



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART III

NOTICES TO QUIT

Notices to quit whole or part of agricultural holding

27 Tribunal's consent to operation of notice to quit.

- (1) Subject to subsection (2) below, the Tribunal shall consent under section 26 above to the operation of a notice to quit an agricultural holding or part of an agricultural holding if, but only if, they are satisfied as to one or more of the matters mentioned in subsection (3) below, being a matter or matters specified by the landlord in his application for their consent.
- (2) Even if they are satisfied as mentioned in subsection (1) above, the Tribunal shall withhold consent under section 26 above to the operation of the notice to quit if in all the circumstances it appears to them that a fair and reasonable landlord would not insist on possession.
- (3) The matters referred to in subsection (1) above are—
 - (a) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of good husbandry as respects the land to which the notice relates, treated as a separate unit;
 - (b) that the carrying out of the purpose is desirable in the interests of sound management of the estate of which the land to which the notice relates forms part or which that land constitutes;
 - (c) that the carrying out of the purpose is desirable for the purposes of agricultural research, education, experiment or demonstration, or for the purposes of the enactments relating to smallholdings;
 - (d) that the carrying out of the purpose is desirable for the purposes of the enactments relating to allotments;

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 27. (See end of Document for details)

- (e) that greater hardship would be caused by withholding than by giving consent to the operation of the notice;
 - (f) that the landlord proposes to terminate the tenancy for the purpose of the land's being used for a use, other than for agriculture, not falling within Case B.
- (4) Where the Tribunal consent under section 26 above to the operation of a notice to quit, they may impose such conditions as appear to them requisite for securing that the land to which the notice relates will be used for the purpose for which the landlord proposes to terminate the tenancy.
- (5) Where, on an application by the landlord, the Tribunal are satisfied that, by reason of any change of circumstances or otherwise, any condition imposed under subsection (4) above ought to be varied or revoked, they shall vary or revoke the condition accordingly.
- (6) Where—
- (a) on giving consent under section 26 above to the operation of a notice to quit the Tribunal imposed a condition under subsection (4) above, and
 - (b) it is proved on an application to the Tribunal on behalf of the Crown that the landlord has acted in contravention of the condition or has failed within the time allowed by the condition to comply with it,
- the Tribunal may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Tribunal is attributable to that part.
- (7) The [^{F1}Agricultural Land Tribunal] may, in proceedings under this section, by order provide for the payment by any party of such sum as the [^{F1}Agricultural Land Tribunal] consider a reasonable contribution towards costs.
- (8) A penalty imposed under subsection (6) above shall be a debt due to the Crown and shall, when recovered, be paid into the Consolidated Fund.
- (9) An order under subsection (6) or (7) above shall be enforceable in the same manner as a judgment or order of the county court to the like effect.

Textual Amendments

- F1** Words in s. 27(7) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 204](#) (with Sch. 3)
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Modifications etc. (not altering text)

- C1** S. 27(1)(3) modified by [Opencast Coal Act 1958 \(c. 69, SIF 86\)](#), s. [14\(5\)](#) as substituted by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(3), [Sch. 8 para. 5](#)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 27.