

SCHEDULE 1

PART II

Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the holding in the last year of the tenancy, but not including crops or produce which the tenant has a right to sell or remove from the holding

8.—(1) Growing crops:—

- (a) The value of growing crops, except root and green crops of a kind normally grown on a holding held under an autumn tenancy, shall be the reasonable cost of seeds sown, and cultivations, fallows and acts of husbandry performed, calculated in accordance with the provisions of paragraph 9 below;
- (b) The value of growing root and green crops of a kind normally grown on a holding held under an autumn tenancy shall be the average market value on the holding of good quality crops, less the manorial value thereof calculated in accordance with Tables 5(a)–(j) above on the basis of ‘no crop off’:

Provided that if the value so calculated exceeds the actual value to an incoming tenant in any case where—

- (i) the crops are of inferior quality, or
- (ii) the quantity of any kind of crops exceeds the quantity reasonably required for the system of farming practised on the holding,

the value so calculated shall be reduced so as not to exceed such actual value;

(c) In the case of—

- (i) autumn-sown crops where the land was held under a spring tenancy, and
- (ii) grass and clover seeds sown on land held under a spring or autumn tenancy from which no crop has been taken before termination of the tenancy,

the value shall be increased by an additional amount representing the enhancement of the value to an incoming tenant of the growing crop, but such additional amount shall not in any case exceed the rental value, at the termination of the tenancy, of the land sown to the crop, such rental value to be calculated by reference to the same matters and criteria as are by section 8 of the Act required to be taken into consideration or applied for the determination of the rent of a holding pursuant to that enactment:

Provided that if the area of any such crop exceeds the area of such crop which would normally be grown on the holding, having regard to the character and type of the holding and the terms of the tenancy (hereinafter referred to as “the normal area”) the foregoing provisions of this sub-paragraph shall apply only to the normal area of such crop.

(2) For the purposes of sub-paragraph (1) above “spring tenancy” means a yearly tenancy the last yearly term of which commenced between 1st January and 30th June inclusive, and “autumn tenancy” means a yearly tenancy the last yearly term of which commenced between 1st September and 31st December inclusive.

(3) Served or harvested crops and produce:—

The value shall be the market value for consumption by agricultural livestock on the holding of hay, fodder crops, straw, roots and other crops or produce of good quality less the manorial value thereof calculated in accordance with Tables 5(a)–(j) above on the basis of ‘no crop off’:

Provided that if the value so calculated exceeds the actual value to an incoming tenant in any case where—

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- (a) the crops or produce are of inferior quality; or
 - (b) the quantity of any kind of crops or produce exceeds the quantity reasonably required for the system of farming practised on the holding; or
 - (c) the crops or produce are not left in convenient or proper places on the farm; or
 - (d) any hay or straw is not properly stacked and thatched or otherwise protected,
- the value so calculated shall be reduced so as not to exceed such actual value.

Seeds sown and cultivations, fallows and acts of husbandry performed on the holding at the expense of the tenant

9.—(1) The value shall be the reasonable cost of seeds sown and of cultivations, fallows and acts of husbandry performed, taking into account—

- (a) normal current costs, having regard to the current agricultural wage, the cost of horse and tractor operations, the size and shape of the fields, and other relevant conditions;
- (b) reasonable costs of hired tractor cultivations;
- (c) increased costs over normal tractor rates, where owing to the size of the farm or fields, the shape of the fields, or to other special circumstances, it was reasonable to use horse labour;

but leaving out of account any expenditure incurred by the tenant up to and including the removal from the land of the last preceding crop and any rent paid by the tenant.

(2) For the purposes of sub-paragraph (1) above, the reasonable cost shall not be regarded as reduced merely because more than one operation was carried out by the tenant at the same time.

(3) Nothing in sub-paragraph (1) above shall be taken to limit the operation of this paragraph to any particular method of sowing nor to cultivations, fallows or acts of husbandry performed in any particular way.

Pasture laid down with clover, grass, lucerne, sainfoin or other seeds, being either—(a) pasture laid down at the expense of the tenant otherwise than in compliance with an obligation imposed on him by an agreement in writing to lay it down to replace temporary pasture comprised in the holding when the tenant entered thereon which was not paid for by him; or (b) pasture paid for by the tenant on entering on the holding

10.—(1) Where no crop has been removed either by mowing or by grazing, the value shall be the reasonable cost of seeds sown, and cultivations, fallows and acts of husbandry performed, calculated in accordance with paragraph 9 above, but also taking into account any expenditure incurred solely for the benefit of the pasture before the removal of any crop in or with which the pasture was sown.

(2) Where one crop or more has been removed either by mowing or by grazing, the value shall be the face value of the pasture, taking into account—

- (a) present condition;
- (b) management since sowing;
- (c) situation on the holding;
- (d) fencing;
- (e) water supply;
- (f) any other circumstances appearing to be relevant.

