



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART IV

SUCCESSION ON DEATH OR RETIREMENT OF TENANT

Succession on retirement of tenant

49 Application of sections 50 to 58.

- (1) Sections 50 to 58 below (except sections 53(11) and 55(7) which are of general application) shall apply where—
- (a) an agricultural holding is held under a tenancy from year to year, being a tenancy which falls within paragraph (a) or (b) of section 34(1) above, and
 - (b) a notice is given to the landlord by the tenant, or (in the case of a joint tenancy) by all the tenants, of the holding indicating (in whatever terms) that he or they wish a single eligible person named in the notice to succeed him or them as tenant of the holding as from a date specified in the notice, being a date on which the tenancy of the holding could have been determined by notice to quit given at the date of the notice and which falls not less than one year, but not more than two years, after the date of the notice.
- (2) In subsection (1) above “tenant” has the same meaning as in section 34 above.
- (3) In this section and sections 50 to 58 below (and in Part I of Schedule 6 to this Act as applied by section 50(4))—
- “close relative” of the retiring tenant means—
- (a) the wife [^{F1}, husband or civil partner] of the retiring tenant;
 - (b) a brother or sister of the retiring tenant;
 - (c) a child of the retiring tenant;
 - (d) any person (not within (b) or (c) above) who, in the case of any marriage [^{F2} or civil partnership] to which the retiring tenant has been at any time a party, has been treated by the latter as a child of the family in relation to that marriage [^{F2} or civil partnership];

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 49. (See end of Document for details)

“eligible person” has the meaning given by section 50 below;

“the holding” means the holding in respect of which the retirement notice is given;

“the nominated successor” means the eligible person named in the retirement notice;

“related holding” means, in relation to the holding, any agricultural holding comprising the whole or a substantial part of the land comprised in the holding;

“the retirement date” means the date specified in the retirement notice as the date as from which the proposed succession is to take place;

“the retirement notice” means the notice mentioned in subsection (1) above;

“the retiring tenant” means the tenant by whom the retirement notice was given, or, where it was given by joint tenants (and the context so permits), any one of those tenants, and “the retiring tenants” accordingly means those tenants;

“the tenancy” means the tenancy of the holding.

[^{F3}(4) Where this Act applies in relation to a tenancy by virtue of section 4(1)(g) of the Agricultural Tenancies Act 1995, the reference in subsection (3) above (in the definition of related holding) to a substantial part of the land comprised in the holding means a substantial part determined by reference to either area or value.]

Textual Amendments

- F1** S. 49(3): words in definition of "close relative" substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 36\(2\)](#); S.I. 2005/3175, {art. 2(1), Sch. 1}
- F2** S. 49(3): words in definition of "close relative" inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 36\(3\)](#); S.I. 2005/3175, {art. 2(1), Sch. 1}
- F3** S. 49(4) inserted (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\), art. 4\(3\)](#) (with art. 10)

Changes to legislation:

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