



Agriculture (Miscellaneous Provisions) Act 1968

1968 CHAPTER 34

PART II

ADDITIONAL PAYMENTS TO TENANT FARMERS

9 Additional payments to tenants quitting agricultural holdings.

- (1) Where under the ^{M1}Agricultural Holdings Act 1948 (hereafter in this Part of this Act referred to as “the principal Act”) compensation for disturbance in respect of an agricultural holding or part of such a holding becomes payable by the landlord to the tenant of the holding, then, subject to the provisions of this Part of this Act, there shall be payable by the landlord to the tenant, in addition to any compensation payable by the landlord to the tenant, a sum to assist in the reorganisation of the tenant’s affairs of the amount prescribed by subsection (2) of this section.
- (2) Subject to the provisions of this Part of this Act, the sum payable in pursuance of subsection (1) of this section shall be equal to four times the annual rent of the holding or, in the case of part of a holding, four times the appropriate portion of that rent, at the rate at which the rent was payable immediately before the termination of the tenancy of the holding or part to which the said compensation relates.
- (3) In the application of this section to Scotland, in subsection (1) for the references to the ^{M2}Agricultural Holdings Act 1948 and the principal Act there shall be substituted respectively references to the ^{M3}Agricultural Holdings (Scotland) Act 1949 and the principal Scottish Act.

Modifications etc. (not altering text)

- C1** S. 9 excluded by (E.W.) [Land Compensation Act 1973 \(c. 26\), s. 59\(2\)\(b\)](#) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\), s. 55\(2\)\(b\)](#)

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding effects for the
 Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)*

Marginal Citations

- M1** 1948 c. 63.
M2 1948 c. 63.
M3 1949 c. 75.

10 Provisions supplementary to s. 9 in England and Wales.

- (1) Subject to the provisions of this section, no sum shall be payable in pursuance of section 9 of this Act in a case where—
- (a) the Agricultural Land Tribunal, in pursuance of [^{F1}Case A in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977], have consented to the operation of the relevant notice and stated in the reasons for their decision that they are satisfied as to any of the matters mentioned in paragraphs (a) to (d) of section 25(1) of that Act (which among other things relate to good husbandry, sound estate management, agricultural research and grounds of hardship), and a statement of the reasons is included in the notice; or
 - (b) the relevant notice contains a statement that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable on any of the grounds mentioned in paragraphs (a) to (c) of the said [^{F2}section 3(3)] and, if an application for consent in respect of the notice is made to the Agricultural Land Tribunal (hereafter in this section referred to as “the tribunal”) in pursuance of [^{F2}section 2(1) of the said Act of 1977], the tribunal consent to its operation and state in the reasons for their decision that they are satisfied as to any of the matters so mentioned; or
 - (c) the relevant notice contains a statement that the landlord will suffer hardship unless the notice has effect and, if such an application as aforesaid is made in respect of the notice, the tribunal consent to its operation and state in the reasons for their decision that they are satisfied that greater hardship would be caused by withholding consent than by giving it; or
 - (d) the said [^{F3}section 2(1)] does not apply to the relevant notice by virtue of [^{F3}Case H in section 2(3) of the said Act of 1977] (which relates to notices to quit given by the Minister or a Rural Development Board with a view to boundary adjustments or an amalgamation).
- (2) Subsection (1) of this section shall not apply in relation to the relevant notice where—
- (a) the reasons given by the tribunal for their decision to consent to the operation of the notice include the reason that they are satisfied as to the matter mentioned in [^{F4}section 3(3)(e) of the said Act of 1977] (which relates to the use of land for certain non-agricultural purposes); or
 - (b) the reasons so given consist of or include the reason that the tribunal are satisfied as to the matter mentioned in [^{F4}section 3(3)(b) of that Act] but the tribunal would have been satisfied also as to the matter mentioned in the said [^{F5}section 3(3)(e)] if it had been specified in the application for consent.
- and where the tribunal would have been satisfied as mentioned in paragraph (b) of this subsection they shall include a statement to that effect in their decision.
- (3) In assessing the compensation payable to the tenant of an agricultural holding in consequence of the compulsory acquisition of his interest in the holding or part of it or the compulsory taking of possession of the holding or part of it, no account shall be taken of any benefit which might accrue to the tenant by virtue of section 9 of this Act.

