
(12)	1976 s. 24(8).
49(1)(2)	1984 Sch. 2 para. 1(1)(2).
(3)	1984 Sch. 2 para. 1(2), 2(2).
50(1)	1984 Sch. 2 paras. 1(1), 5(1).
(2)(3)	1984 Sch. 2 para. 1(2).
(4)	Introduces Schedule 6.
51(1)	1984 Sch. 2 para. 2(1)(a)(b)(c)(f)(g), (4).
(2)	1984 Sch. 2 para. 21(1)(d).
(3)	1984 Sch. 2 para. 2(1)(e), (3).
(4)	1984 Sch. 2 para. 2(5).
(5)(6)	1984 Sch. 2 para. 2(6).
52(1)(2)	1984 Sch. 2 para. 3(1)(2).
(3)(4)	1984 Sch. 2 para. 3(3).
(5)	1984 Sch. 2 para. 3(4).
53(1)	1984 Sch. 2 para. 5(1).

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(2)	1984 Sch. 2 para. 1(2).
(3) to (11)	1984 Sch. 2 para. 5(2) to (10).
54(1)(2)	1984 Sch. 2 para. 4.
(3)	1984 Sch. 2 para. 1(2).
55(1)	1984 Sch. 2 para. 6(1).
(2) to (4)	1984 Sch. 2 para. 6(2).
(5) to (8)	1984 Sch. 2 para. 6(4) to (7).
56(1)	1984 Sch. 2 para. 6(1).
(2)	1984 Sch. 2 para. 6(3).
(3)(4)	1984 Sch. 2 para. 7(1)(2).
57	1984 Sch. 2 para. 8.
58	1984 Sch. 2 para. 9.
59	Index of definitions.
60(1)(2)	1948 s. 34(1); 1968 s. 9(1); 1977 Sch. 1 para. 1(3)(a).
(3)	1948 s. 34(2)(a)(d).
(4)	1968 s. 9(2).
(5)	1948 s. 34(2).
(6)	1948 s. 34(2)(b)(c).
(7)	1948 s. 34(5); 1968 s. 9(1).
61(1)	1948 s. 34(1); 1968 s. 9(1); 1977 Sch. 1 para. 1(3)(b).
(2)	1968 s. 10(1)(d)(e); 1977 Sch. 1 para. 5; 1984 Sch. 3 para. 32(b).
(3)(4)	1968 s. 10(1)(b)(c), (2), (8); 1977 Sch. 1 para. 5; 1984 Sch. 3 para. 32(1)(a).
(5)	1968 s. 10(2); 1977 Sch. 1 para. 5.
(6)	1948 s. 34(1); 1968 s. 10(8).
62(1)(2)	1968 s. 15(2).
(3)	1968 s. 15(5).
63(1)	1948 s. 34(2A); 1968 s. 9(1); 1984 Sch. 3 para. 9(2).
(2)	1948 s. 34(3); 1968 ss. 10(5), 15(4).
(3)	1948 s. 34(4); 1968 s. 9(1); 1977 Sch. 1 para. 1(3)(c); 1984 Sch. 3 para. 9(3)(a)(b).
(4)	1948 s. 34(4); 1984 Sch. 3 para. 9(3)(c).
64(1)	1948 ss. 46(1), 47(1).

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(2)	1948 s. 46(2).
(3)	1948 s. 46(1).
(4)	1948 s. 35(1).
65(1)	1948 ss. 46(1), 47(1).
(2)	1948 s. 47(1)(b).
(3)	1948 s. 46(1).
66(1)	1948 s. 48.
(2)	1948 s. 51(1).
(3)	1948 s. 51(3).
(4)	1948 s. 51(2).
(5)	1948 s. 53; 1984 Sch. 3 para. 11.
67(1)	1948 s. 49(1).
(2)	1948 s. 49(1)(2).
(3) to (6)	1948 s. 50(1) to (4); 1958 Sch. 1 Pt. I para. 14.
(7)	1948 s. 50(3); 1958 Sch. 1 Pt. I para. 15.
68(1)	1948 s. 52.
(2)	1958 s. 4(6); R.2.
(3)(4)	Hill Farming Act 1946 (c. 73)s. 9(2)(4); 1948 Sch. 7 para. 4.
(5)	Housing Act 1985 (c. 68)s. 231(3)(4).
69(1)	1948 s. 54.
(2)(3)	1948 s. 55(1)(2).
70(1)	1948 s. 56(1).
(2)(3)	1948 s. 56(1); 1984 Sch. 3 para. 12.
(4)(5)	1948 s. 56(2)(3).
71(1)	1948 s. 57(1).
(2)	1948 s. 57(2); 1984 Sch. 3 para. 13(a).
(3)(4)	1948 s. 57(3).
(5)	1948 s. 57(4); 1984 Sch. 3 para. 13(b).
72	1948 s. 58.
73	1958 s. 59.
74(1)	1948 s. 60(1); 1968 s. 9(1)(2); 1977 Sch. 1 para. 1(5); 1984 Sch. 3. para. 14(a).
(2)	1948 s. 60(1); 1968 ss. 9(1)(2), 15(2).

