



# Agricultural Tenancies Act 1995

## 1995 CHAPTER 8

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Supplemental*

#### **36 Service of notices.**

- (1) This section applies to any notice or other document required or authorised to be given under this Act.
- (2) A notice or other document to which this section applies is duly given to a person if—
  - (a) it is delivered to him,
  - (b) it is left at his proper address, or
  - (c) it is given to him in a manner authorised by a written agreement made, at any time before the giving of the notice, between him and the person giving the notice.
- (3) A notice or other document to which this section applies is not duly given to a person if its text is transmitted to him by facsimile or other electronic means otherwise than by virtue of subsection (2)(c) above.
- (4) Where a notice or other document to which this section applies is to be given to a body corporate, the notice or document is duly given if it is given to the secretary or clerk of that body.
- (5) Where—
  - (a) a notice or other document to which this section applies is to be given to a landlord under a farm business tenancy and an agent or servant of his is responsible for the control of the management of the holding, or
  - (b) such a document is to be given to a tenant under a farm business tenancy and an agent or servant of his is responsible for the carrying on of a business on the holding,

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the notice or document is duly given if it is given to that agent or servant.

- (6) For the purposes of this section, the proper address of any person to whom a notice or other document to which this section applies is to be given is—
- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body, and
  - (b) in any other case, the last known address of the person in question.
- (7) Unless or until the tenant under a farm business tenancy has received—
- (a) notice that the person who before that time was entitled to receive the rents and profits of the holding (“the original landlord”) has ceased to be so entitled, and
  - (b) notice of the name and address of the person who has become entitled to receive the rents and profits,

any notice or other document given to the original landlord by the tenant shall be deemed for the purposes of this Act to have been given to the landlord under the tenancy.

### **37 Crown land.**

- (1) This Act shall apply in relation to land in which there subsists, or has at any material time subsisted, a Crown interest as it applies in relation to land in which no such interest subsists or has ever subsisted.
- (2) For the purposes of this Act—
- (a) where an interest belongs to Her Majesty in right of the Crown and forms part of the Crown Estate, the Crown Estate Commissioners shall be treated as the owner of the interest,
  - (b) where an interest belongs to Her Majesty in right of the Crown and does not form part of the Crown Estate, the government department having the management of the land or, if there is no such department, such person as Her Majesty may appoint in writing under the Royal Sign Manual shall be treated as the owner of the interest,
  - (c) where an interest belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy shall be treated as the owner of the interest,
  - (d) where an interest belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department shall be treated as the owner of the interest, and
  - (e) where an interest belongs to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints shall be treated as the owner of the interest and, in the case where the interest is that of landlord, may do any act or thing which a landlord is authorised or required to do under this Act.
- (3) If any question arises as to who is to be treated as the owner of a Crown interest, that question shall be referred to the Treasury, whose decision shall be final.
- (4) In subsections (1) and (3) above “Crown interest” means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department, or which is held in trust for Her Majesty for the purposes of a government department.
- (5) Any compensation payable under section 16 of this Act by the Chancellor of the Duchy of Lancaster may be raised and paid under section 25 of the <sup>M1</sup>Duchy of Lancaster Act

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1817 (application of monies) as an expense incurred in improvement of land belonging to Her Majesty in right of the Duchy.

- (6) In the case of land belonging to the Duchy of Cornwall, the purposes authorised by section 8 of the <sup>M2</sup>Duchy of Cornwall Management Act 1863 (application of monies) for the advancement of parts of such gross sums as are there mentioned shall include the payment of compensation under section 16 of this Act.
- (7) Nothing in subsection (6) above shall be taken as prejudicing the operation of the <sup>M3</sup>Duchy of Cornwall Management Act 1982.

#### Marginal Citations

- M1** 1817 c. 97.  
**M2** 1863 c. 49.  
**M3** 1982 c. 47.

### 38 Interpretation.

- (1) In this Act, unless the context otherwise requires—
- “agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;
  - “building” includes any part of a building;
  - “fixed term tenancy” means any tenancy other than a periodic tenancy;
  - “holding”, in relation to a farm business tenancy, means the aggregate of the land comprised in the tenancy;
  - “landlord” includes any person from time to time deriving title from the original landlord;
  - “livestock” includes any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land;
  - [<sup>F1</sup>“the RICS” means the Royal Institution of Chartered Surveyors;][<sup>F1</sup>“professional authority” has the same meaning as it has for the time being for the purposes of section 84 of the Agricultural Holdings Act 1986;]
  - “tenancy” means any tenancy other than a tenancy at will, and includes a sub-tenancy and an agreement for a tenancy or sub-tenancy;
  - “tenant” includes a sub-tenant and any person deriving title from the original tenant or sub-tenant;
  - “termination”, in relation to a tenancy, means the cesser of the tenancy by reason of effluxion of time or from any other cause.
- (2) References in this Act to the farming of land include references to the carrying on in relation to land of any agricultural activity.
- (3) A tenancy granted pursuant to a contract shall be taken for the purposes of this Act to have been granted when the contract was entered into.

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- (4) For the purposes of this Act a tenancy begins on the day on which, under the terms of the tenancy, the tenant is entitled to possession under that tenancy; and references in this Act to the beginning of the tenancy are references to that day.
- (5) The designations of landlord and tenant shall continue to apply until the conclusion of any proceedings taken under this Act in respect of compensation.

#### Textual Amendments

**F1** Words in s. 38(1) substituted (11.11.2020 for specified purposes) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c), [Sch. 3 para. 28](#)

### 39 Index of defined expressions.

In this Act the expressions listed below are defined by or otherwise fall to be construed in accordance with the provisions indicated—

agriculture, agricultural	section 38(1)
begins, beginning (in relation to a tenancy)	section 38(4)
building	section 38(1)
farm business tenancy	section 1
farming (of land)	section 38(2)
fixed term tenancy	section 38(1)
grant (of a tenancy)	section 38(3)
holding (in relation to a farm business tenancy)	section 38(1)
landlord	section 38(1) and (5)
livestock	section 38(1)
planning permission (in Part III)	section 27
[ <sup>F2</sup> professional authority	section 38(1)]
provision (of a tenant's improvement) (in Part III)	section 15
the review date (in Part II)	section 10(2)
[ <sup>F3</sup> the RICS	section 38(1)]
statutory review notice (in Part II)	section 10(1)
tenancy	section 38(1)
tenant	section 38(1) and (5)
tenant's improvement (in Part III)	section 15
termination (of a tenancy)	section 38(1).

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#### **Textual Amendments**

- F2** Words in s. 39 inserted (11.11.2020 for specified purposes) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c), [Sch. 3 para. 29\(a\)](#)
- F3** Words in s. 39 omitted (11.11.2020 for specified purposes) by virtue of [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c), [Sch. 3 para. 29\(b\)](#)

#### **40 Consequential amendments.**

The Schedule to this Act (which contains consequential amendments) shall have effect.

#### **41 Short title, commencement and extent.**

- (1) This Act may be cited as the Agricultural Tenancies Act 1995.
- (2) This Act shall come into force on 1st September 1995.
- (3) Subject to subsection (4) below, this Act extends to England and Wales only.
- (4) The amendment by a provision of the Schedule to this Act of an enactment which extends to Scotland or Northern Ireland also extends there, except that paragraph 9 of the Schedule does not extend to Northern Ireland.

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**Changes to legislation:**

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