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Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)

- (4) Any sum payable in pursuance of the said section 9 shall be so payable notwithstanding any agreement to the contrary.
- (5) The following provisions of the principal Act shall apply to sums claimed or payable in pursuance of the said section 9 as they apply to compensation claimed or payable under section 34 of that Act, that is to say, sections 34(3), 61, 70 to 73, 77, 80, 82, 83, 88, 89, 92, 94(5), 101 and Schedule 6; and paragraphs 4 and 5 of Schedule 8 to the ^{M4}Landlord and Tenant Act 1954 shall apply to sums so payable as they apply to the compensation mentioned in those paragraphs but as if for the word “shall” in each of those paragraphs there were substituted the word “may”.
- (6) No sum shall be payable in pursuance of the said section 9 in consequence of the termination of the tenancy of an agricultural holding or part of such a holding unless the notice to quit in consequence of which the termination occurs is served on the tenant after the initial date and the termination occurs after the date of the passing of this Act.
- (7) F6
- (8) In the foregoing provisions of this section, references to section 9 of this Act do not include references to it as applied by section 12 of this Act and “the relevant notice” means the notice to quit given by the landlord of the agricultural holding in question in consequence of which compensation for disturbance becomes payable to the tenant of the holding as mentioned in the said section 9; and for the purposes of paragraphs (a) and (b) of subsection (1) of this section, the purposes of the enactments relating to allotments shall be treated as excluded from the matters mentioned in [F7section 3(3) (c) of the Agricultural Holdings (Notices to Quit) Act 1977]

Textual Amendments

- F1** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(2)
- F2** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(3)
- F3** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(4)
- F4** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(5)
- F5** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(6)
- F6** [Ss. 10\(7\), 11\(9\)](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. XIX**
- F7** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(7)

Marginal Citations

- M4** [1954 c. 56](#).

11 Provisions supplementary to s. 9 in Scotland.

- (1) Subject to the provisions of this section, no sum shall be payable in pursuance of section 9 of this Act in consequence of the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit in a case where—

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Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)

- (a) the relevant notice contains a statement that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable on any of the grounds mentioned in paragraphs (a) to (c) of section 26(1) of the principal Scottish Act and, if an application for consent in respect of the notice is made to the Scottish Land Court (hereafter in this section referred to as “the court”) in pursuance of section 25(1) of the principal Scottish Act, the court consent to its operation and state in the reasons for their decision that they are satisfied as to any of the matters so mentioned; or
 - (b) the relevant notice contains a statement that the landlord will suffer hardship unless the notice has effect and, if such an application as aforesaid is made in respect of the notice, the court consent to its operation and state in the reasons for their decision that they are satisfied that greater hardship would be caused by withholding consent than by giving it; or
 - (c) the relevant notice is a notice to which, apart from the provisions of section 18 or section 19 of this Act, section 6(3) of the ^{M5}Agriculture Act 1958 would apply and, if an application for consent in respect of the notice is made to the court in pursuance of the said section 25(1), the court consent to its operation and state in the reasons for their decision that they are satisfied with regard to the matter mentioned in paragraph (a), or the matters mentioned in paragraph (b)(i) to (iii), or the matter mentioned in paragraph (c), of section 18(2) of this Act; or
 - (d) the said section 25(1) does not apply to the relevant notice by virtue of section 29(4) of the ^{M6}Agriculture Act 1967 (which relates to notices to quit given by the Secretary of State or a Rural Development Board with a view to boundary adjustments or an amalgamation).
- (2) Subsection (1) of this section shall not apply in relation to the relevant notice where—
- (a) the reasons given by the court for their decision to consent to the operation of the notice include the reason that they are satisfied as to the matter mentioned in section 26(1)(e) of the principal Scottish Act (which relates to the use of land for certain non-agricultural purposes); or
 - (b) the reasons so given consist of or include the reason that the court are satisfied as to the matter mentioned in section 26(1)(b) of that Act or in paragraph (a) or paragraph (c) of section 18(2) of this Act but the court would have been satisfied also as to the matter mentioned in the said section 26(1)(e) if it had been specified in the application for consent,
- and where the court would have been satisfied as mentioned in paragraph (b) of this subsection they shall include a statement to that effect in their decision.
- (3) In assessing the compensation payable to the tenant of an agricultural holding in consequence of the compulsory acquisition of his interest in the holding or part of it or the compulsory taking of possession of the holding or part of it, no account shall be taken of any benefit which might accrue to the tenant by virtue of section 9 of this Act.
- (4) Any sum payable in pursuance of the said section 9 shall be so payable notwithstanding any agreement to the contrary.
- (5) The following provisions of the principal Scottish Act shall apply to sums claimed or payable in pursuance of the said section 9 as they apply to compensation claimed or payable under section 35 of that Act, that is to say, sections 35(3), 61, 68 to 70, 75 to 78, 80, 82 to 84, 90, 93(6), 100 and Schedule 6.
- (6) No sum shall be payable in pursuance of the said section 9 in consequence of—

