



# Agricultural Holdings Act 1986

## 1986 CHAPTER 5

### PART II

#### PROVISIONS AFFECTING TENANCY DURING ITS CONTINUANCE

##### *Miscellaneous*

#### **20 Compensation for damage by game.**

- (1) Where the tenant of an agricultural holding has sustained damage to his crops from any wild animals or birds the right to kill and take which is vested in the landlord or anyone (other than the tenant himself) claiming under the landlord, being animals or birds which the tenant has not permission in writing to kill, he shall, if he complies with the requirements of subsection (2) below, be entitled to compensation from his landlord for the damage.
- (2) The requirements of this subsection are that the tenant shall give his landlord—
  - (a) notice in writing within one month after the tenant first became, or ought reasonably to have become, aware of the occurrence of the damage,
  - (b) a reasonable opportunity to inspect the damage—
    - (i) in the case of damage to a growing crop, before the crop is begun to be reaped, raised or consumed, and
    - (ii) in the case of damage to a crop which has been reaped or raised, before the crop is begun to be removed from the land, and
  - (c) notice in writing of the claim, together with particulars of it, within one month after the expiry of the year in respect of which the claim is made.
- (3) For the purposes of subsection (2) above—
  - (a) seed once sown shall be treated as a growing crop whether or not it has germinated, and
  - (b) “year” means any period of twelve months ending, in any year, with 29th September or with such other date as may by agreement between the landlord and tenant be substituted for that date.

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*Changes to legislation: There are currently no known outstanding effects for the  
Agricultural Holdings Act 1986, Section 20. (See end of Document for details)*

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- (4) The amount of compensation under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration under this Act.
- [<sup>F1</sup>(4A) Notwithstanding subsection (4) above, the tenant and landlord may instead refer for third party determination under this Act the question of the amount of compensation to which the tenant is entitled.]
- (5) Where the right to kill and take the wild animals or birds that did the damage is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by that other person against all claims for compensation under this section; and any question arising under this subsection shall be determined by arbitration under this Act.
- [<sup>F2</sup>(6) Notwithstanding subsection (5) above, the landlord and the other person may instead refer for third party determination under this Act the questions arising between them under that subsection.]

#### **Textual Amendments**

- F1** S. 20(4A) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e)(3)(a), [Sch. 4 para. 12\(2\)](#)
- F2** S. 20(6) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e)(3)(a), [Sch. 4 para. 12\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 20.