

1978 No. 259

AGRICULTURE

The Agricultural Land Tribunals (Rules) Order 1978

Made - - - 27th February 1978

Laid before Parliament 6th March 1978

Coming into Operation 7th April 1978

The Lord Chancellor, in exercise of the powers conferred on him by section 73(3) and (4) of the Agriculture Act 1947 (a), as amended (b), section 50(3) of the Agricultural Holdings Act 1948 (c) as amended (d) and section 6(4) and (6) of the Agriculture (Miscellaneous Provisions) Act 1954 (e), as amended (f), and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971 (g), hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Agricultural Land Tribunals (Rules) Order 1978 and shall come into operation on 7th April 1978.

(2) The Interpretation Act 1889 (h) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Rules of procedure

2. The Rules set out in Schedule 1 to this Order shall apply for the purposes of proceedings before Agricultural Land Tribunals other than proceedings arising from any application made under Part II of the Agriculture (Miscellaneous Provisions) Act 1976 (j).

Amendment of other rules

3. The Agricultural Land Tribunals (Succession to Agricultural Tenancies) Order 1976 (k) shall be amended to the extent shown in Schedule 2 to this Order.

(a) 1947 c.48.

(b) by section 8(1) of and paragraph 3 of Schedule 1 to the Agriculture Act 1958 (c.71).

(c) 1948 c.63.

(d) by section 8(1) of and paragraph 15 of Schedule 1 to the Agriculture Act 1958.

(e) 1954 c.39.

(f) by section 8(1) of and paragraph 27 of Schedule 1 to the Agriculture Act 1958.

(g) 1971 c.62.

(h) 1889 c.63.

(j) 1976 c.55.

(k) S.I. 1976/2183.

Revocation of orders

- 4.—(1) The Agricultural Land Tribunals and Notices to Quit Order 1959 (a), the Agricultural Land Tribunals (Amendment) Order 1959 (b), the Agricultural Land Tribunals (Amendment) Order 1961 (c), and the Agricultural Land Tribunals (Amendment) Order 1974 (d)

are hereby revoked except to such extent as may be necessary for the disposal of an application pending at the commencement of this Order.

(2) The Agriculture (Procedure of Agricultural Land Tribunals) Order 1954 (e) (which was revoked with a saving in 1959) shall continue to have effect for the purpose of references to an Agricultural Land Tribunal under section 86 of the Agriculture Act 1947.

Elwyn-Jones, C.

Dated 27th February 1978.

(a) S.I. 1959/81.
(d) S.I. 1974/67.

(b) S.I. 1959/359.

(c) S.I. 1961/1755.
(e) S.I. 1954/1138.

SCHEDULE 1

RULES OF PROCEDURE FOR AGRICULTURAL LAND TRIBUNALS

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PRELIMINARY

Citation and interpretation

1.—(1) These Rules may be cited as the Agricultural Land Tribunals Rules 1978.

(2) In these Rules, unless the context otherwise requires—

“the 1948 Act” means the Agricultural Holdings Act 1948;

“the 1977 Act” means the Agricultural Holdings (Notices to Quit) Act 1977 (a);

“chairman” means the chairman of the tribunal or a person nominated under paragraph 16(1)(a) or appointed under paragraph 16A of the Ninth Schedule to the Agriculture Act 1947 to act as chairman;

“drainage case” means proceedings on an application under section 40 or 41 of the Land Drainage Act 1976 (b);

“secretary” means the secretary of the tribunal;

“tribunal” means the Agricultural Land Tribunal for the area in which the agricultural holding which is the subject of an application, or the greater part of that holding, is situate.

(3) A form referred to by number means the form so numbered in the Appendix to these Rules, or a form substantially to the like effect, with such variations as the circumstances may require.

(4) Any reference in these Rules to any rule or enactment shall, unless the context otherwise requires, be construed as a reference to that rule or enactment as amended, extended or applied by any other rule or enactment.

(5) Expressions defined in or used for the purposes of the 1977 Act have the same meaning in these Rules.

FORM OF APPLICATION

Consent to operation of notice to quit

2.—(1) An application for the tribunal’s consent to the operation of a notice to quit under section 2(1) of the 1977 Act which is made by the landlord before the giving of the said notice shall be made not more than twelve months and not less than three months before the commencement of the period at the expiration of which the notice to quit is intended to have effect.

(2) An application for the tribunal’s consent to the operation of a notice to quit under section 2(1) or 4(2) or (3) of the 1977 Act which is made by the landlord after service upon him by the tenant of a counter-notice shall be made within one month of the service of the counter-notice.

(3) An application under this rule shall be made in form 1.

Postponement of operation of notice to quit

3. An application under Article 12(1) of the Agricultural Holdings (Arbitration on Notices) Order 1978(c) to postpone the termination of a tenancy shall,

(a) 1977 c.12.

(b) 1976 c.70.

(c) S.I. 1978/257.

unless made at the hearing of the proceedings before the tribunal on an application under the 1977 Act, be made in form 2.

Certificate of bad husbandry (Case C)

4. An application under section 2(4) of the 1977 Act shall be made in form 3.

Variation or revocation of conditions

5. An application under section 3(5) of the 1977 Act shall be made in form 4.

Directions relating to fixed equipment

6.—(1) An application under section 4(1) of the Agriculture Act 1958 (a) for a direction for the provision, alteration or repair of fixed equipment shall be made in form 5.

(2) An application under section 4(4) of the Agriculture Act 1958 for the extension of the period specified in a direction under section 4(1) shall be made in writing and shall state the grounds of the application.

Approval of long-term improvements

7.—(1) An application under section 50(1) of the 1948 Act for the tribunal's approval of the carrying out of a long-term improvement shall be made in form 6.

(2) The time within which a landlord may serve a notice under section 50(3) of the 1948 Act that he proposes himself to carry out an improvement shall be one month from the date on which he receives notice in writing of the tribunal's approval of the carrying out of the improvement.

(3) An application under section 50(4)(b) of the 1948 Act for a determination that the landlord has failed to carry out an improvement within a reasonable time shall be made in form 7.

Treating agricultural holding as market garden

8. An application under section 68 of the 1948 Act for a direction that an agricultural holding shall be treated as a market garden shall be made in form 8.

Restrictions on burning of heather or grass

9. An application under section 21 of the Hill Farming Act 1946 (b) for a direction shall be made in form 9.

Section 20(5) of the Mineral Workings Act 1951

10.—(1) An application under section 21(2)(b) of the Agriculture Act 1947 as it applies for the purposes of section 20(5) of the Mineral Workings Act 1951 (c) for a determination that some person should be treated as owner of the land other than the person who would be so treated apart from the determination shall be made in form 10.

(a) 1958 c.71.

(b) 1946 c.73.

(c) 1951 c.60.

(2) Any person who is specified in an application under paragraph (1) as being affected by the determination shall be a party to the proceedings on the application for the purposes of these Rules.

Applications under Land Drainage Act 1976

11.—(1) An application under section 40 or 41 of the Land Drainage Act 1976 for an order requiring the carrying out of work for putting a ditch in proper order or authorising the applicant to carry out drainage work on land shall be made in form 11.

(2) Without prejudice to rule 12(1), on any application under section 40 of the Land Drainage Act 1976, the occupier of any land which may be entered in pursuance of the order shall be a party to the application.

(3) Without prejudice to rule 12(1), on any application under section 41 of the Land Drainage Act 1976, the owner of any land on which it is proposed that any work should be carried out and the occupier of any land which may be entered in pursuance of the order shall be parties to the application.

(4) Where, on the hearing of an application under section 40, the applicant states that he desires also to apply under section 41 for an order authorising him to carry out the same or substantially the same work as that referred to in his application, the tribunal may, if they think fit, deal with the application as if it had been made under section 41 as well as under section 40.

PARTIES ETC.

Persons affected to be parties

12.—(1) Without prejudice to rule 10(2), any person against whom any relief is sought on an application under rules 2 to 11 (or on an application by the Crown under section 6 of the 1977 Act) shall be a party of the proceedings on that application.

(2) Any authority having power to enforce the statutory requirement specified in an application under rule 6(1) shall be entitled to be heard on the proceedings on an application under that paragraph, and shall be treated as a party thereto except for the purposes of rule 15.

Sub-tenancies

13.—(1) Where an application is made to the tribunal in respect of an agricultural holding the whole or any part of which has been sublet, every landlord, tenant and sub-tenant of that holding shall be a party to the proceedings on that application.

(2) Paragraph (1) shall not apply in a drainage case.

Joinder of parties

14. If it appears to the chairman or to the tribunal, whether on the application of a party or otherwise, that it is desirable to join any person as a party to the

proceedings, the chairman or the tribunal, as the case may be, may order such person to be joined and may give such consequential directions as may be just, including directions as to the service of documents on any person so joined and as to the time within which he may reply to the application.

