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SCHEDULE U.K.

Section 40.

CONSEQUENTIAL AMENDMENTS

The Small Holdings and Allotments Act 1908 (c. 36)

1 (1) Section 47 of the Small Holdings and Allotments Act 1908 (compensation for improvements) shall be amended as follows.

(2) In subsection (1), after "to any tenant" there shall be inserted " otherwise than under a farm business tenancy ".

(3) In subsection (2), after "small holdings or allotments" there shall be inserted " otherwise than under a farm business tenancy ".

(4) In subsection (3), after "if" there shall be inserted " he is not a tenant under a farm business tenancy and ".

(5) In subsection (4), after "allotment" there shall be inserted " who is not a tenant under a farm business tenancy ".

(6) After that subsection, there shall be inserted—

"(5) In this section, "farm business tenancy" has the same meaning as in the Agricultural Tenancies Act 1995."

The Law of Distress Amendment Act 1908 (c. 53)

2 In section 4(1) of the Law of Distress Amendment Act 1908 (exclusion of certain goods), for "to which that section applies" there shall be substituted " on land comprised in a tenancy to which that Act applies ".

The Allotments Act 1922 (c. 51)

3 In section 3(7) of the Allotments Act 1922 (provision as to cottage holdings and certain allotments), after "landlord" there shall be inserted " otherwise than under a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995) ".

4 In section 6(1) of that Act (assessment and recovery of compensation), after "contract of tenancy" there shall be inserted " (not being a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995) ".

The Landlord and Tenant Act 1927 (c. 36)

5 In section 17(1) of the Landlord and Tenant Act 1927 (holdings to which Part I applies), for the words from "not being" to the end there is substituted "not being—

(a) agricultural holdings within the meaning of the Agricultural Holdings Act 1986 held under leases in relation to which that Act applies, or

(b) holdings held under farm business tenancies within the meaning of the Agricultural Tenancies Act 1995."

6 In section 19(4) of that Act (provisions as to covenants not to assign etc. without licence or consent), after "the Agricultural Holdings Act 1986" there shall be

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inserted " which are leases in relation to which that Act applies, or to farm business tenancies within the meaning of the Agricultural Tenancies Act 1995 ".

The Agricultural Credits Act 1928 (c. 43)

7 In section 5(7) of the Agricultural Credits Act 1928 (agricultural charges on farming stock and assets) in the definition of "other agricultural assets", after "otherwise" there shall be inserted " a tenant's right to compensation under section 16 of the Agricultural Tenancies Act 1995, ".

The Leasehold Property (Repairs) Act 1938 (c. 34)

8 In section 7(1) of the Leasehold Property (Repairs) Act 1938 (interpretation), at the end there shall be added " which is a lease in relation to which that Act applies and not being a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 ".

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

9 (1) Section 27 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (renewal of tenancy expiring during period of service or within two months thereafter) shall be amended as follows.

(2) In subsection (1), for the words from "are an agricultural holding" onwards there shall be substituted—

"(a) are an agricultural holding (within the meaning of the Agricultural Holdings Act 1986) held under a tenancy in relation to which that Act applies,

(b) are a holding (other than a holding excepted from this provision) held under a farm business tenancy, or

(c) consist of or comprise premises (other than premises excepted from this provision) licensed for the sale of intoxicating liquor for consumption on the premises."

(3) In subsection (5), after paragraph (b) there shall be inserted—

"(bb) the expressions "farm business tenancy" and "holding", in relation to such a tenancy, have the same meaning as in the Agricultural Tenancies Act 1995;".

(4) After that subsection, there shall be inserted—

"(5A) In paragraph (b) of the proviso to subsection (1) of this section the reference to a holding excepted from the provision is a reference to a holding held under a farm business tenancy in which there is comprised a dwelling-house occupied by the person responsible for the control (whether as tenant or servant or agent of the tenant) of the management of the holding."

(5) In subsection (6), for the words from the beginning to "liquor" there shall be substituted " In paragraph (c) of the proviso to subsection (1) of this section, the reference to premises excepted from the provision ".

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The Landlord and Tenant Act 1954 (c. 56)

10 In section 43(1) of the Landlord and Tenant Act 1954 (tenancies excluded from Part II)—

(a) in paragraph (a), for the words from "or a tenancy" to "1986" there shall be substituted " which is a tenancy in relation to which the Agricultural Holdings Act 1986 applies or a tenancy which would be a tenancy of an agricultural holding in relation to which that Act applied if subsection (3) of section 2 of that Act ", and

(b) after that paragraph there shall be inserted—

"(aa) to a farm business tenancy;".

