



# Agricultural Holdings Act 1986

## 1986 CHAPTER 5

### PART IV

#### SUCCESSION ON DEATH OR RETIREMENT OF TENANT

##### *Succession on death of tenant*

#### **40 Provisions supplementary to section 39.**

- (1) In section 39 above “will” includes codicil, and for the purposes of that section a person shall be taken to be validly designated by the deceased in his will as the person he wishes to succeed him as tenant of the holding if, but only if, a will of the deceased which is the subject of a grant of probate or administration—
  - (a) contains an effective specific bequest to that person of the deceased’s tenancy of the holding, or
  - (b) does not contain an effective specific bequest of that tenancy, but does contain a statement specifically mentioning the holding or the deceased’s tenancy of the holding and exclusively designating that person (in whatever words, and whether by name or description) as the person whom the deceased wishes to succeed him as tenant of the holding.
- (2) For the purposes of subsection (1) above a statement which is framed so as to designate as mentioned in paragraph (b) of that subsection different persons in different circumstances shall be taken to satisfy that paragraph if, in the events which have happened, the statement exclusively designates a particular person.
- (3) A direction under section 39 above given in favour of a person by reason of his being a person validly designated by the deceased as mentioned in subsection (4) of that section shall be valid even if the probate or administration by virtue of which he was such a person at the giving of the direction is subsequently revoked or varied.
- (4) For the purposes of this Part of this Act an application under section 39 above which is withdrawn or abandoned shall be treated as if it had never been made.

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*Changes to legislation: There are currently no known outstanding effects for the  
Agricultural Holdings Act 1986, Section 40. (See end of Document for details)*

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[<sup>F1</sup>(5) Provision shall be made by Tribunal Procedure Rules and by order under section 73(3) of the Agriculture Act 1947 (procedure of Agricultural Land Tribunal) for requiring any person making an application to the Tribunal under section 39 or section 41 to give notice of the application to the landlord of the agricultural holding to which the application relates and to take such steps as the rules or the order may require for bringing the application to the notice of other persons interested in the outcome of the application.]

**Textual Amendments**

**F1** S. 40(5) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 205](#) (with [Sch. 3](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 40.