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- (a) the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit unless the notice in consequence of which the termination occurs is served on the tenant after the initial date and the termination occurs after the date of the passing of this Act; or
 - (b) the resumption by the landlord of possession of part of the holding in pursuance of a provision in that behalf contained in the lease unless the resumption occurs after the date of the passing of this Act.
- (7) No sum shall be payable in pursuance of section 9 of this Act in consequence of the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit where the relevant notice is given in pursuance of section 6(3) of the ^{M7}Agriculture Act 1958 (which relates to notice to quit given to a tenant who has acquired right to the tenancy of the holding by virtue of section 16 of the ^{M8}Succession (Scotland) Act 1964 or as a legatee by virtue of section 20 of the principal Scottish Act) and—
- (a) the landlord is terminating the tenancy for the purpose of using the land for agriculture only; and
 - (b) the notice contains a statement that the tenancy is being terminated for the said purpose:

Provided that if any question arises between the landlord and the tenant as to the purpose for which the tenancy is being terminated, the tenant shall, notwithstanding section 74 of the principal Scottish Act (matters to be referred to arbitration), refer the question to the Scottish Land Court for their determination.

[^{F8}(8) The Provisions of the Small Landholders (Scotland) Acts 1886 to 1931 with regard to the Scottish Land Court shall, with any necessary modifications, apply for the purpose of the determination of any matter referred to them under subsection (7) of this section as they apply for the purpose of the determination by them of matters referred to them under those Acts]

(9) ^{F9}

(10) In this section—

- (a) references to section 9 of this Act do not include references to it as applied by section 12 of this Act;
- (b) “the relevant notice” means a notice to quit given by the landlord of the agricultural holding in question in consequence of which compensation for disturbance becomes payable to the tenant of the holding as mentioned in the said section 9; and
- (c) for the purposes of subsection (1)(a), the purposes of the enactments relating to allotments shall be treated as excluded from the matters mentioned in section 26(1)(c) of the principal Scottish Act.

Textual Amendments

F8 S. 11(8) substituted by Crofting Reform (Scotland) Act 1976 (c. 21), Sch. 2 para. 25

F9 Ss. 10(7), 11(9) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIX

Marginal Citations

M5 1958 c. 71.

M6 1967 c. 22.

M7 1958 c. 71.

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding effects for the
 Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)*

M8 1964 c. 41.

12 Additional payments in consequence of compulsory acquisition etc. of agricultural holdings.

- (1) Where in pursuance of any enactment providing for the acquisition or taking of possession of land compulsorily by any person (hereafter in this Part of this Act referred to as an “acquiring authority”), an acquiring authority acquire the interest in an agricultural holding or any part of it of the tenant of the holding or take possession of such a holding or any part of it, then, subject to the provisions of this Part of this Act, [F10section 9 of this Act shall apply as if the acquiring authority were the landlord of the holding and compensation for disturbance in respect of the holding or part in question had become payable to the tenant as mentioned in subsection (1) of that section on the date of the acquisition or taking of possession][F10subsection (2)(b) of section 60 of the Agricultural Holdings Act 1986 (additional compensation to tenant for disturbance) shall apply as if the acquiring authority were the landlord of the holding and on the date of the acquisition or taking of possession the tenancy of the holding or part of it had terminated, and the tenant had quitted the holding or part of it, in consequence of such a notice or counter-notice as is mentioned in subsection (1) of that section; and section 61 of that Act (exceptions to section 60) shall not apply in such a case].
- (2) No sum shall be payable by virtue of subsection (1) of this section in respect of any agricultural holding held on a tenancy for a term of two years or upwards except in a case where the amount of compensation payable to the tenant of the holding by the acquiring authority in consequence of the acquisition or taking of possession in question is exceeded by the aggregate of the amounts which, if the tenancy had been from year to year, would have been so payable by way of compensation and by virtue of that subsection; and in any such case the sum payable by virtue of that subsection in consequence of the acquisition or taking of possession in question shall, subject to sections 13(3) and 14(3) of this Act, be of an amount equal to the excess.
- (3) No sum shall be payable to the tenant of an agricultural holding by virtue of subsection (1) of this section in consequence of such an acquiring of an interest or taking of possession as is there mentioned unless the date on which the acquisition or taking of possession occurs is later than the date of the passing of this Act and—
- (a) in the case of such an acquisition, unless the date on which notice to treat in respect of the interest to be acquired is served or treated as served on the tenant by the acquiring authority is after the initial date; and
 - (b) where in the case of such a taking of possession prior notice of the taking of possession is by virtue of any enactment required to be served on the tenant by the acquiring authority, unless the date on which the notice is so served is after the initial date.

