

## 1985 No. 1829

## LANDLORD AND TENANT

The Agricultural Holdings (England and Wales) Rules  
(Variation) Order 1985

Made - - - - - 25th November 1985

Laid before Parliament 11th December 1985

Coming into Operation 1st January 1986

The Lord Chancellor, in exercise of the powers conferred on him by section 77(2) and (3)(b) and (c) of the Agricultural Holdings Act 1948(a) and section 11(6) of, and paragraph 14 of Schedule 5 to, the Agricultural Holdings Act 1984(b), after consultation with the Council on Tribunals as required by section 10 of the Tribunals and Inquiries Act 1971(c), hereby makes the following Order:—

*Citation, commencement and interpretation*

1.—(1) This Order may be cited as the Agricultural Holdings (England and Wales) Rules (Variation) Order 1985 and shall come into operation on 1st January 1986.

(2) In this Order “the principal rules” means the Agricultural Holdings (England and Wales) Rules 1948(d).

*Saving*

2. Articles 4 and 5 below and article 6 below, in so far as it relates to Form A (form of award) in the First Schedule and Form D (application for extension of time for award) in the Second Schedule to the principal rules, shall not apply in relation to an application for the appointment of an arbitrator under Schedule 6 to the Agricultural Holdings Act 1948 made before 1st January 1986; and the principal rules shall, in relation to any person appointed under that Schedule in pursuance of such an application, have effect as if those articles had not been enacted.

*Variation of the principal rules*

3. The principal rules shall be varied in accordance with articles 4 to 10 below.

4. The proviso to rule 2 thereof (modification of forms where President of the Royal Institution of Chartered Surveyors to act) shall be omitted.

(a) 1948 c. 63; section 77(2) and (3) was substituted by the Agricultural Holdings Act 1984 (c. 41), Schedule 3, paragraph 19(3).

(b) 1984 c. 41.

(c) 1971 c. 62.

(d) S.R. & O. 1948/1943; the relevant amending instruments are S.I. 1955/554, 1978/272.

5. In the First Schedule thereto in Form A in the paragraph commencing "And Whereas by an appointment" there shall be substituted for the words "or sealed by" the words "or signed by [or on behalf of]".

6. In the First Schedule thereto in Form A and in the Second Schedule thereto in Forms B (application for appointment of arbitrator except as to rent), C (application for appointment of arbitrator as to rent) and D any reference to the Minister of Agriculture, Fisheries and Food or the Secretary of State for Wales<sup>(a)</sup> shall be construed as a reference to the President of the Royal Institution of Chartered Surveyors.

7. In the Second Schedule thereto in Forms B and C—

(a) in the note marked "†" there shall be substituted for the words "within 14 days" the words "within 35 days";

(b) the following note shall be inserted after the note marked "‡"—

"IMPORTANT

No application may be made to the President unless the application is accompanied by the prescribed fee. Information on the amount payable can be obtained from the Royal Institution of Chartered Surveyors (Arbitrations Section), 12 Great George Street, Parliament Square, London SW1P 3AD."

8. In the Second Schedule thereto in Form B the entry numbered 7 shall be omitted.

9. In the Second Schedule thereto in Form C there shall be substituted in the first column for the entry numbered 9 the following entry—

"9. Next termination date following the date of the demand."

10. In the Second Schedule thereto in Form D the words from "I enclose" to "such extension" shall be omitted.

*Hailsham of St. Marylebone, C.*

Dated 25th November 1985.

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(a) In consequence of article 3(3) of S.I. 1955/554 and article 11(6) of S.I. 1978/272 references in these Forms to the Minister of Agriculture and Fisheries are to be construed as references to the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order varies the Agricultural Holdings (England and Wales) Rules 1948 consequentially on the transfer of the functions of the Minister of Agriculture, Fisheries and Food and the Secretary of State under paragraphs 1 and 13 of Schedule 6 to the Agricultural Holdings Act 1948 (appointment of arbitrator and extension of time limited for making award) to the President of the Royal Institution of Chartered Surveyors on 1st January 1986 which is effected by section 8 of the Agricultural Holdings Act 1984, as read with section 11(5) of that Act and the Agricultural Holdings Act 1984 (Commencement) Order 1985 (S.I. 1985/1644 (articles 2 to 6 and 7(b) of this Order).

The Order also varies the notes in Forms B and C in the Second Schedule to the 1948 Rules (applications for appointment of arbitrator) so that the references to the time limit for delivery of a statement of case reflect the amendment to paragraph 6 of Schedule 6 to the 1948 Act made by section 10(1) of, and paragraph 28(6) of Schedule 3 to, the 1984 Act (articles 3 and 7(a) of this Order).

Further minor amendments are made to Forms B, C and D in the Second Schedule to the 1948 Rules to reflect an amendment to section 8 of the 1948 Act made by section 1 of the 1984 Act (articles 3 and 9) and to delete spent provisions (articles 3, 8 and 10).

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