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| (3) | 1948 s. 60(2); 1968 s. 9(1A); 1984 Sch. 3 paras. 14(b), 31. |
| (4) | 1948 s. 60(3); 1968 s. 17(2); 1984 Sch. 3 paras. 14(b), 33. |
| 75 | 1948 s. 61; 1968 ss. 10(5), 15(4); 1984 Sch. 3 para. 15. |
| 76(1) | 1948 s. 63(1); 1958 Sch. 1 Pt. I para. 16; S.I. 1978/447 reg. 2(2). |
| (2) | 1948 s. 63(1). |
| (3) | 1948 s. 63(2). |
| 77 | 1948 s. 64. |
| 78(1)(2) | 1948 s. 65(1); 1968 ss. 10(4), 15(4). |
| (3) | 1948 s. 65(2). |
| 79 | 1948 s. 67(1)(3)(4); 1984 Sch. 3 paras. 16 and 27(b). |
| 80(1)(2) | 1948 s. 68(1); 1958 Sch. 1 Pt. I para. 17. |
| (3)(4) | 1948 s. 68(2); 1984 Sch. 3 para. 17(a). |
| (5) | 1948 s. 68(3). |
| (6) | 1948 s. 68(4); 1958 Sch. 1 Pt. I para. 17. |
| (7) | 1948 s. 68(4). |
| (8) | 1948 s. 68(5). |
| (9) | 1948 s. 68(6); 1984 Sch. 3 para. 17(b). |
| 81 | 1948 s. 69. |
| 82(1) | 1948 s. 11(4)(c); 1949 s. 10(1); 1970 Sch. 4. |
| (2)(3) | 1949 s. 10(2); S.I. 1955/554 art. 3; S.I. 1978/272 art. 2(1), Sch. 1. |
| 83(1) to (3) | 1948 s. 70(1)(2); 1968 ss. 10(5), 15(4). |
| (4) | 1948 s. 70(3); 1984 Sch. 3 para. 18(a). |
| (5) | 1948 s. 70(4); 1984 Sch. 3 para. 18(b). |
| (6) | 1948 s. 70(5). |
| 84(1) | 1948 s. 77(1); Arbitration Act 1950 (c. 27)s. 44(3); 1968 ss. 10(5), 15(4); 1976 s. 24(9); 1984 Sch. 2 para. 7(3), Sch. 3 para. 19(2). |
| (2) to (5) | 1948 s. 77(2) to (4), (6); 1984 Sch. 3 para. 19(3). |
| 85(1) | 1948 s. 71; 1968 ss. 10(5), 15(4); R.3. |
| (2) | 1948 s. 72; 1968 ss. 10(5), 15(4). |
| (3) | 1948 s. 73; 1968 ss. 10(5), 15(4); R.3. |