Textual Amendments

F10 Words beginning “subsection (2)(b) ...” substituted (E.W.) for words beginning “section 9 ...” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, [Sch. 14 para. 44](#)

Modifications etc. (not altering text)

C2 [S. 12](#) amended by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), [s. 48\(5\)](#) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [s. 44\(4\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)

- C3** S. 12 modified by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), **ss. 59(2)(a)**, 61(3) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), **ss. 55(2)(a)**, 56(8), 57(3), 58(3)(6), Sch. 1

13 Provisions supplementary to s. 12 in England and Wales.

- (1) For the purposes of subsection (1) of section 12 of this Act, a tenant of an agricultural holding shall be treated as not being a tenant of it in so far as, immediately before the acquiring of the interest or taking of possession mentioned in that subsection, he was neither in possession nor entitled to take possession of any land comprised in the holding; and in determining for those purposes whether a tenant was so entitled, any such agreement as is mentioned in [F11section 2(1) of the principal Act][F11section 2(2) of the Agricultural Holdings Act 1986]which relates to the land and has not taken effect as an agreement for the letting of the land for a tenancy from year to year shall be disregarded.
- (2) Section 12(1) of this Act shall not apply where the acquiring authority require the land comprised in the holding or part in question for the purposes of agricultural research or experiment or of demonstrating agricultural methods or for the purposes of the enactments relating to smallholdings, nor where the Minister acquires the land under section 84(1)(c) of the M9Agriculture Act 1947; but where an acquiring authority exercise in relation to any land any power to acquire or take possession of land compulsorily which is conferred on the authority by virtue of [F12section 226 or 230 of the Town and Country Planning Act 1990][F13section 10 of the New Towns Act 1981][F14or section 4(1) of the Development of Rural Wales Act 1976], the authority shall be deemed for the purposes of this subsection not to require the land for any of the purposes aforesaid.
- (3) The provisions of Schedule 3 to this Act shall have effect for the purposes of section 12 of this Act in its application to England and Wales.

Textual Amendments

- F11** Words “section 2(2) of the Agricultural Holdings Act 1986” substituted (E.W.) for words “section 2(1)” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), **ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 45**
- F12** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), **s. 4, Sch. 2 para. 19**
- F13** Words substituted by [New Towns Act 1981 \(c. 64\)](#), **s. 81, Sch. 12 para. 4**
- F14** Words inserted by [Development of Rural Wales Act 1976 \(c. 75\)](#), **Sch. 7 para. 7**

Marginal Citations

- M9** 1947 c. 48.

14 Provisions supplementary to s. 12 in Scotland.

- (1) For the purposes of subsection (1) of section 12 of this Act, a tenant of an agricultural holding shall be treated as not being a tenant of it in so far as, immediately before the acquiring of the interest or taking of possession mentioned in that subsection, he was neither in possession nor entitled to take possession of any land comprised in the holding; and in determining for those purposes whether a tenant was so entitled, any such lease relating to the land as is mentioned in section 2(1) of the principal

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Scottish Act which has not taken effect as a lease of the land from year to year shall be disregarded.

- (2) Section 12(1) of this Act shall not apply where the acquiring authority require the land comprised in the holding or part in question for the purposes of agricultural research or experiment or of demonstrating agricultural methods, or for the purposes of the enactments relating to smallholdings, nor where the Secretary of State acquires the land under section 57(1)(c) or section 64 of the ^{M10}Agriculture (Scotland) Act 1948; but where an acquiring authority exercise in relation to any land any power to acquire or take possession of land compulsorily which is conferred on the authority by virtue of [^{F15}section 102 or 110 of the Town and Country Planning (Scotland) Act 1972] or section 7 of the ^{M11}New Towns (Scotland) Act 1968, the authority shall be deemed for the purposes of this subsection not to require the land for any of the purposes aforesaid.
- (3) The provisions of Schedule 4 to this Act shall have effect for the purposes of section 12 of this Act in its application to Scotland.

Textual Amendments

F15 Words substituted by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\), Sch. 21 Pt. II](#)

Marginal Citations

M10 1948 c. 45.

M11 1968 c. 16.