11 In section 51(1) of that Act (extension of Leasehold Property (Repairs) Act 1938), for paragraph (c) there shall be substituted—

"(c) that the tenancy is neither a tenancy of an agricultural holding in relation to which the Agricultural Holdings Act 1986 applies nor a farm business tenancy".

12 In section 69(1) of that Act (interpretation), after the definition of "development corporation" there shall be inserted—

""farm business tenancy" has the same meaning as in the Agricultural Tenancies Act 1995;".

The Opencast Coal Act 1958 (c. 69)

13 (1) Section 14 of the Opencast Coal Act 1958 (provisions as to agricultural tenancies in England and Wales) shall be amended as follows.

(2) In subsection (1)(b), for "or part of an agricultural holding" there shall be substituted " held under a tenancy in relation to which the Agricultural Holdings Act 1986 (in this Act referred to as "the Act of 1986") applies or part of such an agricultural holding ".

(3) In subsection (2), for the words from "Agricultural" to "of 1986)" there shall be substituted " Act of 1986 ".

14 After section 14A of that Act, there shall be inserted—

"**14B Provisions as to farm business tenancies.**

(1) Without prejudice to the provisions of Part III of this Act as to matters arising between landlords and tenants in consequence of compulsory rights orders, the provisions of this section shall have effect where—

(a) opencast planning permission has been granted subject to a restoration condition, and

(b) immediately before that permission is granted, any of the land comprised therein consists of the holding or part of the holding held under a farm business tenancy,

whether any of that land is comprised in a compulsory rights order or not.

(2) For the purposes of section 1 of the Agricultural Tenancies Act 1995 (in this Act referred to as "the Act of 1995"), the land shall be taken, while it is occupied or used for the permitted activities, to be used for the purposes for which it was used immediately before it was occupied or used for the permitted activities.

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(3) For the purposes of the Act of 1995, nothing done or omitted by the tenant or by the landlord under the tenancy by way of permitting any of the land in respect of which opencast planning permission has been granted to be occupied for the purpose of carrying on any of the permitted activities, or by way of facilitating the use of any of that land for that purpose, shall be taken to be a breach of any term or condition of the tenancy, either on the part of the tenant or on the part of the landlord.

(4) In determining under subsections (1) and (2) of section 13 of the Act of 1995 the rent which should be properly payable for the holding, in respect of any period for which the person with the benefit of the opencast planning permission is in occupation of the holding, or of any part thereof, for the purpose of carrying on any of the permitted activities, the arbitrator shall disregard any increase or diminution in the rental value of the holding in so far as that increase or diminution is attributable to the occupation of the holding, or of that part of the holding, by that person for the purpose of carrying on any of the permitted activities.

(5) In this section "holding", in relation to a farm business tenancy, has the same meaning as in the Act of 1995.

(6) This section does not extend to Scotland."

15 (1) Section 24 of that Act (tenant's right to compensation for improvements and other matters) shall be amended as follows.

(2) In subsection (1)(a), after "holding" there shall be inserted " held under a tenancy in relation to which the Act of 1986 applies ".

(3) In subsection (10), after "Scotland" there shall be inserted " the words "held under a tenancy in relation to which the Act of 1986 applies" in subsection (1)(a) of this section shall be omitted and ".

16 After section 25 of that Act, there shall be inserted—

"**25A Tenant's right to compensation for improvements etc.: farm business tenancies.**

(1) The provisions of this section shall have effect where—

(a) any part of the land comprised in a compulsory rights order is held, immediately before the date of entry, under a farm business tenancy;

(b) there have been provided in relation to the land which is both so comprised and so held ("the tenant"s land') tenant's improvements in respect of which, immediately before that date, the tenant had a prospective right to compensation under section 16 of the Act of 1995 on quitting the holding on the termination of the tenancy;

(c) at the end of the period of occupation, the tenant's land has lost the benefit of any such improvement; and

(d) immediately after the end of that period, the tenant's land is comprised in the same tenancy as immediately before the date of entry, or is comprised in a subsequent farm business tenancy at the end of which the tenant is not deprived, by virtue of section 23(3) of that Act, of his right to compensation under section 16 of that Act

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in respect of any tenant's improvement provided during the earlier tenancy in relation to the tenant's land.

(2) For the purposes of subsection (1) of this section, subsection (2) of section 22 of the Act of 1995 (which requires notice to be given of the intention to make a claim) shall be disregarded.