FORM OF REPLY

Reply

15.—(1) Any party who intends to oppose the whole or any part of an application to the tribunal shall, within one month of a copy of the application being served on him under rule 17 (or, in a drainage case, within the time allowed by rule 21 (5)), reply thereto in the form appended to the copy of the application served on him.

(2) Where no reply is received by the secretary within the time allowed by paragraph (1), the tribunal may decide to make an order in the terms of the application without a formal hearing.

(3) Paragraph (1) does not apply to an application under rule 5 or to an application by the Crown under section 6 of the 1977 Act, and paragraph (2) does not apply in a drainage case.

GENERAL PROVISIONS AS TO APPLICATIONS AND REPLIES

Application, reply and supporting documents

16.—(1) Every application and reply shall be signed by the party making it or by some person authorised to do so on his behalf, and shall be delivered or sent in duplicate to the secretary.

(2) Every application shall be accompanied by two copies of a map of the land which is the subject of the application on a scale of 6" to one mile or 1/10,000 or larger.

(3) Where a party intends to give evidence about any land which is not shown on the map referred to in paragraph (2), his application or reply shall be accompanied by two copies of a map of that land on a scale of 6" to one mile or 1/10,000 or larger.

(4) Every application and reply shall be accompanied by two copies of any plan or other document which the party making the application or reply intends to adduce in support of his case.

(5) Where there are more than two parties to proceedings, the party making an application or reply, as the case may be, shall deliver or send to the secretary one additional copy thereof, and of any map, plan or other document accompanying the application or reply, for service on each additional party.

(6) The chairman may, on such terms as he thinks fit, dispense with any map, plan or other document required to be furnished by any party under this rule where it appears to him that the map, plan or other document, or a copy thereof, is already in the possession of the tribunal or of some other party to the proceedings, or that to require it to be furnished would be unreasonable on the ground of expense or otherwise.

(7) A request for the chairman's direction under this rule shall be made in writing and shall be delivered or sent to the secretary on or before the delivery of the application or reply of the party making the request.

Service of documents by secretary

17. On receiving from any party an application, reply or other document referred to in rule 16, the secretary shall forthwith serve one copy thereof on every other party to the proceedings.

Withdrawal of application or reply

18.—(1) A party may withdraw his application or reply by giving notice in writing to the secretary at any time before the hearing and on receipt of such a notice the secretary shall forthwith notify all other parties.

(2) Where a reply is withdrawn the tribunal may, except in a drainage case, decide to make an order in the terms of the application without a formal hearing.

(3) If, on the withdrawal of an application or reply, it appears to the chairman that the case is a proper one for the award of costs under the power conferred by section 5 of the Agriculture (Miscellaneous Provisions) Act 1954, he shall cause the tribunal to be convened for the purpose of determining whether costs should be awarded, and the secretary shall give to all parties not less than seven days' notice of the date, time and place appointed for that purpose.

PREPARATION FOR HEARING

Interlocutory applications

19. Unless the chairman otherwise orders, an application for directions on any matter which the chairman has power to determine under these Rules shall be made in writing stating the grounds of the application and shall be delivered or sent to the secretary together with a sufficient number of copies for service on the other party or parties.

Disclosure of documents

20.—(1) A party shall furnish to the secretary on his request any document or other information which the tribunal may require and which it is in the power of that party to furnish, and shall afford to all other parties an opportunity to inspect such document or a copy of such document, and to take copies thereof.

(2) Nothing in paragraph (1) shall require the furnishing of any information which it would be contrary to the public interest to disclose.

Minister's report in drainage cases

21.—(1) On receipt of an application in a drainage case, the tribunal shall call on the Minister of Agriculture, Fisheries and Food to provide a report on the matters to which the application relates, and for that purpose the tribunal may authorise any officer of the Minister to enter and inspect any land specified by the tribunal.

(2) A report made under paragraph (1) may recommend that no order or that an order in the terms set out in the report be made by the tribunal.

(3) On receipt of the report the secretary shall serve a copy thereof on every party.

(4) Within one month of a copy of the report being served on him the applicant shall serve a notice on the tribunal in form 12 stating whether or not he agrees with the facts stated and the recommendations made in the report; and rules 16(1) and (5) and 17 shall apply to the notice as if it were an application.

(5) The time within which a party is required by rule 15 to reply to the application shall, in a drainage case, run from the date of the service on him of the notice under paragraph (4).

(6) A report under this rule shall be *prima facie* evidence of the facts set out therein, but the maker of the report shall, unless the tribunal otherwise direct, attend any formal hearing of the application for the purpose of being examined and cross-examined on the contents of the report.

Summary determination in drainage cases

22. Where, in a drainage case,—

(a) the report received under rule 21—

(i) recommends that an order be made and

(ii) in the case of an application under section 40 of the Land Drainage Act 1976 names a party to the application as the person whom it recommends should be required to carry out any work; and

(b) the applicant has notified the tribunal of his acceptance of the recommendation, and

(c) every other party has either—

(i) notified the tribunal of his acceptance of the recommendation, or

(ii) failed to reply to the application within the time allowed by rule 21(5), or

(iii) withdrawn his reply,

the tribunal may decide to make an order on the application substantially in the terms of the recommendation without a formal hearing.

Notice of hearing

23.—(1) As soon as practicable after receipt of the reply or, as the case may be, after the time for replying has expired, the chairman shall fix a date, time and place for the hearing of the application.

(2) Where rule 15(1) does not apply, the chairman shall fix a date, time and place for the hearing as soon as practicable after receipt of the application.

(3) The chairman may alter the date, time or place fixed for any hearing if it appears to him necessary or desirable to do so to avoid hardship to the parties or for other good cause.

(4) The secretary shall send to every party notice in form 13 of the date, time and place of any hearing which, except with the consent of the parties, shall not be earlier than fourteen days after the date on which the notice is sent.

THE HEARING

Tribunal to sit in public

24. The tribunal shall sit in public unless it appears to them that there are exceptional reasons which make it desirable that the hearing or some part of it should take place in private:

Provided that where a hearing or part of a hearing takes place in private, a member of the Council on Tribunals in his capacity as such shall be entitled to attend.

Right of audience

25. Any party may appear and be heard in person or by counsel or solicitor or by a representative appointed in writing.

Procedure at hearing

26.—(1) At the hearing the party making the application shall begin and other parties shall be heard in such order as the tribunal may determine.

(2) Subject to the provisions of these Rules and to any direction given by the chairman, the procedure at the hearing shall be such as the tribunal may direct.

(3) The tribunal may adjourn the hearing from time to time if for any reason it appears to them necessary or desirable to do so.

Default of appearance

27. If a party fails to appear at the time fixed for the hearing, the tribunal, if they are satisfied that the party has been afforded an adequate opportunity of attending, may—

- (a) where the party failing to appear is the applicant, dismiss the application, or
- (b) in any other case, proceed to determine the application in the absence of that party.

EVIDENCE

Evidence

28.—(1) The tribunal may admit evidence notwithstanding that it would not be admissible in a court of law.

(2) Evidence before the tribunal may be given—

- (a) orally, on oath or on affirmation or otherwise,
- (b) by affidavit, if the parties consent, or
- (c) by means of written statements produced by the maker when giving evidence or, if the tribunal consent, by another witness.

(3) At any stage of the proceedings the tribunal may, of their own motion or on the application of any party, order the personal attendance of a deponent or of the maker of any written statement for examination and cross-examination, or admit any map, plan or other document in evidence.

Witnesses

29.—(1) The tribunal shall give each party an opportunity to call witnesses and to cross-examine any witness called by or on behalf of any other party and to re-examine his own witnesses after cross-examination, and a party may, if he so desires, give evidence as a witness on his own behalf.

(2) The tribunal may call a witness who may, after giving evidence, be cross-examined by any party.

(3) The tribunal may require any witness to give evidence on oath or affirmation.

(4) The provisions of the County Court Rules 1936 as to the issuing of witness summonses shall apply for the purposes of any proceedings before the tribunal as they apply for the purposes of an arbitration under the 1948 Act.

Inspection of land

30.—(1) The tribunal may enter on and inspect an agricultural holding owned or occupied by any party (whether the holding is the subject of the proceedings or not) and inspect any fixed or other equipment, produce or livestock thereon.

(2) Notice of the tribunal's intention to inspect a holding shall be given by the secretary to all parties and to any other occupier of the holding and, unless given orally at the hearing, shall be given in writing at least twenty-four hours before the intended entry.

(3) The parties, their representatives and expert witnesses and any other occupier of the holding may attend the inspection.

THE DECISION

Decision of the tribunal

31.—(1) The decision of the tribunal, which in the event of disagreement between the members shall be the decision of the majority, shall be given in writing, together with a statement of the tribunal's reasons for their decision.