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86(1) to (3)	1948 s. 82(1)(2); 1968 ss. 10(5), 15(4).
(4)	1948 s. 89; 1968 ss. 10(5), 15(4).
87	1948 s. 83; 1968 ss. 10(5), 15(4).
88	1948 s. 80; 1968 ss. 10(5), 15(4); R.4.
89(1)	1948 s. 81(1).
(2)	1948 s. 81(2); Universities and College Estates Act 1964 (c. 51)Sch. 3 Pt. I.
90	1948 s. 86.
91	1948 s. 78; Housing Act 1985 (c. 68) s. 231(2).
92	1948 s. 79.
93(1)	1948 s. 92(1); 1968 ss. 10(5), 15(4); 1977 s. 12(2)(a); 1984 Sch. 2 para. 1(7), Sch. 3 para. 21; R.5.
(2)(3)	1948 s. 92(2)(3).
(4)	1948 s. 92(4); Interpretation Act 1978 (c. 30)s. 25(2).
(5)	1948 s. 92(5); 1968 ss. 10(5), 15(4); 1977 s. 12(2)(a); 1984 Sch. 2 para. 1(7); R.5.
94(1)(2)	1948 ss. 6(4), 50(3), 77(5), 78(1), 94(1); 1958 Sch. 1 Pt. I para. 15; 1976 ss. 18(3B), 23(8); 1977 ss. 5(2), 11(9); 1984 ss. 3(3), 8(4), Sch. 2 para. 6(6), Sch. 3 para. 19(3).
(3)	1984 s. 8(4).
(4)	1978 s. 78(3).
95	1948 s. 87; Crown Estate Act 1956 (c. 73); Crown Estate Act 1961 (c. 55); 1968 ss. 10(5), 15(4), 17(3); 1976 s. 18(8); 1977 s. 12(2)(a); 1984 s. 9(3).
96(1)	1948 s. 94(1); 1958 s. 9(1); 1968 s. 17(1); 1976 s. 18(2)(7); 1977 ss. 2(3) Case H, 12(1)(2)(a); 1984 ss. 8(4), 9(2), Sch. 1 para. 1(a), Sch. 2 para. 1(2), Sch. 3 para. 23.
(2)	1948 s. 68(6); 1977 s. 12(1A); 1984 Sch. 3 paras. 17(b), 42(b); Insolvency Act 1985 (c. 65)Sch. 8 paras. 9 and 30.
(3)	1948 s. 94(2); 1958 s. 4(8); 1977 s. 12(2)(a); 1984 s. 9(2).
(4)(5)	1948 s. 94(3)(4).
(6)	1948 s. 94(5), 1968 ss. 10(5), 15(4).
97	1948 s. 101; 1968 ss. 10(5), 15(4).

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98	1948 ss. 5(1), 6(1)(2), 8A(1), 9(1), 10(1); 1984 s. 1.
99—102	
Sch. 1	
paras. 1 to 5	1948 Sch. 1 paras. 1 to 5.
6 and 7	1948 Sch. 1 para. 8.
8	1948 Sch. 1 para. 9.
9	1948 Sch. 1 para. 10; 1976 s. 17.
Sch. 2	
para. 1(1) to (3)	1948 s. 8(3) to (5); 1984 s. 1.
2(1)	1948 s. 8(6); 1984 s. 1.
(2) to (4)	1948 s. 8A(3) to (5); 1984 s. 1.
3	1948 s. 8(7); 1984 s. 1.
4(1)	1948 s. 8(8); 1984 s. 1.
(2)	1948 s. 8(12); 1984 s. 1.
5(1)	1948 s. 8(9); 1984 s. 1.
(2)	1948 s. 8(10); 1984 s. 1.
6	1948 s. 8(11); 1984 s. 1.
Sch. 3.	
Pt. I	
Case A	1977 s. 2(3) Case I; 1984 ss. 6(6), 11(2).
Case B	1977 s. 2(3) Case B.
Case C	1977 s. 2(3) Case C; 1984 s. 6(3).
Case D	1977 s. 2(3) Case D.
Case E	1977 s. 2(3) Case E.
Case F	1977 s. 2(3) Case F; 1984 Sch. 3 para. 37.
Case G	1977 s. 2(3) Case G; 1984 s. 6(5)(a).
Case H	1977 s. 2(3) Case H.
Pt. II	
para. 1	1977 s. 2(3) Case I; 1984 s. 6(6).
2 to 7	1977 Sch. 1A paras. 1 to 6; 1984 Sch. 3 para. 43; Housing (Consequential Provisions) Act 1985 (c. 71) Sch. 2 para. 34.
8	1977 s. 2(3A); 1984 s. 6(7).
9(1)	1977 s. 2(4).
(2)	1977 s. 2(4A); 1984 s. 6(8).