(3) Subject to subsection (4) of this section, Part III of the Act of 1995 shall apply as if—

(a) the tenant's land were in the state in which it was immediately before the date of entry, and

(b) the tenancy under which that land is held at the end of the period of occupation had terminated immediately after the end of that period and the tenant had then quitted the holding.

(4) Where the tenant's land has lost the benefit of some tenant's improvements but has not lost the benefit of all of them, Part III of the Act of 1995 shall apply as mentioned in subsection (3) above, but as if the improvements of which the tenant's land has not lost the benefit had not been tenant's improvements.

(5) For the purposes of subsections (1) and (4) of this section, the tenant's land shall be taken to have lost the benefit of a tenant's improvement if the benefit of that improvement has been lost (wholly or in part) without being replaced by another improvement of comparable benefit to the land.

(6) In this section "holding", in relation to a farm business tenancy, "tenant's improvement", "termination", in relation to a tenancy, and references to the provision of a tenant's improvement have the same meaning as in the Act of 1995.

(7) This section does not extend to Scotland."

17 (1) Section 26 of that Act (compensation for short-term improvements and related matters) shall be amended as follows.

(2) In subsection (1), after "agricultural land" there shall be inserted " and was not comprised in a farm business tenancy ".

(3) In subsection (6), after "Scotland" there shall be inserted—

"(za) in subsection (1) of this section, the words "and was not comprised in a farm business tenancy" shall be omitted;".

18 (1) Section 28 of that Act (special provision as to market gardens) shall be amended as follows.

(2) In subsection (1), after "market garden" there shall be inserted " and was not comprised in a farm business tenancy. "

(3) In subsection (6), after "Scotland" there shall be inserted " in subsection (1) of this section, the words "and was not comprised in a farm business tenancy" shall be omitted; and ".

19 In section 51 of that Act (interpretation) in subsection (1)—

(a) after the definition of "the Act of 1986" there shall be inserted—

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""the Act of 1995" means the Agricultural Tenancies Act 1995;" and

(b) after the definition of "emergency powers" there shall be inserted—

""farm business tenancy" has the same meaning as in the Act of 1995;".

20 (1) Schedule 7 to that Act (adjustments between landlords and tenants and in respect of mortgages and mining leases and orders) shall be amended as follows.

(2) After paragraph 1, there shall be inserted—

"1A (1) The provisions of this paragraph shall have effect where—

(a) paragraphs (a) and (b) of subsection (1) of section 25A of this Act apply, and

(b) the farm business tenancy at the end of which the tenant could have claimed compensation for tenant's improvements terminates on or after the date of entry, but before the end of the period of occupation, without being succeeded by another such subsequent tenancy.

(2) In the circumstances specified in sub-paragraph (1) of this paragraph, the provisions of Part III of the Act of 1995—

(a) shall apply, in relation to the tenancy mentioned in that sub-paragraph, as if, at the termination of that tenancy, the land in question were in the state in which it was immediately before the date of entry, and

(b) if the tenant under that tenancy quitted the holding before the termination of his tenancy, shall so apply as if he had quitted the holding on the termination of his tenancy.

(3) In sub-paragraph (2) of this paragraph, "holding", in relation to a farm business tenancy, and "termination", in relation to a tenancy, have the same meaning as in the Act of 1995."

(3) In paragraph 2, in sub-paragraph (1), after "agricultural holding" there shall be inserted " held under a tenancy in relation to which the Act of 1986 applies ".

(4) After that paragraph there shall be inserted—

"2A (1) The provisions of this paragraph shall have effect where land comprised in a farm business tenancy is comprised in a compulsory rights order (whether any other land is comprised in the holding, or comprised in the order, or not), and—

(a) before the date of entry there had been provided in relation to the land in question tenant's improvements (in this paragraph referred to as "the former tenant"s improvements') in respect of which, immediately before that date, the tenant had a prospective right to compensation under section 16 of the Act of 1995 on quitting the holding on the termination of the tenancy, and

(b) at the end of the period of occupation the circumstances are such that Part III of that Act would have applied as mentioned in subsections (3) and (4) of section 25A of this Act, but for the fact that the benefit of the former tenant's improvements has been replaced, on the restoration of the land, by other improvements (in this paragraph

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referred to as "the new improvements") of comparable benefit to the land.

(2) In the circumstances specified in sub-paragraph (1) of this paragraph, Part III of the Act of 1995 shall have effect in relation to the new improvements as if those improvements were tenant's improvements.