(2) The chairman may correct any clerical mistake in the written record of the tribunal's decision.

(3) The secretary shall send to each party a copy of the tribunal's decision and reasons.

(4) The secretary may supply a further copy of the tribunal's decision and reasons or any part thereof to any party who appears reasonably to require it.

(5) A copy issued under paragraph (3) or (4) shall be certified by the secretary as a true copy and shall be *prima facie* evidence of the matters contained therein.

Variation of order in drainage cases

32. Any order made following a decision of the tribunal in a drainage case may be varied whether as to the time within which any work is to be carried out or otherwise and on an application to vary the order which shall be made in form 14 the chairman may give all such directions as may be just.

REFERENCE TO HIGH COURT

Request under section 6 of Agriculture (Miscellaneous Provisions) Act 1954

33.—(1) A request for the reference to the High Court of a question of law arising in the course of proceedings before the tribunal shall, unless made at the

hearing, be made in writing to the secretary not later than fourteen days from the date on which a copy of the tribunal's decision was sent to the party making the request and shall be accompanied by as many copies of the request as there are other parties; and the secretary shall thereupon serve a copy of the request on every such party.

(2) If the tribunal refuse the request, the secretary shall, not later than fourteen days from the date of his receipt of the request, notify all parties of the refusal; and if the party making the request, being aggrieved by the refusal, intends to apply for an order directing the tribunal to refer the question of law to the High Court, he shall, within seven days after receiving notice of the refusal, serve on the secretary notice in writing of the intended application accompanied by as many copies of the notice as there are other parties; and the secretary shall thereupon serve a copy of the notice on every such party.

(3) A case stated on a question of law for the decision of the High Court shall set out the question of law and the facts found by the tribunal and shall be signed by the chairman and sent to the party who requested the reference within two months after the date of the request or, as the case may be, within two months after the making of an order by the High Court directing the reference.

Modification of tribunal's decision following High Court proceedings

34.—(1) The powers of the tribunal under section 6(5) of the Agriculture (Miscellaneous Provisions) Act 1954 may be exercised by the chairman in any case where he does not consider it necessary to convene the tribunal for that purpose; but if it appears to the chairman that there should be a further hearing before the tribunal, he shall fix a date, time and place for the hearing.

(2) Where a further hearing consequent on the reference to the High Court cannot conveniently take place before the tribunal as originally constituted, the chairman shall cause a fresh tribunal to be constituted for that purpose.

SUPPLEMENTAL

Mode of service

35.—(1) Every application, reply or other document required or authorised by these Rules to be served on any person shall be deemed to have been duly served if it is delivered to him or left at his proper address, or sent to him by post in a registered letter or by recorded delivery.

(2) Any such document required or authorised to be given to, or served on, an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body.

(3) The proper address of any person to or on whom any such document is to be given or served shall, in the case of a secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body and, in any other case, be the last known address of the person in question.

(4) Where any such document is to be given to, or served on, any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on the Church Commissioners.

Substituted service

36. If any person on whom any document is required to be served for the purpose of these Rules cannot be found, or has died and has no known personal representative, or is out of the United Kingdom, or if for any other reason service on him cannot be readily effected, the chairman may dispense with service on such person or may make an order for substituted service on such other person or in such other form (whether by advertisement in a newspaper or otherwise) as the chairman may think fit.

Extension of time

37. The time appointed by or under these Rules for doing any act or taking any step in connection with any proceedings may be extended by the chairman on such terms and conditions, if any, as appear to him just.

Failure to comply with rules

38. Any failure on the part of any person to comply with the provisions of these Rules shall not render the proceedings, or anything done in pursuance thereof, invalid unless the chairman or the tribunal so direct.

APPENDIX

Form 1

rule 2(3)

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Consent to Operation of Notice to Quit

To the Secretary of the Agricultural Land Tribunal
for the Area.

1. I, [block capitals]
of [address],
hereby apply under—

- *(a) Section 2(1),
- *(b) Section 4(2),
- *(c) Section 4(3),

of the Agricultural Holdings (Notices to Quit) Act 1977 for the consent of the Tribunal
to the operation of a notice to quit which I *propose to give to my tenant,
..... have given
..... [block capitals]
of [address]

2. *(a) I propose to serve the notice before the day of, 19 ..
*(b) The notice was served on the day of, 19 .., and a
counter-notice was served by the tenant on the day of
19 ..

3. The holding in respect of which the notice * will be given is known as
..... has been
..... and
consists of:—

- (a) hectares of arable land (including temporary grass)
(Ordnance Survey Field Nos.);
 - (b) hectares of permanent pasture
(Ordnance Survey Field Nos.);
 - (c) hectares of rough grazing
(Ordnance Survey Field Nos.);
 - (d) hectares of other land (including orchards)
(Ordnance Survey Field Nos.);
- Total hectares. ANNUAL RENT £

4. The holding includes the following buildings [give a general description]:—

†5. I apply for the Tribunal's consent to the operation of the notice to quit on
the following ground(s) provided in paragraph(s) of section 3(3) of the
Agricultural Holdings (Notices to Quit) Act 1977 (1). [This paragraph is relevant to
an application under section 2(1) of the Act, in which case it is important to refer to
footnote (1). In other cases the paragraph should be struck out.]

6. The main facts on which I will base my case are (*give a brief outline*):—⁽²⁾

7. If I obtain possession of the land I intend:—

*(a) to farm it myself;

*(b) to let it to another tenant (*state name and address if known*).

8. I/The future tenant* ⁽³⁾ at present farm(s) other land consisting of:—

(a) hectares of arable land (including temporary grass)
(Ordnance Survey Field Nos.);

(b) hectares of permanent pasture
(Ordnance Survey Field Nos.);

(c) hectares of rough grazing
(Ordnance Survey Field Nos.);

(d) hectares of other land (including orchards)
(Ordnance Survey Field Nos.);

Total hectares.

9. I attach the following documents which I intend to produce in support of my case:—

(a) two ⁽⁴⁾ copies of a 6" to one mile or 1/10,000⁽⁵⁾ map of the holding described in paragraph 3 above (and of the other land referred to in paragraph 8)†⁽⁶⁾;

(b) two ⁽⁴⁾ copies of ⁽⁷⁾:—

Date..... Signed⁽⁸⁾.....

* Strike out whichever is inapplicable.

† Strike out if inapplicable.

(1) The applicant must state on which paragraph or paragraphs of the subsection he intends to rely. The five paragraphs, as amended, are as follows:

- (a) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of good husbandry as respects the land to which the notice relates, treated as a separate unit; or
- (b) that the carrying out thereof is desirable in the interests of sound management of the estate of which the land to which the notice relates forms part or which that land constitutes (*see footnote (6) below*); or
- (c) that the carrying out thereof is desirable for the purposes of agricultural research, education, experiment or demonstration, or for the purposes of the enactments relating to small-holdings or allotments; or
- (d) that greater hardship would be caused by withholding than by giving consent to the operation of the notice; or
- (e) that the landlord proposes to terminate the tenancy for the purpose of the land's being used for a use, other than for agriculture, not falling within Case B (i.e. in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977).

(2) Where the tenant is a serviceman within the meaning of section 11 of the Agricultural Holdings (Notices to Quit) Act 1977, and the notice to quit is given for one or more of the reasons specified in Case B, D or E, the reasons for the giving of the notice must be stated and, if any question arising out of them has been determined by arbitration, the determination should also be stated.

(3) Paragraph 8 need not be completed if the name of the future tenant is unknown. Where land is described, a map should be provided (*footnote (6) below*).

(4) Two copies of the application and of any map and document must be sent to the Secretary, and if there are more than two parties (*e.g.* if the holding or part of it is sub-let), an additional copy of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(5) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(6) Where it is intended to give evidence about any land other than that which is the subject of the notice to quit, it must be shown either on the map produced or on a separate map of a scale of 6" to one mile or 1/10,000 or larger.

- (7) Mention any other document which is attached to this application.
 (8) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form 1R

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Consent to Operation of Notice to Quit

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]
tenant⁽¹⁾ of [name or description of holding],
having received a copy of the application (bearing the above reference number)
for the Tribunal's consent to the operation of a notice to quit, reply as follows:

1. The facts stated in the first four paragraphs of the application are correct except that:—
2. In addition to the land which is the subject of the application, I farm the following land⁽²⁾:—
which includes the following buildings (*give a general description*):—
3. My main reasons for resisting the application are:—
4. My landlord is not acting fairly and reasonably because ⁽³⁾:—
5. I attach copies of the following relevant documents⁽⁴⁾:—

Date Signed⁽⁵⁾

(1) (a) If this form is completed by a sub-tenant, he should state whether he is sub-tenant of the whole or part of the holding; if of part, he should describe the part with reference to paragraphs 3 and 4 of the application and should state Ordnance Survey Field Numbers.