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10(1)	1977 s. 2(3) Case D, (4B); 1984 s. 6(4)(8).
(2)	1977 s. 2(6).
11(1)	1977 s. 2(5).
(2)	1977 s. 2(48); 1984 s. 6(8).
12	1977 s. 2(3) Case G; 1984 s. 6(5)(b).
Sch. 4	1977 s. 5(1); 1984 Sch. 3 para. 38.
Sch. 5	
para. 1	1977 s. 11(10).
para. 2	1977 s. 11(1), (2).
3	1977 s. 11(3), (4); 1984 Sch. 3 para. 41.
4	1977 s. 11(5).
5	1977 s. 11(6).
6	1977 s. 11(7), (8).
Sch. 6	
Pt. I.	
1	1976 Sch. 3A para. 1; 1984 Sch. 1 para. 3, Sch. 2 para. 1(4).
2	1976 s. 18(3); 1984 Sch. 2 para. 1(3).
3	1976 s. 18(3A); 1984 s. 3(3), Sch. 2 para. 1(4).
4	1976 s. 18(3B); 1984 s. 3(3); Sch. 2 para. 1(4).
5(1)	1976 s. 18(6); 1984 s. 3(4); Sch. 2 para. 1(5).
(2)	1976 s. 18(6); Sch. 3A para. 7; 1984 s. 3(4); Sch. 1 para. 8, Sch. 2 paras. 1(5), 9.
(3)	1976 s. 18(6A); 1984 s. 3(4), Sch. 2 para. 1(5).
(4)(5)	1976 s. 18(6B); 1984 s. 3(4), Sch. 2 para. 1(5).
6	1976 Sch. 3A para. 2; 1984 Sch. 1 para. 8; Sch. 2 para. 1(4).
7	1976 Sch. 3A para. 4(1) to (3); 1984 Sch. 1 para. 8; Sch. 2 para. 1(4).
8(1)	1976 Sch. 3A para. 3; 1984 Sch. 1 para. 8.
(2)	1976 Sch. 3A para. 4(4); 1984 Sch. 1 para. 8.
9	1976 Sch. 3A para. 5; 1984 Sch. 1 para. 8; Sch. 2 para. 1(4).

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10	1976 Sch. 3A para. 6; 1984 Sch. 1 para. 8; Sch. 2 para. 1(4).
Pt. II	1984 Sch. 2 para. 1(3) to (6).
Sch. 7	
Pt. I	
para. 1	1948 Sch. 3 Pt. I para. 1.
2	1948 Sch. 3 Pt. I para. 2.
3 to 7	1948 Sch. 3 Pt. I paras. 3 to 7.
8	1948 Sch. 3 Pt. I para. 7A; 1984 Sch. 3 para. 25(1)(b).
Pt. II	
para. 9	1948 Sch. 3 Pt. II para. 8.
10	Housing Act 1985 (c. 68) s. 231(2).
11	1948 Sch. 3 Pt. II para. 8A; 1984 Sch. 3 para. 25(2)(a).
12 to 15	1948 Sch. 3 Pt. II paras. 9 to 12.
16	1948 Sch. 3 Pt. II para. 13; 1984 Sch. 3 para. 25(2)(b).
17 to 24	1948 Sch. 3 Pt. II paras. 14 to 21.
25	1948 Sch. 3 Pt. II para. 22; 1984 Sch. 3 para. 25(2)(c).
26	1948 Sch. 3 Pt. II para. 23.
27 and 28	1948 Sch. 3 Pt. II paras. 24, 25; 1984 Sch. 3 para. 25(2)(d).
Sch. 8	
Pt. I	
para. 1 to 3	1948 Sch. 4 Pt. I paras. 1, 2, 4.
4 to 6	1948 Sch. 4 Pt. I paras. 5 to 7; S.I. 1978/742 Sch. para. 1.
Pt. II	
para. 7	1948 Sch. 4 Pt. II para. 8.
8	1948 Sch. 4 Pt. II para. 9; 1984 Sch. 3 para. 26.
9	1948 Sch. 4 Pt. II para. 10.
10	1948 Sch. 4 Pt. II para. 11; S.I. 1951/2168 art. 3(1); S.I. 1985/1947 art. 3(2).
11	1948 Sch. 4 Pt. II para. 12; S.I. 1978/742 Sch. para. 2; S.I. 1985/1947 art. 3(3).

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Sch. 9

Pt. I

para. 1(1)	1948 s. 36(1).
(2)	1948 s. 35(2).
(3)	1948 s. 36(1).
(4)	1948 s. 36(2).
(5)	1948 s. 43(3).
2(1)	1948 s. 37; 1984 Sch. 3 para. 10.
(2)	1948 s. 43(1).
3	1948 s. 38.
4(1)(2)	1948 s. 39(1).
(3)	1948 s. 39(2).
5(1)	1948 s. 44.
(2)	1948 s. 45.

Pt. II

paras. 1 to 15	1948 Sch. 2 Pt. I paras. 1, 2, 4 to 11, 13 to 17.
16	1948 Sch. 2 Pt. II.

