

SCHEDULE 1

Consequential provisions – primary legislation

PART 2

Provisions consequential upon transfer of functions from agricultural land tribunals for areas in England

Agricultural Holdings Act 1986

206. For section 42 substitute—

“Procedure where deceased held more than one holding

42.—(1) This section has effect where at the expiry of the period of three months beginning with the day after the date of death of a tenant there are pending before the First-tier Tribunal, or the Agricultural Land Tribunal, or both of them, separate applications made under section 39 above by any person or (as the case may be) by each one of a number of persons, in respect of more than one agricultural land holding.

(2) If the applications are pending in both the First-tier Tribunal and the Agricultural Land Tribunal, they (together with any associated application made under section 41 above) shall be heard and determined by—

- (a) the First-tier Tribunal, if the largest holding is in England, and
- (b) the Agricultural Land Tribunal, if the largest holding is in Wales.

(3) The order in which the applications (together with any associated application made under section 41 above) are heard and determined shall, subject to and in accordance with the provisions of any such order as is referred to in section 40(5) above, be such as may be decided—

- (a) where the applications were made by one person, by that person,
- (b) where the applications were made by two or more persons, by agreement between those persons or, in default of agreement—
 - (i) by the First-tier Tribunal (if that tribunal is hearing and determining the applications), or
 - (ii) by the chairman of the Agricultural Land Tribunal (if that tribunal is hearing and determining the applications).

(4) Any decision under subsection (3)(b)(i) or (ii) shall be made according to the respective size of the holdings concerned so that any application in respect of any holding which is larger than any of those holdings shall be heard and determined before any application in respect of that other holding.”