(b) If this form is completed by a superior landlord, he should omit paragraph 2.

(2) (a) If you farm other land as part of the same unit with that which is the subject of the application, give a description, stating the area (in hectares) which is arable (including temporary grass), pasture (including rough grazing) and other land (including orchards) and giving the Ordnance Survey Field Numbers. If the land is farmed separately, give a general description, stating area, kind of farming and approximate distance from the holding in question.

(b) If the other land is not shown on the map produced by the landlord, you should produce a map of it of a scale of 6" to one mile or 1/10,000 (or larger) and giving the Ordnance Survey Field Numbers. If the land is not farmed as part of the same unit, or for any other good reason, you may, before or at the time of sending your reply, apply to the Secretary of the Tribunal in writing for the Chairman to dispense with the map.

(3) The Tribunal will not give consent if, in all the circumstances, it appears to them that a fair and reasonable landlord would not insist on possession. If you have any special reasons for saying your landlord is acting unfairly or unreasonably which do not appear under paragraph 3, you should state them under paragraph 4.

(4) (a) Two copies of the reply and of any document which you wish to submit to the Tribunal must be sent to the Secretary, and, if there are more than two parties (*e.g.*, if holding or part of it is sublet), an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application, your reply should be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(5) If signed by any person other than the tenant himself, he should state in what capacity or by what authority he signs.

Form 2

rule 3

Ref. No.
to be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL
Application to Postpone Operation of Notice to Quit

To the Secretary of the Agricultural Land Tribunal
for the Area.

1. I, [block capitals]
of [address],
hereby apply under Article 12(1) of the Agricultural Holdings (Arbitration on Notices)
Order 1978 for the Tribunal to postpone the operation of the Notice to Quit served
on me by my landlord:—

..... [block capitals]
of [address]
in respect of:
..... [name or description of holding].

2. The Tribunal consented on the day of, 19, to the
operation of the said notice on the application of my landlord bearing reference
number

3. If its operation is not postponed the Notice will expire on the day
of, 19

4. My main reasons for this application are:—

5. I attach two⁽¹⁾ copies of a 6" to one mile or 1/10,000⁽²⁾ map of the land which was
the subject of the notice to quit⁽³⁾ and of the following documents which I intend to
produce in support of my case:—

Date Signed⁽⁴⁾

(1) Two copies of the application and any map or document must be sent to the Secretary,
and if there are more than two parties (*e.g.*, if the land is held under a sub-tenancy) an
additional copy of the application etc., must be supplied for, and the Secretary must be
informed of the name and address of, each additional party. A written notice is required
(by Article 12(2) of the 1978 Order referred to above) to be given at the same time to the
landlord.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(3) The Chairman of the Tribunal has power in all cases to dispense with maps, etc. A request for a direction on this subject should be made in writing before or at the time of sending the application.

(4) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form 2R

Ref. No.
to be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application to Postpone Operation of Notice to Quit

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]

landlord of [name or description of holding],
having received a copy of the application (bearing the above reference number)
for the Tribunal to postpone the operation of the notice to quit the above named
holding, reply as follows:—

1. The facts stated in the first three paragraphs of the application are correct
except that:—

2. *(a) I request that there should be no postponement.

*(b) I would agree to postponement up to the day of,
19 .. .

3. My main reasons for resisting the application are:—

4. I attach copies of the following relevant documents⁽¹⁾:—

Date Signed⁽²⁾.....

* Strike out whichever is inapplicable.

(1) (a) Two copies of the reply and of any document which you wish to submit to the
Tribunal must be sent to the Secretary, and, if there are more than two parties (e.g., if the
land is sub-let), an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application, your reply should
be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map showing
what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(2) If signed by any person other than the landlord himself, he should state in what
capacity or by what authority he signs.

Form 3

rule 4

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Certificate of Bad Husbandry

To the Secretary of the Agricultural Land Tribunal
for the Area.

1. I, [block capitals]
of [address]
hereby apply under section 2(4) of the Agricultural Holdings (Notices to Quit) Act
1977 for a certificate that my tenant,
..... [block capitals]
of [address]
is not fulfilling his responsibility to farm
..... [name or description of holding]
in accordance with the rules of good husbandry.

2. The land consists of:—

- (a) hectares of arable land (including temporary grass)
(Ordnance Survey Field Nos.);
- (b) hectares of permanent pasture
(Ordnance Survey Field Nos.);
- (c) hectares of rough grazing
(Ordnance Survey Field Nos.);
- (d) hectares of other land (including orchards)
(Ordnance Survey Field Nos.);

Total hectares.

3. The holding includes the following buildings [*give a general description*]:—

4. If a certificate of bad husbandry is granted I propose to serve a notice to quit.

5. The main grounds on which I allege bad husbandry are:—

6. I attach the following documents which I intend to produce in support of my
case:—

- (a) two⁽¹⁾ copies of a 6" to one mile or 1/10,000 (2) map of the holding described
in paragraph 3 above;
- (b) two⁽¹⁾ copies of (3):—

Date Signed⁽⁴⁾

(1) Two copies of the application and of any map and document must be sent to the
Secretary, and if there are more than two parties (*e.g.*, if the holding or part of it is sub-let),
an additional copy of the application, etc., must be supplied for, and the Secretary must be
informed of the name and address of, each additional party.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers
must be marked on the map.

(3) Mention any other document which is attached to this application.

(4) If signed by any person other than the applicant himself, he should state in what
capacity or by what authority he signs.

Form 3 R

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Certificate of Bad Husbandry

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]
tenant⁽¹⁾ of [name or description of holding],
having received a copy of the application (bearing the above reference number) for
the Tribunal's certificate of bad husbandry, reply as follows:

- 1. The facts stated in the first three paragraphs of the application are correct except that:—
- 2. My main reasons for resisting the application are:—
- 3. I attach copies of the following relevant documents⁽²⁾

Date Signed⁽³⁾

(1) If this form is completed by a sub-tenant, he should state whether he is sub-tenant of the whole or part of the holding; if of part, he should describe the part with reference to paragraph 2 and 3 of the application and should state Ordnance Survey Field Numbers.

(2) (a) Two copies of the reply and of any document which you wish to submit to the Tribunal must be sent to the Secretary, and, if there are more than two parties (e.g., if holding or part of it is sub-let), an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application, your reply should be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(3) If signed by any person other than the tenant himself, he should state in what capacity or by what authority he signs.

Form 4

rule 5

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Variation or Revocation of Condition Imposed by the Tribunal

To the Secretary of the Agricultural Land Tribunal
for the Area.

1. I, [block capitals]
of [address],
hereby apply under section 3(5) of the Agricultural Holdings (Notices to Quit) Act 1977 for the Tribunal to vary or revoke the condition imposed by them under section 3(4) thereof on granting my application bearing the reference number

- 2. *(a) I wish the Tribunal to revoke the condition.
- *(b) I wish the Tribunal to revoke the condition; but if they are unwilling to do so, I request them to make the following variation:—
- *(c) I do not wish the Tribunal to revoke the condition, but only to make the following variation:—

3. The main reasons for my application are:—

4. I attach two⁽¹⁾ copies of a 6" to one mile or 1/10,000⁽²⁾ map of the holding which was the subject of the notice to quit⁽³⁾ and of the following documents which I intend to produce in support of my case⁽⁴⁾:—

Date Signed⁽⁵⁾

* Strike out whichever is inapplicable.

(1) Two copies of the application and of any map and document must be sent to the Secretary.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(3) The Chairman of the Tribunal has power in all cases to dispense with maps, etc. (e.g., if they are already in the possession of the Tribunal). A request for a direction on this subject should be made in writing before or at the time of sending the application.

(4) Mention any other document which is attached to the application.

(5) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form 5

rule 6(1)

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Direction to Provide Fixed Equipment

To the Secretary of the Agricultural Land Tribunal

for the Area.

1. I, [block capitals]
of [address]
tenant of [name or description of holding],
hereby apply under section 4 of the Agriculture Act 1958 for the Tribunal to direct
my landlord [block capitals]
of [address]
to carry out the following work on the said holding:—

2. (a) On the day of, 19 ..,
I requested my landlord in writing to carry out the said work and he
*refused on the day of, 19 ..
has had reasonable time to agree but has not done so.

(b) No term in my contract of tenancy or in any other agreement binds me
or my landlord to carry out the said work.

(c) My landlord is not bound by any enactment to carry out the said work.

3. The holding consists of:—

- (a)hectares of arable land (including temporary grass)
(Ordnance Survey Field Nos.);
- (b)hectares of permanent pasture
(Ordnance Survey Field Nos.);
- (c)hectares of rough grazing
(Ordnance Survey Field Nos.);
- (d)hectares of other land (including orchards)
(Ordnance Survey Field Nos.).