Sch. 10

paras. 1 to 5	1948 Sch. 5 paras. 1 to 5.
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Sch. 11

para. 1(1)	1948 Sch. 6 para. 1(1); 1984 s. 8(1)(2).
(2)	1984 s. 8(3)(4).
(3)	1948 Sch. 6 para. 1(1A); 1984 s. 8(2), Sch. 3 para. 28(2).
(4)	1948 Sch. 6 para. 1(2); 1984 s. 8(2).
(5)	1948 Sch. 6 para. 1(3); 1958 Sch. 1 Pt. I para. 20.
2	1948 Sch. 6 para. 2.
3	1948 Sch. 6 para. 2A; 1984 Sch. 3 para. 28(3).
4	1948 Sch. 6 para. 3; 1984 Sch. 3 para. 28(4).
5	1948 Sch. 6 para. 4.
6	1948 Sch. 6 para. 5; 1984 s. 8(2), Sch. 3 para. 28(5).
7	1948 Sch. 6 para. 6; 1984 Sch. 3 para. 28(6).
8	1948 Sch. 6 para. 7.

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9	1948 Sch. 6 para. 8.
10	1948 Sch. 6 para. 9.
11(1)	1948 Sch. 6 para. 10(1)(2).
(2)(3)	1948 Sch. 6 para. 10(1).
(4)	1948 Sch. 6 para. 10(3).
12(1)(2)	1948 Sch. 6 para. 11(1).
(3)(4)	1948 Sch. 6 para. 11(2).
13	1948 Sch. 6 para. 12.
14(1)	1948 Sch. 6 para. 13; 1963 s. 20.
(2)	1948 Sch. 6 para. 13; 1984 s. 8(2).
15	1948 Sch. 6 para. 14.
16	1948 Sch. 6 para. 16.
17	1948 Sch. 6 para. 17.
18	1948 Sch. 6 para. 18.
19	1948 Sch. 6 para. 19.
20	1948 Sch. 6 para. 20.
21	1948 Sch. 6 para. 20A; 1984 Sch. 3 para. 28(7).
22	1948 Sch. 6 para. 20B; 1984 Sch. 3 para. 28(7).
23	1948 Sch. 6 para. 21.
24	1948 Sch. 6 para. 22; 1984 Sch. 3 para. 28(8).
25	1948 Sch. 6 para. 23.
26	1948 Sch. 6 para. 24; 1958 Sch. 1 Pt. I para. 21(1).
27(1)	1948 Sch. 6 para. 25(1).
(2)	1948 Sch. 6 para. 25(2); 1972 s. 15(1).
28(1) to (4)	1948 Sch. 6 para. 25A(1) to (4); 1984 Sch. 3 para. 28(9).
29	1948 Sch. 6 para. 26.
30	1958 Sch. I Pt. I para. 21(2).
31	1948 Sch. 6 para. 29; 1984 s. 8(2), Sch. 3 para. 28(10).
32	1984 s. 8(5).
Sch. 12	
para. 1	1948 s. 2(1).

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2	1948 s. 3(3).
3	1948 ss. 13(5)(a), 67(1)(b); 1984 Sch. 3 para. 16.
4	1977 s. 1(2)(d), (3), (3A), (4); Transport Act 1981 (c. 56) s. 5; London Regional Transport Act 1984 (c. 32) Sch. 6 para. 13.
5	1948 s. 47(1)(a).
6	1948 s. 47(1)(c), (2); 1977 Sch. 1 para. 1.
7	S.I. 1951/2168 art. 4.
8	1948 ss. 56(4), 63(2), 64, 65(2); S.I. 1951/2168 art. 4.
9	Saving.
10	1948 s. 67(1)(2)(3).
Sch. 13	
para. 1	
2	1948 s. 96(2).
3—5	
6, 7	1984 Sch. 5 para. 5.
8	
9	1984 Sch. 5 para. 7.
10	1984 Sch. 5 para. 8.
11, 12	
13	1984 Sch. 5 para. 10.
14	Insolvency Act 1985 (c. 65) Sch. 9 para. 11.
15	1984 Sch. 5 para. 14.
16	1984 Sch. 5 para. 4(d).
Sch. 14	
para. 12	1948 Sch. 7 para. 2.
44	1968 s. 10(8).
53(4)	1968 s. 10(3)(8).
remainder	
Sch. 15	

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