Acclimatisation, hefting or settlement of hill sheep on hill land

11.—(1) The value of hill sheep on hill land shall include such amount (if any) as represents the value attributable to the acclimatisation, hefting or settlement of the sheep on such land, but the said amount shall not in any case exceed a sum of four pounds per sheep.

(2) Any amount which may be included in the value of hill sheep under the provisions of the last foregoing sub-paragraph shall be apportioned and separately shown by the person carrying out the valuation as being attributable to the value of acclimatisation, hefting or settlement of such sheep.

Residual sod fertility value in certain districts

12.—(1) In this paragraph—

“leys” means land laid down with clover, grass, lucerne, sainfoin or other seeds, but does not include permanent pasture;

“continuously maintained leys” means leys continuously maintained as such for a period of three or more growing seasons since being laid down excluding, if the leys were undersown or autumn-sown, the calendar year in which the sowing took place; and, for the purpose of this definition, the destruction of a ley (by ploughing or some other means) followed as soon as practicable by re-seeding to a ley without sowing a crop in the interval between such destruction and such re-seeding shall be treated as not constituting a break in the continuity of the maintenance of the ley;

“former leys” means arable land which within the three growing seasons immediately preceding the termination of the tenancy was ley which was continuously maintained ley before being destroyed by ploughing or some other means for the production of a tillage crop or crops;

“qualifying leys” means continuously maintained leys and former leys or either of them;

“the excess qualifying leys” means, subject as provided below, the area of qualifying leys on the holding at the termination of the tenancy which is equal to the area (if any) by which one-third of the aggregate of the areas of leys on the holding on the following dates, namely,—

- (a) at the termination of the tenancy,
- (b) on the date one year prior to such termination, and
- (c) on the date two years prior to such termination

exceeds the accepted proportion at the termination of the tenancy: Provided that for the purpose of this definition qualifying leys laid down at the expense of the landlord without reimbursement by the tenant or any previous tenant of the holding or laid down by and at the expense of the tenant pursuant to agreement by him with the landlord for the establishment of a specified area of leys on the holding as a condition of the landlord giving consent to the ploughing or other destruction of permanent pasture or pursuant to a direction given by an arbitrator on a reference under section 10(1) of the Act shall not be included in the area of qualifying leys on the holding at the termination of the tenancy;

“the accepted proportion” means the area which represents the proportion which the aggregate area of the leys on the holding would be expected to bear to the area of the holding, excluding the permanent pasture thereon, in accordance with normal farming practice in the district or, if a greater proportion is provided for by or under the terms of the tenancy, that proportion.

(2) Where a holding is situated in a district in which the growing of a succession of tillage crops on the same arable land is normal farming practice, the residual fertility value of the sod of the excess qualifying leys on the holding shall be calculated (subject to sub-paragraph (3) below) as follows:—

- (a) in respect of continuously maintained leys, £18 per hectare if any herbage has been cut and removed in the last growing season before the termination of the tenancy and £30 per hectare if the sward was, during such last growing season, grazed only;

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- (b) in respect of continuously maintained leys, the values specified in sub-paragraph (a) above shall be increased by £6 per hectare for each additional growing season over three growing seasons for which the leys have been established, but such increase shall not exceed in aggregate £36 per hectare if any herbage was cut and removed during the last growing season before the termination of the tenancy and shall not exceed £48 per hectare if the herbage was, during such last growing season, grazed only;
 - (c) in respect of any former ley sown to a first crop in the last growing season before the termination of the tenancy, the value shall be the value specified in sub-paragraphs (a) and (b) above according to the period for which the ley had been established before it was ploughed or otherwise destroyed and to whether the herbage was cut and removed, or grazed only, in the last growing season before the ley was ploughed or otherwise destroyed;
 - (d) in respect of any former ley to which sub-paragraph (c) above does not apply,—
 - (i) (aa) if only one arable crop was removed from the land following ploughing or other destruction of the ley, the value shall be two-thirds of the value specified in sub-paragraphs (a) and (b), and
 - (bb) if only two arable crops were removed from the land following ploughing or other destruction of the ley, the value shall be one-third of the value specified in sub-paragraphs (a) and (b),
according, in each case, to the period for which the ley had been established before it was ploughed or otherwise destroyed and to whether the herbage was cut and removed, or grazed only, in the last growing season before the ley was ploughed or otherwise destroyed; and
 - (ii) if more than two arable crops were removed from the land following ploughing or other destruction of the ley, the value shall be nil.
- (3) Where the tenant is entitled to compensation in respect of a ley both under sub-paragraph (2) of paragraph 10 above and under sub-paragraph (2)(a) and, if applicable, sub-paragraph (2)(b) of this paragraph, the aggregate of the respective values per hectare thereunder, taken together, shall not exceed £148 per hectare.