Total hectares.

4. The holding includes the following buildings:—

5. The type of farming carried on on the holding is⁽¹⁾:—

6. I wish to carry on the following agricultural activity on the said holding to the extent and in the manner specified, viz.:—

7. If I were to do so without the said work being carried out, I should contravene the following statutory requirements in the following respects:—

8. I attach the following documents which I intend to produce in support of my case:—

- (a) two⁽²⁾ copies of a 6" to one mile or 1/10,000⁽³⁾ map of the holding described in paragraph 3 above,
- (b) two⁽²⁾ copies of the following plan:—
- (c) two⁽²⁾ copies of my contract of tenancy and any other document⁽⁴⁾:—

Date Signed⁽⁵⁾.....

* Strike out whichever is inapplicable.

(1) Under section 4 (1) of the Agriculture Act 1958 the Tribunal cannot direct a landlord to carry out work in connection with an agricultural activity specified in the tenant's application where the activity has not been carried on on the holding for a period of at least three years immediately preceding the making of the application unless they are satisfied that the starting of the activity did not or, where it has not yet been started, will not constitute or form part of a substantial alteration of the type of farming carried on on the holding.

(2) Two copies of the application and of any map and document must be sent to the Secretary, and if there are more than two parties (e.g., if the land is held under a sub-tenancy), an additional copy of the contract of tenancy and of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(3) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(4) Mention any other document which is attached to this application. The Chairman of the Tribunal has power in all cases to dispense with maps or other documents (e.g., where the landlord already has a copy of the contract of tenancy). A request for a direction on this subject should be made in writing before or at the time of sending the application.

(5) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form 5R

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Direction to Provide Fixed Equipment

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]
landlord⁽¹⁾ of [name or description of holding],
having received a copy of the application (bearing the above reference number) for the
Tribunal's direction to me to carry out certain work on the said holding, reply as
follows:—

1. With regard to paragraph 2(a) of the application, I—
 - * (a) agree that the request was made and refused;

- *(b) agree that the request was made, but
 - * (i) deny that it was refused,
 - * (ii) say that I have not yet had reasonable time to agree to it;
- *(c) deny that the request was made.

2. The other facts stated in the first four paragraphs of the application are correct, except that:—

3. My main reasons for resisting the application are:—

- *(a) that the carrying on of the activity specified in paragraph 6 of the application to the extent and in the manner specified therein—
 - * (i) will not involve the contravention of any statutory requirement even if the said work is not carried out;
 - * (ii) would be unreasonable having regard to the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry;
- *(b) that the activity specified in paragraph 6 of the application has not been carried on on the holding for a period of at least three years immediately preceding the making of the application and that the starting of the activity *constitutes a substantial alteration of the type of farming carried on on the holding;
 - * (i) my responsibilities to manage the land comprised in the holding in accordance with the rules of good estate management;
 - * (ii) the period for which the holding may be expected to remain a separate holding;
 - * (iii) [*any other reasons*].

4. I attach copies of the following relevant documents⁽²⁾:—

Date Signed⁽³⁾.....

* Strike out whichever is inapplicable.

(1) If this form is completed by a superior landlord he should omit paragraph 1.

(2) (a) Two copies of the reply and of any document which you wish to submit to the Tribunal must be sent to the Secretary, and, if there are more than two parties (*e.g.*, if the holding is sublet), an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application, your reply should be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(3) If signed by any person other than the landlord himself, he should state in what capacity or by what authority he signs.

Form 6

rule 7(1)

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Approval of Long-Term Improvement

To the Secretary of the Agricultural Land Tribunal

for theArea.

1. I, [*block capitals*]

of [address]
 tenant of [name or description of holding],
 hereby apply for the Tribunal's approval under section 50 of the Agricultural Holdings
 Act 1948 (as amended by the Agriculture Act 1958) of the carrying out of the following
 improvement(s) on the said holding:—

2. My landlord is [block capitals]
 of [address].

3. The holding consists of:—

- (a)hectares of arable land (including temporary grass)
 (Ordnance Survey Field Nos.);
- (b)hectares of permanent pasture
 (Ordnance Survey Field Nos.);
- (c) hectares of rough grazing
 (Ordnance Survey Field Nos.);
- (d) hectares of other land (including orchards)
 (Ordnance Survey Field Nos.).

Total hectares.

4. The holding includes the following buildings:— [give a general description]

5. I requested my landlord on the day of, 19 .., to consent
 in writing to the carrying out of the said improvement(s), but he—

*(a) refuses to give his consent.

*(b) will only consent subject to the following terms to which I am unwilling to
 agree:—[state the terms and your reason for not agreeing]

6. My main reasons for wishing for the improvements to be carried out are:—

7. I attach the following documents which I intend to produce in support of my
 case:—

- (a) two⁽¹⁾ copies of a 6" to one mile or 1/10,000⁽²⁾ map of the holding described in
 paragraph 4 above;
- (b) two⁽¹⁾ copies of the following plan:—
- (c) two⁽¹⁾ copies of (3):—

Date

Signed⁽⁴⁾.....

* Strike out whichever is inapplicable.

(1) Two copies of the application and of any map and document must be sent to the
 Secretary, and if there are more than two parties (e.g., if the holding is held under a sub-
 tenancy), an additional copy of the application, etc., must be supplied for, and the Secretary
 must be informed of the name and address of, each additional party.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must
 be marked on the map.

(3) Mention any other document which is attached to this application.

(4) If signed by any person other than the applicant himself, he should state in what
 capacity or by what authority he signs.

Form 6R

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Approval of Long-Term Improvement

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]
landlord of [name or description of holding],
having received a copy of the application (bearing the above reference number) for the
Tribunal's approval under section 50 of the Agricultural Holdings Act 1948 (as
amended) of the carrying out on the said holding of the improvement(s) specified
therein, reply as follows:

1. The facts stated in the first four paragraphs of the application are correct except that:—
2. *(a) I deny that the request referred to in paragraph 5 of the application was made.
*(b) I do not wish the improvements to be carried out because:—
*(c) I agree the improvements being carried out subject to the following terms:—
[state terms and any special reasons]
3. My main reasons for resisting the application are:—
4. I attach copies of the following relevant documents⁽¹⁾:—

Date

Signed⁽²⁾.....

* Strike out whichever is inapplicable.

(1) (a) Two copies of the reply and of any document which you wish to submit to the Tribunal should be sent to the Secretary, and, if there are more than two parties (e.g., if the holding is sub-let), an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application your reply should be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map or plan showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(2) If signed by any person other than the landlord himself, he should state in what capacity or by what authority he signs.

Form 7

rule 7(3)

Ref. No.
To be
inserted
by the
Secretary

AGRICULTURAL LAND TRIBUNAL

Application for Determination that Landlord has Failed to carry out
Improvement within a Reasonable Time

To the Secretary of the Agricultural Land Tribunal
for the Area.

1. I, [block capitals]
of [address]
tenant of [name or description of holding],
hereby apply to the Tribunal in pursuance of section 50 (4) (b) of the Agricultural
Holdings Act 1948 (as amended by the Agriculture Act 1958) to determine that my
landlord:

..... [block capitals]
of [address]
has failed within a reasonable time to carry out the following improvements to the
said holding:—

2. The said improvement was approved by the Tribunal on my application bearing
reference number

3. The Tribunal's decision was dated day of, 19 ..,
and my landlord notified me of his proposal to carry out the said improvement himself
on the day of, 19 ..

4. My landlord has failed to carry out the said improvements:— [if he has done
any part of them, give particulars]

5. My main reasons for saying that the delay is unreasonable are:—

6. I attach two⁽¹⁾ copies each of—

- (a) a 6" to one mile or 1/10,000⁽²⁾ map of the holding⁽³⁾;
- (b) the following plan showing the intended improvement(s):—
- (c) the following other documents⁽⁴⁾:—

Date Signed⁽⁵⁾.....

(1) Two copies of the application and of any map and document must be sent to the
Secretary, and if there are more than two parties (*e.g.*, if the holding is held under a sub-
tenancy), an additional copy of the application, etc., must be supplied for, and the Secretary
must be informed of the name and address of, each additional party.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers
must be marked on the map.

(3) The Chairman of the Tribunal has power in all cases to dispense with maps, etc.
(*e.g.*, if they are already in the possession of the Tribunal or the other parties). A request
for a direction on this subject should be made in writing before or at the time of sending
the application.

(4) Mention any other documents which are attached to the application.

(5) If signed by any person other than the applicant himself, he should state in what
capacity or by what authority he signs.

