
STATUTORY INSTRUMENTS

2006 No. 2805

The Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006

Exclusion of the Agricultural Holdings Act 1986

12.—(1) Section 4 is amended as follows.

(2) In subsection (1), after “except”, there shall be inserted “(subject to subsection (2B) below)”.

(3) In that subsection, in paragraph (e), at the end, “or” shall be omitted.

(4) In that subsection, in paragraph (f), for the words “(“the previous tenancy”)” to the end, there shall be substituted—

“, and is so granted because an agreement between the parties (not being an agreement expressed to take effect as a new tenancy between the parties) has effect as an implied surrender followed by the grant of the tenancy, or”.

(5) In that subsection, at the end there shall be inserted—

“(g) is granted to a person who, immediately before the grant of the tenancy, was the tenant of the holding, or of any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding, under a tenancy in relation to which the 1986 Act applied, and is so granted by a written contract of tenancy indicating (in whatever terms) that the 1986 Act is to apply in relation to the tenancy.”.

(6) In subsection (2), at the end of paragraph (a), “and” shall be omitted.

(7) In that subsection, for paragraph (b) there shall be substituted—

“(b) the current tenancy is granted to a person (alone or jointly with other persons) who, if the tenant under that previous tenancy (“the previous tenant”) had died immediately before the grant, would have been his close relative, and

(c) either of the conditions in subsection (2A) below is satisfied.”.

(8) After that subsection there shall be inserted—

“(2A) The conditions referred to in subsection (2)(c) above are—

(a) the current tenancy is granted to a person (alone or jointly with other persons) who was or had become the sole or sole remaining applicant for a direction of an Agricultural Land Tribunal for a tenancy, and

(b) the current tenancy—

(i) is granted as a result of an agreement between the landlord and the previous tenant, and

(ii) is granted, and begins, before the date of the giving of any retirement notice by the previous tenant, or if no retirement notice is given, before the date of death of the previous tenant.”.

(9) After subsection (2A) there shall be inserted—

“(2B) The 1986 Act shall not apply by virtue of subsection (1)(f) or (g) above in relation to the tenancy of an agricultural holding (“the current holding”) where—

- (a) the whole or a substantial part of the land comprised in the current holding was comprised in an agricultural holding (“the previous holding”) which was subject to a tenancy granted after the commencement of this subsection in relation to which the 1986 Act applied by virtue of subsection (1)(f) or (g) above;
 - (b) the whole or a substantial part of the land comprised in the previous holding was comprised in an agricultural holding (“the original holding”) which was at the commencement of this subsection subject to a tenancy in relation to which the 1986 Act applied; and
 - (c) the land comprised in the original holding does not, on the date of the grant of the tenancy of the current holding, comprise the whole or a substantial part of the land comprised in the current holding.”.
- (10) After subsection (2B) there shall be inserted—
- “(2C) The references in subsections (1)(g) and (2B) above to a substantial part of the land comprised in the holding mean a substantial part determined by reference to either area or value.”.
- (11) In subsection (3)—
- (a) at the end of paragraph (a), “and” shall be omitted;
 - (b) at the end of paragraph (b), there shall be inserted—
 - “, and
 - (c) “retirement notice” has the meaning given by section 49(3) of that Act.”.
- (12) The amendments made by this article shall not apply in relation to any tenancy granted before this article comes into force.