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## SCHEDULES

### SCHEDULE 3

#### AGRICULTURAL WORKER CONDITIONS

##### *The conditions*

- 2 The agricultural worker condition is fulfilled with respect to a dwelling-house subject to a relevant tenancy or licence if—
- (a) the dwelling-house is or has been in qualifying ownership at any time during the subsistence of the tenancy or licence (whether or not it was at that time a relevant tenancy or licence); and
  - (b) the occupier or, where there are joint occupiers, at least one of them—
    - (i) is a qualifying worker or has been a qualifying worker at any time during the subsistence of the tenancy or licence (whether or not it was at that time a relevant tenancy or licence); or
    - (ii) is incapable of whole-time work in agriculture or work in agriculture as a permit worker in consequence of a qualifying injury or disease.
- 3 (1) The agricultural worker condition is also fulfilled with respect to a dwelling-house subject to a relevant tenancy or licence if—
- (a) that condition was previously fulfilled with respect to the dwelling-house but the person who was then the occupier or, as the case may be, a person who was one of the joint occupiers (whether or not under the same relevant tenancy or licence) has died; and
  - (b) that condition ceased to be fulfilled on the death of the occupier referred to in paragraph (a) above (hereinafter referred to as “the previous qualifying occupier”); and
  - (c) the occupier is either—
    - (i) the qualifying [<sup>F1</sup>surviving partner] of the previous qualifying occupier; or
    - (ii) the qualifying member of the previous qualifying occupier’s family.
- [<sup>F2</sup>(2) For the purposes of sub-paragraph (1)(c)(i) above and sub-paragraph (3) below—
- (a) “surviving partner” means widow, widower or surviving civil partner; and
  - (b) a surviving partner of the previous qualifying occupier of the dwelling-house is a qualifying surviving partner if that surviving partner was residing in the dwelling-house immediately before the previous qualifying occupier’s death.]
- (3) Subject to sub-paragraph (4) below, for the purposes of sub-paragraph (1)(c)(ii) above, a member of the family of the previous qualifying occupier of the dwelling-house is the qualifying member of the family if—
- (a) on the death of the previous qualifying occupier there was no qualifying [<sup>F3</sup>surviving partner] ; and

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- (b) the member of the family was residing in the dwelling-house with the previous qualifying occupier at the time of, and for the period of two years before, his death.
- (4) Not more than one member of the previous qualifying occupier’s family may be taken into account in determining whether the agricultural worker condition is fulfilled by virtue of this paragraph and, accordingly, if there is more than one member of the family—
- (a) who is the occupier in relation to the relevant tenancy or licence, and
  - (b) who, apart from this sub-paragraph, would be the qualifying member of the family by virtue of sub-paragraph (3) above,
- only that one of those members of the family who may be decided by agreement or, in default of agreement by the county court, shall be the qualifying member.
- [<sup>F4</sup>(5) For the purposes of sub-paragraph (2)(a) above, a person who, immediately before the previous qualifying occupier’s death, was living together with the previous occupier as if they were a married couple or civil partners shall be treated as the widow, widower or surviving civil partner of the previous occupier.]
- (6) If, immediately before the death of the previous qualifying occupier, there is, by virtue of sub-paragraph (5) above, more than one person who falls within sub-paragraph (1)(c)(i) above, such one of them as may be decided by agreement or, in default of agreement, by the county court shall be treated as the qualifying [<sup>F5</sup>surviving partner] for the purposes of this paragraph.

#### Textual Amendments

- F1** Words in Sch. 3 para. 3(1)(c)(i) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263, [Sch. 8 para. 44\(2\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F2** Sch. 3 para. 3(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263, [Sch. 8 para. 44\(3\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F3** Words in Sch. 3 para. 3(3)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263, [Sch. 8 para. 44\(2\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F4** Sch. 3 para. 3(5) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), [Sch. 3 para. 12\(4\)](#)
- F5** Words in Sch. 3 para. 3(6) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263, [Sch. 8 para. 44\(2\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

- 4 The agricultural worker condition is also fulfilled with respect to a dwelling-house subject to a relevant tenancy or licence if—
- (a) the tenancy or licence was granted to the occupier or, where there are joint occupiers, at least one of them in consideration of his giving up possession of another dwelling-house of which he was then occupier (or one of joint occupiers) under another relevant tenancy or licence; and
  - (b) immediately before he gave up possession of that dwelling-house, as a result of his occupation the agricultural worker condition was fulfilled with respect to it (whether by virtue of paragraph 2 or paragraph 3 above or this paragraph);
- and the reference in paragraph (a) above to a tenancy or licence granted to the occupier or at least one of joint occupiers includes a reference to the case where the grant is to him together with one or more other persons.

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- 5 (1) This paragraph applies where—
- (a) by virtue of any of paragraphs 2 to 4 above, the agricultural worker condition is fulfilled with respect to a dwelling-house subject to a relevant tenancy or licence (in this paragraph referred to as “the earlier tenancy or licence”); and
  - (b) another relevant tenancy or licence of the same dwelling-house (in this paragraph referred to as “the later tenancy or licence”) is granted to the person who, immediately before the grant, was the occupier or one of the joint occupiers under the earlier tenancy or licence and as a result of whose occupation the agricultural worker condition was fulfilled as mentioned in paragraph (a) above;
- and the reference in paragraph (b) above to the grant of the later tenancy or licence to the person mentioned in that paragraph includes a reference to the case where the grant is to that person together with one or more other persons.
- (2) So long as a person as a result of whose occupation of the dwelling-house the agricultural worker condition was fulfilled with respect to the earlier tenancy or licence continues to be the occupier, or one of the joint occupiers, under the later tenancy or licence, the agricultural worker condition shall be fulfilled with respect to the dwelling-house.
- (3) For the purposes of paragraphs 3 and 4 above and any further application of this paragraph, where sub-paragraph (2) above has effect, the agricultural worker condition shall be treated as fulfilled so far as concerns the later tenancy or licence by virtue of the same paragraph of this Schedule as was applicable (or, as the case may be, last applicable) in the case of the earlier tenancy or licence.

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)