Form 7R

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Determination that Landlord has Failed to carry out the Improvement within a Reasonable Time

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]

landlord of [name or description of holding],
having received a copy of the application (bearing the above reference number) for the
Tribunal's determination that I have failed within a reasonable time to carry out on
the said holding the improvement(s) specified therein, reply as follows:—

1. The facts stated in the first three paragraphs of the application are correct except
that:—

2. My main reasons for resisting the application are:—

*(a) I have adequately carried out the said improvement(s);

*(b) I intend to carry out the said improvement(s) but have not yet had reasonable
time to do so for the following reasons:—
[give particulars]

*(c) [any other reasons]

3. I attach copies of the following relevant documents(1):—

Date..... Signed(2).....

* Strike out whichever is inapplicable.

(1) Two copies of the reply and of any document which you wish to submit to the
Tribunal must be sent to the Secretary, and, if there are more than two parties (e.g., if the
holding is sub-let) an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application your reply should
be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map or plan
showing what you consider to be the true position and marking the Ordnance Survey Field
Numbers.

(2) If signed by any person other than the landlord himself he should state in what
capacity or by what authority he signs.

Form 8

rule 8

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL
Application for Direction to Treat an Agricultural Holding
as a Market Garden

To the Secretary of the Agricultural Land Tribunal
for the Area.

1. I, [block capitals]
of [address]
tenant of [name or description of holding],
hereby apply to the Tribunal to direct under section 68 of the Agricultural Holdings
Act 1948 (as amended by the Agriculture Act 1958) that

*the said holding

the part of the said holding specified in paragraph 6 below
shall be treated as a market garden so that section 67 of the said Act shall apply.

2. My landlord is [block capitals]
of [address].

3. I requested him on the day of 19 , to agree in
writing to the (part of the) holding being so treated, but he *refused on the
day of , 19 .
but has failed to do so.

4. The holding consists of:—

- (a) hectares of arable land (including temporary grass)
(Ordnance Survey Field Nos.);
- (b) hectares of permanent pasture
(Ordnance Survey Field Nos.);
- (c) hectares of rough grazing
(Ordnance Survey Field Nos.);
- (d) hectares of other land (including orchards)
(Ordnance Survey Field Nos.);

Total hectares.

5. The holding includes the following buildings:— [give a general description]

6. I wish to make the following improvements:—

Ordnance Survey Field Nos.	Improvements
----------------------------	--------------

7. For the following main reasons I request the Tribunal to direct that the *holding described in paragraph 6 above be treated as a market garden:—
part of the holding

8. I attach the following documents which I intend to produce in support of my case:—

- (a) two⁽¹⁾ copies of a 6" to one mile or 1/10,000⁽²⁾ map of the holding described in paragraph 4 above;
- (b) two⁽¹⁾ copies of the following plan:—
- (c) two⁽¹⁾ copies of⁽³⁾:—

Date Signed⁽⁴⁾

* Strike out whichever is inapplicable.

(1) Two copies of the application and of any map and document must be sent to the Secretary, and if there are more than two parties (e.g., if the holding is held under a sub-tenancy), an additional copy of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(3) Mention any other document which is attached to this application.

(4) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form 8R

Ref. No.
To be
Inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL
Reply to Application for Direction to Treat an Agricultural Holding
as a Market Garden

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]

landlord⁽¹⁾ of [*name or description of holding*],
having received a copy of the application (bearing the above reference number) for
the Tribunal's direction under section 68 of the Agricultural Holdings Act 1948 (as
amended) that the said holding or part thereof should be treated as a market garden
in respect of the improvement(s) specified therein, reply as follows:—

1. With regard to paragraph 3 of the application, I—

**(a)* agree that the request was made and refused;

**(b)* agree that the request was made, but say that

* *(i)* I did agree to it in writing on the day of 19 ..

* *(ii)* I have not yet had reasonable time to agree to it;

(c) deny that the request was made.

2. The other facts stated in the application are correct except that:—

3. My main reasons for resisting the application are:—

(a) the land is unsuitable for market gardening for the following reasons:—

(b) [*any other reasons*]

4.—*(1)* If the Tribunal decide to give the direction applied for, I request them to
limit its effect to the following improvement(s):—

(2) My main reasons for this would be:—

5. I attach copies of the following relevant documents⁽²⁾:—

Date.....

Signed⁽³⁾.....

* Strike out whichever is inapplicable.

(1) If this form is completed by a superior landlord, he should omit paragraph 1.

(2) *(a)* Two copies of the reply and of any document you wish to submit to the Tribunal
must be sent to the Secretary, and, if there are more than two parties (*e.g.*, if the holding is
sub-let), an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application your reply should
be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map or plan
showing what you consider to be the true position and marking the Ordnance Survey
Field Numbers.

(3) If signed by any person other than the landlord himself he should state in what
capacity or by what authority he signs.

Form 9

rule 9

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Direction to Avoid or Relax Covenant against the Burning of Heather or Grass

To the Secretary of the Agricultural Land Tribunal

for the Area.

1. I, [*block capitals*]

of [*address*]

tenant of [*name or description of holding*],
hereby apply under section 21 of the Hill Farming Act 1946 (as amended by the
Agriculture Act 1958) for the Tribunal's direction that the covenants, conditions or
agreements contained in my lease and specified in paragraph 3 below be avoided or
relaxed.

2. My landlord is [block capitals]
of [address].

3. The *covenant(s)/condition(s)/agreement(s) to which I refer is (are) numbered
..... in my lease and I ask the Tribunal to direct that it (they) be—

- * (a) avoided completely;
- * (b) relaxed in the following way:—
 - * (i) permanently;
 - * (ii) for the following period:—

4. The holding consists of:—

- (a) hectares of arable land (including temporary grass)
(Ordnance Survey Field Nos.....);
- (b) hectares of permanent pasture
(Ordnance Survey Field Nos.....);
- (c) hectares of rough grazing
(Ordnance Survey Field Nos.....);
- (d) hectares of other land (including orchards)
(Ordnance Survey Field Nos.....);

Total hectares.

5. The *covenant(s)/condition(s)/agreement(s) mentioned in paragraph 3 above is
(are) *impeding the proper use of the land for agricultural purposes in the following
preventing way:—

and I wish it (them) to be *avoided so as to allow me to burn hectares of *heather.
relaxed grass.

6. I attach:—

- (a) two⁽¹⁾ copies of my lease⁽²⁾;
- (b) two⁽¹⁾ copies of a 6" to one mile or 1/10,000⁽³⁾ map of the land described in
paragraph 4 above;
- (c) two⁽¹⁾ copies each of the following other documents⁽⁴⁾:—

Date..... Signed⁽⁵⁾.....

* Strike out whichever is inapplicable.

(1) Two copies of the application and of any map and document must be sent to the Secretary, and if there are more than two parties (e.g., if the land is held under a sub-tenancy), an additional copy of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(2) The Chairman of the Tribunal has power in all cases to dispense with maps or other documents (e.g., where the landlord already has a copy of the lease). A request for a direction on this subject should be made in writing before or at the time of sending the application.

(3) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(4) Mention any other document which is attached to this application.

(5) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form 9R

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL
Reply to Application for Direction to Avoid or Relax Covenant against
Burning of Heather or Grass

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]
landlord of [name or description of holding],
having received a copy of the application (bearing the above reference number)
for the Tribunal's direction that certain covenants, conditions or agreements in
the applicant's lease should be avoided or relaxed, reply as follows:—

1. The facts contained in the first four paragraphs of the application are correct
except that:—

2. *(a) I do not wish any covenant, condition or agreement to be avoided or
relaxed in any way.

*(b) I would agree to the following * covenant(s)/condition(s)/agreement(s)
being $\frac{*avoided}{relaxed}$ as follows:—

3. For the following main reasons I do not agree that the * covenant(s)/condition(s)/
agreement(s) is (are) impeding or preventing the proper use of the land for agricultural
purposes or that (except as agreed in paragraph (2) (b) above) it would be expedient
to relax or avoid it (them):—

4. I attach copies of the following relevant documents⁽¹⁾:—

Date Signed⁽²⁾

* Strike out whichever is inapplicable.

(1) (a) Two copies of the reply and of any document which you wish to submit to the
Tribunal must be sent to the Secretary, and, if there are more than two parties (*e.g.*, if the
holding is sub-let), an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application, your reply should
be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map showing what
you consider to be the true position and marking the Ordnance Survey Field Numbers.

(2) If signed by any person other than the landlord himself, he should state in what
capacity or by what authority he signs.

rule 10(1)

Form 10

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL
Application for Determination that a Person be Treated as Owner of Land

To the Secretary of the Agricultural Land Tribunal
for the Area.

1. I, [block capitals]

of [address],
 hereby apply to the Tribunal to determine under section 21 of the Agriculture Act
 1947 that—

**(a)* [block capitals]
 of [address]

**(b)* I
 be treated for the purposes of section 20 of the Mineral Workings Act 1951 as the
 owner of the land known as:—
 [name or description].