(3) Subsections (2) and (6) of section 25A of this Act shall apply for the purposes of this paragraph as they apply for the purposes of that section."

(5) After paragraph 3 there shall be inserted—

"3A Where by virtue of section 25A of this Act a tenant is entitled to compensation for tenant's improvements as mentioned in that section and—

(a) after the end of the period of occupation expenses are incurred in replacing the benefit of the tenant's improvements by other improvements of comparable benefit to the land, and

(b) the person incurring those expenses (whether he is the landlord or not) is entitled to compensation in respect of those expenses under section 22 of this Act,

section 13 of the Act of 1995 shall apply as if the works in respect of which those expenses are incurred were not tenant's improvements, if apart from this paragraph they would constitute such improvements."

(6) At the end of paragraph 4, there shall be added—

"(7) In this paragraph "agricultural holding" does not include an agricultural holding held under a farm business tenancy."

(7) After that paragraph there shall be inserted—

"4A (1) The provisions of this paragraph shall apply where—

(a) immediately before the operative date of a compulsory rights order, any of the land comprised in the order is subject to a farm business tenancy, and

(b) that tenancy continues until after the end of the period of occupation.

(2) The landlord or tenant under the tenancy may, by notice in writing served on his tenant or landlord, demand a reference to arbitration of the question whether any of the terms and conditions of the tenancy (including any term or condition relating to rent) should be varied in consequence of any change in the state of the land resulting from the occupation or use of the land in the exercise of rights conferred by the order; and subsection (3) of section 28 of the Act of 1995 shall apply in relation to a notice under this sub-paragraph as it applies in relation to a notice under subsection (2) of that section.

(3) On a reference by virtue of this paragraph, the arbitrator shall determine what variations (if any) should be made in the terms and conditions of the tenancy, and the date (not being earlier than the end of the period of occupation) from which any such variations are to take effect or to be treated as having taken effect; and as from that date the tenancy shall have effect, or, as the case may be, shall be treated as having had effect, subject to any variations determined by the arbitrator under this paragraph.

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(4) The provisions of this paragraph shall not affect any right of the landlord or the tenant, or the jurisdiction of the arbitrator, under Part II of the Act of 1995; but where—

(a) there is a reference by virtue of this paragraph and a reference under Part II of that Act in respect of the same tenancy, and

(b) it appears to the arbitrator that the reference under Part II of that Act relates wholly or mainly to the consequences of the occupation or use of the land in the exercise of rights conferred by the order,

he may direct that proceedings on the two references shall be taken concurrently."

(8) In paragraph 5(1), after "agricultural holding" there shall be inserted "held under a tenancy in relation to which the Act of 1986 applies".

(9) In paragraph 6—

(a) in sub-paragraph (1), for "an agricultural holding" there shall be substituted "—

(a) an agricultural holding held under a tenancy in relation to which the Act of 1986 applies, or

(b) a holding under a farm business tenancy,"; and

(b) after sub-paragraph (2) there shall be added—

"(2A) In sub-paragraph (1) of this paragraph, "holding", in relation to a farm business tenancy, has the same meaning as in the Act of 1995."

(10) In paragraph 7—

(a) after "The provisions of" there shall be inserted " sub-paragraphs (1) to (6) of ";

(b) for "that paragraph" there shall be substituted " those sub-paragraphs "; and

(c) after "subject to a mortgage" there shall be inserted " but not comprised in a farm business tenancy ".

(11) After that paragraph there shall be inserted—

"7A The provisions of paragraph 4A of this Schedule shall apply in relation to mortgages of land comprised in farm business tenancies as they apply in relation to such tenancies, as if any reference in that paragraph to such a tenancy were a reference to such a mortgage, and any reference to a landlord or to a tenant were a reference to a mortgagee or to a mortgagor, as the case may be."

(12) In paragraph 12(1)(a), for the words from "did" to "holding" there shall be substituted " was not comprised in a tenancy in relation to which the Act of 1986 applies or in a farm business tenancy ".

(13) In paragraph 13, after "or to a tenancy" there shall be inserted " (other than a reference to a tenancy in relation to which the Act of 1986 applies or a farm business tenancy) ".

