



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART II

PROVISIONS AFFECTING TENANCY DURING ITS CONTINUANCE

Fixed equipment

- ^{F1}8** **Arbitration [^{F1}or third party determination] where terms of written agreement are inconsistent with the model clauses.**
- (1) This section applies where an agreement in writing relating to a tenancy of an agricultural holding effects substantial modifications in the operation of regulations under section 7 above.
 - (2) Where this section applies, then, subject to subsection (6) below, the landlord or tenant of the holding may, if he has requested the other to vary the terms of the tenancy as to the maintenance, repair and insurance of fixed equipment so as to bring them into conformity with the model clauses but no agreement has been reached on the request, refer those terms of the tenancy to arbitration under this Act.
- ^{F2}[(2A) Where the landlord or tenant has the right under subsection (2) above to refer the terms of the tenancy as to the maintenance, repair and insurance of fixed equipment to arbitration under this Act (or would have that right but for subsection (6) below), the landlord and tenant may instead refer those terms for third party determination under this Act.]
- (3) On any reference under this section the arbitrator [^{F3}or third party] shall consider whether (disregarding the rent payable for the holding) the terms referred to arbitration [^{F4}or (as the case may be) for third party determination] are justifiable having regard to the circumstances of the holding and of the landlord and the tenant, and, if he determines that they are not so justifiable, he may by his award [^{F5}or determination] vary them in such manner as appears to him reasonable and just between the landlord and tenant.

Changes to legislation: *There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 8. (See end of Document for details)*

- (4) Where it appears to the arbitrator [^{F6}or third party] on any reference under this section that by reason of any provision included in his award [^{F7}or (as the case may be) his determination] it is equitable that the rent of the holding should be varied, he may vary the rent accordingly.
- (5) The award [^{F8}or determination] of an arbitrator [^{F9}or (as the case may be) the determination of a third party] under this section shall have effect as if the terms and provisions specified and made in the award were contained in an agreement in writing entered into by the landlord and the tenant and having effect (by way of variation of the agreement previously in force in respect of the tenancy) as from the making of the award [^{F8}or determination] or, if the award [^{F8}or determination] so provides, from such later date as may be specified in it.
- (6) Where there has been a reference [^{F10}to arbitration or third party determination] under this section relating to a tenancy, no [^{F11}subsequent reference to arbitration] relating to that tenancy shall be made before the expiry of three years from the coming into effect of the award of the arbitrator [^{F12}or (as the case may be) the determination of the third party] on the previous reference.

Textual Amendments

- F1** Words in s. 8 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. 5\(7\)](#)
- F2** S. 8(2A) 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. 5\(2\)](#)
- F3** Words in s. 8(3) 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. 5\(3\)\(a\)](#)
- F4** Words in s. 8(3) 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. 5\(3\)\(b\)](#)
- F5** Words in s. 8(3) 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. 5\(3\)\(c\)](#)
- F6** Words in s. 8(4) 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. 5\(4\)\(a\)](#)
- F7** Words in s. 8(4) 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. 5\(4\)\(b\)](#)
- F8** Words in s. 8(5) 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. 5\(5\)\(b\)](#)
- F9** Words in s. 8(5) 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. 5\(5\)\(a\)](#)
- F10** Words in s. 8(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. 5\(6\)\(a\)](#)
- F11** Words in s. 8(6) substituted (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. 5\(6\)\(b\)](#)
- F12** Words in s. 8(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. 5\(6\)\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 8.