2. My own interest in the land is:—

3. The following person(s) would be affected by the granting of this application⁽¹⁾:—

4. The land consists of:—

- (a)*hectares of arable land (including temporary grass)
 (Ordnance Survey Field Nos.....);
- (b)*hectares of permanent pasture
 (Ordnance Survey Field Nos.....);
- (c)*hectares of rough grazing
 (Ordnance Survey Field Nos.....);
- (d)*hectares of other land (including orchards)
 (Ordnance Survey Field Nos.....);

Total hectares.

5. The land includes the following buildings:—[give a general description]

6. The Minister of Agriculture, Fisheries and Food proposes to make the following
 arrangements for the purpose of taking the following special steps (as referred to in
 the said section 20):—[describe briefly]

7. My main reasons for this application are:—

8. I attach the following documents which I intend to produce in support of my
 case:—

- (a)* two⁽²⁾ copies of a 6" to one mile or 1/10,000⁽³⁾ map of the land described
 in paragraph 4 above;
- (b)* two⁽²⁾ copies of⁽⁴⁾:—

Date Signed⁽⁵⁾

* Strike out whichever is inapplicable.

(1) State name and address of any person mentioned and whether he is owner or
 occupier or what other interest he has in the land.

(2) Two copies of the application and of any map and document must be sent to the
 Secretary, and if there is more than one party named in paragraph 3, an additional copy of
 the application, etc., must be supplied for each additional party.

(3) A larger scale map may be used if preferred. Ordnance Survey Field Numbers
 must be marked on the map.

(4) Mention any other document which is attached to the application.

(5) If signed by any person other than the applicant himself, he should state in what
 capacity or by what authority he signs.

Form 10R

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Determination that a Person be Treated as
Owner of Land

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]
having received a copy of the application (bearing the above reference number),
reply as follows:—

1. The facts stated in the first five paragraphs of the application are correct except
that:—

2. My main reasons for resisting the application are:

3. I attach copies of the following relevant documents⁽¹⁾—

Date Signed⁽²⁾

(1) (a) Two copies of the reply and of any document which you wish to submit to the
Tribunal must be sent to the Secretary, and, if there are more than two parties, an additional
copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application, your reply should
be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map showing what
you consider to be the true position and marking the Ordnance Survey Field Numbers.

(2) If signed by any person other than the party himself, he should state in what capacity
or by what authority he signs.

Form 11

rule 11(1)

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

Application under Land Drainage Act 1976

To the Secretary of the Agricultural Land Tribunal
for the Area.

* 1. I, [block capitals]
of [address]
hereby apply to the Tribunal for an order under section 40 of the Land Drainage
Act 1976 requiring

..... [state name(s) of person(s) against whom order is sought]⁽¹⁾
to carry out the work mentioned in paragraph 6 on the ground that [the land
mentioned in paragraph 3, of which I am the † owner/occupier, is being injured]
[or the improvement of the drainage of the land mentioned in paragraph 3, of which
I am the † owner/occupier, is being prevented] by the condition of the ditch mentioned
in paragraph 4.

* To be used for application under s. 40.

† Strike out whichever is inapplicable.

‡[In the event of the Tribunal deciding not to make such an order I hereby apply in the alternative under section 41 of the said Act for an order authorising me to carry out the said work.]

‡ Strike out if inapplicable.

OR

* [1. I, [block capitals] of [address], hereby apply to the Tribunal under section 41 of the Land Drainage Act 1976 for an order authorising me to carry out the work mentioned in paragraph 6 on the ground that the drainage of the land mentioned in paragraph 3, of which I am the † owner/occupier, requires the carrying out of such work.]

* To be used for application under s. 41.

† Strike out whichever is inapplicable.

* [2. I ask that the said order should authorise me [or the person required to carry out the said work] to enter on the land mentioned in paragraph 4 [and paragraph 7] so far as may be necessary for the carrying out of the said work.]

* To be used for application under s. 40 or s. 41: strike out if no such authority is asked for.

3. I am the * owner/occupier of [describe the land affected by application and give Ordnance Survey Field Numbers].

* Strike out whichever is inapplicable.

* 4. Injury to my said land is being caused [and/or the improvement of the drainage of my said land is being prevented] by the condition of the under-mentioned ditch [specify ditch, stating land through which it passes and if possible the Ordnance Survey Field Numbers of that land].

* To be used for application under s. 40.

OR

* [4. The drainage of my said land requires:—

† (a) the carrying out of work in connection with the under-mentioned ditch:

† (b) and/or the replacement or construction of the under-mentioned ditch:

† (c) and/or the alteration or removal of drainage work in connection with the under-mentioned ditch:

[specify ditch, stating land through which it passes and if possible the Ordnance Survey Field Numbers of that land.]

* To be used for application under s. 41.

† Strike out whichever is inapplicable.

5. The condition of the said ditch and its effect on my land is as follows [and/or the construction of the said ditch is required for the following reason]:

6. The work which is required to be carried out is as follows:—

* [7. For the purpose of carrying out the said work it will be necessary to enter the under-mentioned land in addition to that mentioned in paragraph 4 [describe land, stating Ordnance Survey Field Numbers if possible].]

* Strike out if inapplicable.

8. This application affects the interests of the following persons:(²)

(a) [block capitals] of [address] who is the * owner/occupier of [the following part of] the land mentioned in paragraph 4 [or 7] of this application [or as the case may be](³)

(b) [block capitals]
 of [address]
 who is the * owner/occupier of [the following part of] the land mentioned
 in paragraph 4 [or 7] of this application [or as the case may be].(3)

* Strike out whichever is inapplicable.

* [9. To the best of my information and belief the following persons in addition
 to those named in paragraph 8 have rights in or over the said ditch and the land
 through which it passes:

(a) [block capitals]
 of [address]
 who is

(b) [block capitals]
 of [address]
 who is]

* Strike out if inapplicable.

10. I attach the following documents which I intend to produce in support of my
 case:—

(a) two(4) copies of a 6" to one mile or 1/10,000(5) map of the land described in
 paragraphs 3 and 4 [and 7] above;

(b) two(4) copies of (6):—

Date Signed(7)

(1) Section 40 enables an order to be made against the owner or occupier of land through
 which the ditch passes or which abuts on the ditch or against any person who, although not
 such an owner or occupier, has a right to carry out the work specified in the order.

(2) State the names of all persons who are to be parties to the proceedings. These
 must include any person against whom an order is applied for under section 40 as well as
 the name of the occupier of any land on which entry may be necessary for carrying out
 work under section 40 or 41 and, in the case of an application under section 41, the name
 of the owner of any land on which it is proposed that any work should be carried out. If
 more than two persons are named, continue on separate sheet.

(3) State whether owner or occupier of the land or persons having a right to carry out
 the proposed work on the ditch mentioned in paragraph 4.

(4) Two copies of the application and of any map and document must be sent to the
 Secretary, and if there are more than two parties, an additional copy of the application,
 etc., must be supplied for each additional party.

(5) A larger scale map may be used if preferred. Ordnance Survey Field Numbers
 must be marked on the map where required.

(6) Mention any other document which is attached to this application.

(7) If signed by any person other than the applicant himself, he should state in what
 capacity or by what authority he signs.

Form 11R

Ref No.
 To be
 inserted
 by the
 Secretary.

AGRICULTURAL LAND TRIBUNAL
Reply to Application under Land Drainage Act 1976

To the Secretary of the Agricultural Land Tribunal
 for the Area.

I, [block capitals]

of [address]
having received a copy of the application (bearing the above reference number) and of the report provided by the Minister of Agriculture, Fisheries and Food for the purpose thereof and of the applicant's notice in Form 12 reply as follows:—

1. The facts stated in the said application and in the said report are correct except that:—

- 2. * (a) I agree to an order being made
 - * (i) in the terms of the recommendation in the report; or
 - * (ii) in the terms asked for in the application [*if different from those recommended in the report*]; or
 - * (iii) in the terms stated in the applicant's notice.

* (b) I resist the application

*Strike out whichever is inapplicable.

3. * My main reasons for resisting the application are:—

*Strike out if inapplicable.

4. I attach copies of the following relevant documents⁽¹⁾:—

Date Signed⁽²⁾

(1) (a) Two copies of the reply and of any document which you wish to submit to the Tribunal must be sent to the Secretary, and, if there are more than two parties, an additional copy of each must be supplied for each additional party.

(b) If you disagree with any map or plan attached to the application or if, in your reply, you mention any land not shown thereon, your reply should be accompanied by two copies of a 6" to one mile or 1/10,000 (or larger) map showing what you consider to be the true position or showing the other land mentioned in your reply, as the case may be, and marking the Ordnance Survey Field Numbers.

(2) If signed by any person other than the party himself, he should state in what capacity or by what authority he signs.