(14) In paragraph 25—

(a) in sub-paragraph (a), at the beginning there shall be inserted " subject to sub-paragraphs (ba), (bc), (bd)(i) and (be) of this paragraph, ";

(b) after sub-paragraph (b), there shall be inserted—

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"(ba) in sub-paragraph (1) of paragraph 2, the words "held under a tenancy in relation to which the Act of 1986 applies" shall be omitted;

(bb) sub-paragraph (7) of paragraph 4 shall be omitted;

(bc) in sub-paragraph (1) of paragraph 5, the words "held under a tenancy in relation to which the Act of 1986 applies" shall be omitted;

(bd) in paragraph (6)—

(i) for paragraphs (a) and (b) of sub-paragraph (1) there shall be substituted the words "an agricultural holding"; and

(ii) sub-paragraph (2A) shall be omitted;

(be) in sub-paragraph (1)(a) of paragraph 12, for the words "was not comprised in a tenancy in relation to which the Act of 1986 applies or in a farm business tenancy" there shall be substituted the words "did not constitute or form part of an agricultural holding";" and

(c) in sub-paragraph (c), for "7" there shall be substituted " 1A, 2A, 3A, 4A, 7, 7A ".

The Agriculture (Miscellaneous Provisions) Act 1963 (c. 11)

21 (1) Section 22 of the Agriculture (Miscellaneous Provisions) Act 1963 (allowances to persons displaced from agricultural land) shall be amended as follows.

(2) In subsection (1), for paragraph (a) there shall be substituted—

"(a) the land—

(i) is used for the purposes of agriculture (within the meaning of the Agricultural Tenancies Act 1995) and is so used by way of a trade or business, or

(ii) is not so used but is comprised in a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995) and used for the purposes of a trade or business,".

(3) In subsection (6)(c), for "the Agricultural Holdings Act 1986" there shall be substituted " , the Agricultural Tenancies Act 1995 ".

The Leasehold Reform Act 1967 (c. 88)

22 In section 1(3) of the Leasehold Reform Act 1967 (tenants entitled to enfranchisement or extension), for paragraph (b) there shall be substituted—

"(b) it is comprised in—

(i) an agricultural holding within the meaning of the Agricultural Holdings Act 1986 held under a tenancy in relation to which that Act applies, or

(ii) the holding held under a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995."

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The Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)

23 In section 12 of the Agriculture (Miscellaneous Provisions) Act 1968 (additional payments in consequence of compulsory acquisition etc of agricultural holdings), after subsection (1) there shall be inserted—

"(1A) No sum shall be payable by virtue of subsection (1) of this section in respect of any land comprised in a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995."

The Land Compensation Act 1973 (c. 26)

24 In section 48 of the Land Compensation Act 1973 (compensation in respect of agricultural holdings) at the beginning of subsection (1) there shall be inserted "Subject to subsection (1A) below" and after subsection (1) there shall be inserted—

"(1A) This section does not have effect where the tenancy of the agricultural holding is a tenancy to which, by virtue of section 4 of the Agricultural Tenancies Act 1995, the Agricultural Holdings Act 1986 does not apply."

The Rent (Agriculture) Act 1976 (c. 80)

25 (1) Section 9 of the Rent (Agriculture) Act 1976 (effect of determination of superior tenancy, etc) shall be amended as follows.

(2) In subsection (3), after "the Agricultural Holdings Act 1986" there shall be inserted " held under a tenancy in relation to which that Act applies and land comprised in a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995. "

(3) In subsection (4), for the words from "or" at the end of paragraph (b) onwards there shall be substituted—

"(c) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy in relation to which that Act applies; or

(d) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995."

26 In Schedule 2 to that Act (meaning of "relevant licence" and "relevant tenancy"), in paragraph 2 for the words from "and a tenancy" to the end there shall be substituted " , a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy in relation to which that Act applies, and a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995. "

The Rent Act 1977 (c. 42)

27 For section 10 of the Rent Act 1977 there shall be substituted—

"**10 Agricultural holdings etc.**

(1) A tenancy is not a protected tenancy if—

(a) the dwelling-house is comprised in an agricultural holding and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding, or

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(b) the dwelling-house is comprised in the holding held under a farm business tenancy and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the management of the holding.

(2) In subsection (1) above—

"agricultural holding" means any agricultural holding within the meaning of the Agricultural Holdings Act 1986 held under a tenancy in relation to which that Act applies, and

"farm business tenancy", and "holding" in relation to such a tenancy, have the same meaning as in the Agricultural Tenancies Act 1995."

28 (1) Section 137 of that Act (effect on sub-tenancy of determination of superior tenancy) shall be amended as follows.

(2) In subsection (3), after "the Agricultural Holdings Act 1986" there shall be inserted " held under a tenancy to which that Act applies and land comprised in a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995. "

(3) In subsection (4), in paragraph (c), for the words from "applies" onwards there shall be substituted "applies—

(i) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy in relation to which that Act applies, or

(ii) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995."

