

SCHEDULE 2

Consequential provisions – secondary legislation

PART 2

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

The Reserve and Auxiliary Forces (Agricultural Tenants) Regulations 1959

50. The Reserve and Auxiliary Forces (Agricultural Tenants) Regulations 1959⁽¹⁾ are amended as follows.

51. In regulation 3—

(a) insert after the definition of the “1951 Act”—

““appropriate tribunal” means—

(a) the First-tier Tribunal, where the holding which is the subject of a notice to quit or of proceedings to which these Regulations apply is wholly or in the greater part situated in England ;

(b) the chairman, where the holding which is the subject of a notice to quit or of proceedings to which these Regulations apply is wholly or in the greater part situated in Wales.”;

(b) for the interpretation of “chairman” substitute—

““chairman” means the chairman of the Agricultural Land Tribunal established in Wales under section 73 of the Agriculture Act 1947 or a person nominated under paragraph 16(1)(a) or appointed under paragraph 16A of Schedule 9 to that Act to act as chairman, and “secretary means the secretary of that tribunal”.

52. In regulation 5, for “chairman” in both places, substitute “appropriate tribunal”.

53. In regulation 6, for “chairman” in both places, substitute “appropriate tribunal”.

54. After regulation 7, insert—

“8. Where the appropriate tribunal is the First-tier Tribunal, the application for a direction under these Regulations must be made in writing and the tribunal may require the applicant to furnish such testimonial in support of the application as it may think fit.”

The Agricultural Land Tribunals (Areas) Order 1982

55. The Agricultural Land Tribunals (Areas) Order 1982⁽²⁾ is revoked.

The Farm Woodland Scheme 1988

56. In the Farm Woodland Scheme 1988⁽³⁾, in paragraph 6—

(a) in sub-paragraph (1)(b), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;

(1) S.I. 1959/84

(2) S.I. 1982/97

(3) S.I. 1988/1291. The Scheme has been amended but none of the amendments are relevant.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) after sub-paragraph (1) insert—

“(1A) For the purposes of sub-paragraph (1), “appropriate tribunal” means—

- (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
- (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal.”

The Set-Aside Regulations 1988

57. In the Set-Aside Regulations 1988⁽⁴⁾, in regulation 12 (change of occupation)—

- (a) in paragraph (7)(c), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;
- (b) after paragraph (7) insert—

“(7A) For the purposes of paragraph (7), “appropriate tribunal” means—

- (a) where the holding (or the greater part of the holding) is in England, the First-tier Tribunal; and
- (b) where the holding (or the greater part of the holding) is in Wales, the Agricultural Land Tribunal.”

The Farm Woodland Premium Scheme 1992

58. In the Farm Woodland Premium Scheme 1992⁽⁵⁾, in paragraph 6—

- (a) in sub-paragraph (1)(b), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;
- (b) after sub-paragraph (1) insert—

“(1A) For the purposes of sub-paragraph 6(1), “appropriate tribunal” means—

- (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
- (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal.”

The Farm Woodland Premium Scheme 1997

59. In the Farm Woodland Premium Scheme 1997⁽⁶⁾, in paragraph 6 (restriction on approval of applications: resumed land)—

- (a) in sub-paragraph (1)(b), for “Agricultural Land Tribunal” substitute “appropriate tribunal”.
- (b) after sub-paragraph (1) insert—

“(1A) For the purposes of article 6(1), “appropriate tribunal” means—

- (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
- (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal.”

⁽⁴⁾ [S.I. 1988/1352](#). Relevant amendments were made by [S.I. 1990/1716](#).

⁽⁵⁾ [S.I. 1992/905](#)

⁽⁶⁾ [S.I. 1997/829](#)

The Agricultural Land Tribunals (Rules) Order 2007

60. The Agricultural Land Tribunals (Rules) Order 2007(7) is amended as follows.
61. In paragraphs (1) and (2) of article 2, for “Tribunals” substitute “Tribunal”.
62. In the Schedule (Agricultural Land Tribunals Rules)—
- (a) in the heading to the Schedule, for “Tribunals” substitute “Tribunal”;
 - (b) in rule 1 (interpretation)—
 - (i) in the definition of “the official expert”—
 - (aa) in both places, omit “the Secretary of State or”;
 - (bb) omit “, as the case may be,”;
 - (ii) in the definition of “the Tribunal”, omit from “for the area” to the end;
 - (c) in rule 21(2) (hearings to be in public), for “Chairman of any Agricultural Land Tribunal” substitute “deputy chairman of the Agricultural Land Tribunal”;
 - (d) in rule 26(5) (inspection of land or premises by official expert), omit “the Secretary of State or”;
 - (e) omit rule 37 (reference to the High Court on a question of law);
 - (f) in rule 38 (modification of Tribunal’s decision following High Court proceedings)—
 - (i) in paragraph (1) for “High Court” substitute “Upper Tribunal”;
 - (ii) in paragraph (4) for “reference of any question to the High Court under section 6 of the 1954 Act or on the decision on such a reference” substitute “notification of an appeal to the Upper Tribunal under section 6 of the 1954 Act or the decision upon such an appeal”.
 - (g) in rule 45(1) (applications under the Land Drainage Act 1991) omit “the Secretary of State or” and “, as the case may be,”.