Form 12

rule 21 (4)

Ref No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL
Land Drainage Act 1976
Notice by Applicant under Rule 21 (4) of
the Agricultural Land Tribunals Rules 1978

To the Secretary of the Agricultural Land Tribunal
for the Area.

I, [block capitals]
of [address]

having applied to the Tribunal on the day of 19 (under reference number) for an order under section 40 [and/or section 41]* of the Land Drainage Act 1976, and having received a copy of the report provided by the Minister of Agriculture, Fisheries and Food for the purpose of my application, state as follows:

* Strike out whichever is inapplicable.

1. I accept the facts stated in the report with the exception of:

- 2. * (a) I accept the recommendation made in the report and hereby request the Tribunal to make an order on my application in the terms of the recommendation.

- * (b) I do not accept the recommendation made in the report and I request the Tribunal to make an order on my application in the terms asked for therein [or in the following modified terms].

*Strike out whichever is inapplicable.

3. I attach the following documents which I intend to produce in support of my case:—⁽¹⁾

Date..... Signed⁽²⁾.....

(1) Two copies of this notice must be sent to the Secretary together with two copies of any map or document which you wish to submit to the Tribunal and which has not already been submitted with the application. If there are more than two parties, an additional copy of the notice, etc., must be supplied for each additional party.

(2) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

rule 23(4)

Form 13

AGRICULTURAL LAND TRIBUNAL
Notice of Hearing

Land at:

Applicant/s:

Respondent/s:

TAKE NOTICE that the HEARING of the APPLICATION in respect of the above named Holding will be held on _____ at _____ commencing at _____

Dated.....197..... Signed.....
(Secretary of the Tribunal)

NOTE TO PARTIES

You may find of assistance the following note of rules of evidence and procedure, which apply to this hearing and which are contained in the Agricultural Land Tribunals Rules 1978.

1. Rules of Evidence

(a) Any evidence may be admitted by the tribunal, including evidence that would not be admissible in a court of law.

(b) Evidence before the tribunal may be given—

(i) orally, on oath or on affirmation or otherwise,

(ii) by affidavit, if the parties consent, or

(iii) by means of written statements produced by the maker when giving evidence or, if the tribunal consent, by another witness.

If evidence is tendered in the form of a written statement, four copies of the statement should be available at the hearing for the tribunal and two copies for the other parties.

(c) At any stage of the proceedings the tribunal may, of their own motion or on the application of any party, order the personal attendance of the maker of any written statement for examination and cross-examination.

(d) The secretary may require a party to give to the tribunal documents or other information, and to afford to all other parties an opportunity to inspect such documents, or copies of them, and to take copies of them.

If the parties intend to produce documents at the hearing, they should if possible agree them beforehand, list them in order and put them into one agreed bundle. Four copies of this bundle should be available if possible for the use of the tribunal.

(e) The tribunal may, after giving notice to all parties and to any other occupier of the land, enter and inspect any agricultural holding owned or occupied by any party, whether the holding is the subject of the proceedings or not, and may inspect any fixed or other equipment, produce or livestock thereon.

2. Procedure at the Hearing

(a) The tribunal sit in public unless exceptional circumstances make it desirable that the hearing, or some part of it, should take place in private.

(b) A party may appear and be heard in person or by counsel or solicitor or by a representative appointed in writing.

(c) The party making the application will begin and the other parties will be heard in such order as the tribunal may determine.

3. Witnesses

(a) Each party will be given an opportunity to call and cross-examine witnesses, and a party may if he wishes give evidence as a witness on his own behalf.

(b) The tribunal may call witnesses, who may after giving evidence be cross-examined by any party.

(c) The provisions of the County Court Rules 1936, as amended, as to the issue of witness summonses (Order 20, rule 8) apply for the purposes of any proceedings before the tribunal. Under these Rules, a party desiring a person to be summoned as a witness must apply to the county court registrar by filling in the prescribed form in the county court office.

4. Default of Appearance

If a party fails to appear at the time fixed for the hearing, the tribunal may—

- (i) dismiss the application where the party failing to appear is the applicant, or
- (ii) proceed in any other case to determine the application in the party's absence, if satisfied that the party failing to appear has been afforded an adequate opportunity of attending.

Form 14

rule 32

Ref. No.
To be
inserted
by the
Secretary.

AGRICULTURAL LAND TRIBUNAL

**Application for Variation of Order made under Land
Drainage Act 1976**

To the Secretary of the Agricultural Land Tribunal

for the Area.

I, [block capitals]

of [address],

hereby apply to the Tribunal to vary its order dated the day of 19 .

2. The order was made on*[my application] [the application of
..... [block capitals]
of [address]]
bearing the reference number.....

*Strike out whichever is inapplicable.

3. The variation for which I apply is:—

4. My main reasons for making this application are:—

5. I attach copies of the following documents which I intend to produce in support of my case⁽¹⁾:—

Date Signed⁽²⁾

(1) Two copies of this application and of any document which you wish to submit to the Tribunal must be sent to the Secretary, and, if there are more than two parties, an additional copy of each must be supplied for each additional party.

(2) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

SCHEDULE 2

Article 3

AMENDMENTS TO OTHER RULES OF PROCEDURE

1. In Article 2 of the Agricultural Land Tribunals (Succession to Agricultural Tenancies) Order 1976, the words from “and, accordingly,” to the end shall be omitted.

2. The Agricultural Land Tribunals (Succession) Rules 1976 (which are set out in the Schedule to that Order) shall be amended as follows:—

- (a) in rule 1(2), in the definition of “the principal rules”, for the expression “1959” there shall be substituted the expression “1978”;
- (b) for rule 10 there shall be substituted the following rule:—

“Application of principal rules relating to applications and replies

10.—(1) Rules 16 (except for paragraph (5)) and 18 (except for paragraph (2)) of the principal rules shall apply with the necessary modifications to applications and replies under these Rules.

(2) Rule 15(2) of the principal rules shall apply in the case of an application by the landlord.

(3) Rule 18(2) of the principal rules shall apply to a reply under rule 6 of these Rules if the relevant period has expired and, following the withdrawal of the reply, there is no other outstanding reply to the application by the landlord.”;

- (c) for rule 13 there shall be substituted the following rule:—

“Application of principal rules relating to preparation for hearing and to hearing

13. Rules 19, 20, 23(3) and (4), 24, 25, 26(2) and (3) and 27 of the principal rules shall apply with the necessary modifications to applications under these Rules.”;

- (d) for rule 14(2) there shall be substituted the following paragraph:—

“(2) Where pursuant to rule 15(2) or 18(2) of the principal rules (as applied by rule 10(2) and (3) of these Rules), the tribunal decide to make an order in the terms of the application by the landlord without a formal hearing, any application under rule 2(1) in respect of the holding shall be dismissed.”;

- (e) for rule 19 there shall be substituted the following rule:—

“Application of principal rules relating to evidence, decisions, etc.

19.—(1) Rules 28 to 31 and 33 to 38 of the principal rules shall apply with the necessary modifications to proceedings under these Rules as they apply to other proceedings before the tribunal.

(2) For the purposes of rules 31, 33 and 34 of the principal rules, any dismissal of an application under these Rules shall be a decision, and all such decisions, and the reasons for them, may be given in a single document at the conclusion of the proceedings unless the chairman otherwise decides.”;

(f) Form 2 in the Appendix shall be amended as follows:—

(i) for paragraph 5 there shall be substituted the following paragraph:—

“5. The grounds upon which I make this application are those provided in paragraph(s) of section 3(3) of the Agricultural Holdings (Notices to Quit) Act 1977 as read with section 22(2) of the Agriculture (Miscellaneous Provisions) Act 1976. (*It is important to refer to note (1)*).”, and

(ii) in footnote (1), for paragraph (e) there shall be substituted the following paragraph:—

“(e) that the landlord proposes to terminate the tenancy for the purpose of the land’s being used for a use, other than for agriculture, not falling within Case B (i.e. in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977).”.

EXPLANATORY NOTE

(This Note is not part of the Order).

This Order consolidates the instruments relating to rules of procedure for Agricultural Land Tribunals (other than rules for application under Part II of the Agriculture (Miscellaneous Provisions) Act 1976). Some amendments are also introduced, including amendments necessitated by the Agricultural Holdings (Notices to Quit) Act 1977 and the Agricultural Holdings (Arbitration on Notices) Order 1978. The most important of these amendments are:—

(1) Applications under section 4(2) or (3) of the Agricultural Holdings (Notices to Quit) Act 1977 for the Tribunal’s consent to the operation of a notice to quit are to be made in Form 1 in Schedule 1 to the Order, and Form 1 is enlarged accordingly (Rule 2(2) and Form 1).

(2) If a Tribunal hearing takes place (exceptionally) in private, a member of the Council on Tribunals may now attend (Rule 24).

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