



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART IV

SUCCESSION ON DEATH OR RETIREMENT OF TENANT

Succession on death of tenant

- 44 Opportunity for landlord to obtain Tribunal's consent to operation of notice to quit.**
- (1) Before giving a direction under section 39(5) or (6) above in a case where a notice to quit to which section 43(1) above applies has been given the Tribunal shall afford the landlord an opportunity of applying for their consent under this section to the operation of the notice.
 - (2) Subject to subsection (5) below, section 27 above shall apply in relation to an application for, or the giving of, the Tribunal's consent under this section as it applies in relation to an application for, or the giving of, their consent under section 26 above.
 - (3) The Tribunal shall not entertain an application for their consent to the operation of a notice to quit to which section 43(1) above applies unless it is made in pursuance of subsection (1) above.
 - (4) Subject to subsection (5) below, if the Tribunal give their consent on an application made in pursuance of subsection (1) above, they shall dismiss the application or each of the applications made under section 39 above.
 - (5) Where in any case—
 - (a) a notice to quit to which section 43(1) above applies has been given, and
 - (b) section 39(10) above applies,the Tribunal shall give their consent to the operation of the notice to quit in relation to the part of the holding which would, in accordance with section 39(10), be excluded from any direction given by the Tribunal with respect to the holding under section 39; and subsections (2) and (4) above shall not apply.

Changes to legislation: *There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 44. (See end of Document for details)*

- (6) If on an application made in pursuance of subsection (1) above the Tribunal give their consent to the operation of a notice to quit—
- (a) within the period of three months ending with the date on which the notice purports to terminate the tenancy (“the original operative date”), or
 - (b) at any time after that date,
- the Tribunal may, on the application of the tenant, direct that the notice shall have effect from a later date (“the new operative date”).
- (7) The new operative date, in the case of a notice to quit, must be a date not later than the end of the period of three months beginning with—
- (a) the original operative date, or
 - (b) the date on which the Tribunal give their consent to the operation of the notice, whichever last occurs.

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 44.