The Protection from Eviction Act 1977 (c. 43)

29 In section 8(1) of the Protection from Eviction Act 1977 (interpretation)—

(a) in paragraph (d), after "Agricultural Holdings Act 1986" there shall be inserted " which is a tenancy in relation to which that Act applies ", and

(b) at the end there shall be added—

"(g) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995."

The Housing Act 1985 (c. 68)

30 In Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), for paragraph 8 there shall be substituted—

" Agricultural holdings etc.

8 (1) A tenancy is not a secure tenancy if—

(a) the dwelling-house is comprised in an agricultural holding and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding, or

(b) the dwelling-house is comprised in the holding held under a farm business tenancy and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the management of the holding.

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(2) In sub-paragraph (1) above—

"agricultural holding" means any agricultural holding within the meaning of the Agricultural Holdings Act 1986 held under a tenancy in relation to which that Act applies, and

"farm business tenancy", and "holding" in relation to such a tenancy, have the same meaning as in the Agricultural Tenancies Act 1995."

The Landlord and Tenant Act 1985 (c. 70)

31 In section 14(3) of the Landlord and Tenant Act 1985 (leases to which section 11 does not apply), at the end there shall be added " and in relation to which that Act applies or to a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995. "

The Agricultural Holdings Act 1986 (c. 5)

32 In Schedule 6 to the Agricultural Holdings Act 1986 (eligibility to apply for a new tenancy under Part IV of that Act), in paragraph 6 (occupation to be disregarded for purposes of occupancy condition), in sub-paragraph (1) after paragraph (d) there shall be inserted—

"(dd) under a farm business tenancy, within the meaning of the Agricultural Tenancies Act 1995, for less than five years (including a farm business tenancy which is a periodic tenancy),".

The Housing Act 1988 (c. 50)

F1 33 . . . . . .

Textual Amendments

F1 Sch. para. 33 repealed (1.10.1996) by 1996 c. 52, **Sch. 19 Pt. IX**; S.I. 1996/2402, **art. 3**

34 In Schedule 1 to that Act (tenancies which cannot be assured tenancies), for paragraph 7 there shall be substituted—

" Tenancies of agricultural holdings etc

7 (1) A tenancy under which the dwelling-house—

(a) is comprised in an agricultural holding, and

(b) is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.

(2) A tenancy under which the dwelling-house—

(a) is comprised in the holding held under a farm business tenancy, and

(b) is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the management of the holding.

***Changes to legislation:** Agricultural Tenancies Act 1995 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In this paragraph—

"agricultural holding" means any agricultural holding within the meaning of the Agricultural Holdings Act 1986 held under a tenancy in relation to which that Act applies, and

"farm business tenancy" and "holding", in relation to such a tenancy, have the same meaning as in the Agricultural Tenancies Act 1995."

The Town and Country Planning Act 1990 (c. 8)

35 (1) Section 65 of the Town and Country Planning Act 1990 (notice etc. of applications for planning permissions) shall be amended as follows.

(2) In subsection (2), for "a tenant of any agricultural holding any part of which is comprised in that land" there shall be substituted " an agricultural tenant of that land ".

(3) In subsection (8), for the definition of "agricultural holding" there shall be substituted—

""agricultural tenant", in relation to any land, means any person who—

(a) is the tenant, under a tenancy in relation to which the Agricultural Holdings Act 1986 applies, of an agricultural holding within the meaning of that Act any part of which is comprised in that land; or

(b) is the tenant, under a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995), of land any part of which is comprised in that land;".

The Coal Mining Subsidence Act 1991 (c. 45)

36 In section 21 of the Coal Mining Subsidence Act 1991 (property belonging to protected tenants) in subsection (3), after paragraph (a) there shall be inserted—

"(aa) a tenant under a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995;".

37 In Schedule 3 to that Act (property belonging to protected tenants) in paragraph 1(2), after paragraph (b) there shall be inserted—

"(bb) section 20 of the Agricultural Tenancies Act 1995;".

Changes to legislation:
Agricultural Tenancies Act 1995 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
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Changes and effects yet to be applied to :

– s. 33(1) words omitted by 2022 c. 6 Sch. 1 para. 19

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 8A inserted by 2023 asc 4 s. 24(4)
– s. 28(5)(za) inserted by 2023 asc 4 s. 24(5)
– s. 36A inserted by 2023 asc 4 s. 24(6)