15 Effect of early resumption clauses on compensation.

[^{F16}(1) Except where compensation assessed in accordance with this subsection would be less than if this subsection were disregarded, in assessing the compensation payable by an acquiring authority to the tenant of an agricultural holding in connection with such an acquiring of an interest or taking of possession as is mentioned in section 12(1) of this Act, any provision in the contract of tenancy authorising the resumption of possession of the holding or part of it for some specified purpose other than the use of the land for agriculture shall—

- (a) in the case of an acquisition, be treated as if that provision authorised resumption of possession for the purpose in question on the expiration of twelve months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant; and
- (b) in the case of a taking of possession, be disregarded.]

[^{F17}(2) Where the tenancy of an agricultural holding or part of it terminates by reason of a notice to quit the holding or part given in pursuance of such a provision in the contract of tenancy as is mentioned in subsection (1) of this section and the tenant quits the holding or part in consequence of the notice, compensation shall be payable by the landlord to the tenant, in addition to any other compensation so payable apart from this subsection in respect of the holding or part, of an amount which is equal to the value of the additional benefit (if any) which would have accrued to the tenant if the tenancy had, instead of being terminated as provided by the notice, been terminated by it on the expiration of twelve months from the end of the year of tenancy current when the notice was given.]

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)

- (3) Where the landlord of an agricultural holding in Scotland resumes land in pursuance of such a provision in the lease as is mentioned in subsection (1) of this section, compensation shall be payable by the landlord to the tenant, in addition to any other compensation so payable apart from this subsection in respect of the land, of an amount which is equal to the value of the additional benefit (if any) which would have accrued to the tenant if the land had, instead of being so resumed, been resumed at the expiration of twelve months from the end of the year of tenancy current at a date two months before the date of resumption.
- (4) [^{F18}Subsections (4) to (6) of section 10 of this Act shall apply to compensation claimed or payable under subsection (2) of this section, and] subsections (4) to (6) of section 11 of this Act shall apply to compensation claimed or payable under subsection (3) of this section, as if for references to sums claimed or payable in pursuance of section 9 of this Act there were substituted references to compensation claimed or payable under the said [^{F18}subsection (2) or] subsection (3), [^{F18}as the case may be]; and section 12(3) of this Act shall apply to any increase of compensation in pursuance of subsection (1) of this section as it applies to a sum payable by virtue of section 12(1) of this Act as if for references to the said section 12(1) there were substituted references to subsection (1) of this section.
- (5) For the purposes of subsections (1) to (3) of this section, the current year of a tenancy for a term of two years or upwards is the year beginning with such day in the period of twelve months ending—
- (a) for the purposes of subsection (1) [^{F18}or subsection (2)], with the date on which the notice mentioned in that subsection is served; and
 - (b) for the purposes of subsection (3), with a date two months before the resumption mentioned in that subsection.
- as corresponds to the day on which the term would expire by the effluxion of time.
- (6) In the application of this section to Scotland,—
- (a) in subsection (1), for the words from “contract” to “agriculture” there shall be substituted the words “lease entitling the landlord to resume land for building, planting, feuing or other purposes (not being agricultural purposes)” and in paragraph (a) for the word “possession” there shall be substituted the word “land”; and
 - (b) subsection (2) shall be omitted.

Textual Amendments

- F16** S. 15(1) repealed with saving by [Land Compensation Act 1973 \(c. 26\)](#), ss. 48(4)(6), 89(3), [Sch. 3](#) except in relation to compensation falling to be assessed by reference to prices current on a date before 23. 5. 1973 and except for the purposes of s. 48(6) of that Act
- F17** S. 15(2) repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 15 Pt. I](#)
- F18** Words repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 15 Pt. I](#)

Modifications etc. (not altering text)

- C4** S. 15(2) excluded by [Land Compensation Act 1973 \(c. 26\)](#), [s. 59\(2\)\(b\)](#)
- C5** S. 15(3) excluded by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [s. 55\(2\)\(b\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the
Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)

16 Application of Part II to statutory small tenants in Scotland.

This Part of this Act shall apply to statutory small tenants as defined in the ^{M12}Small Landholders (Scotland) Act 1911 subject to 1911 modifications set out in Schedule 5 to this Act.

Marginal Citations

M12 1911 c. 49.

17 Interpretation etc. of Part II.

(1) In this Part of this Act—

“acquiring authority” has the meaning assigned to it by section 12(1) of this Act;

“the initial date” means 1st November 1967;

“possession” means actual possession;

^{F19}“the principal Act” means the ^{M13}Agricultural Holdings Act 1948; and]

“the principal Scottish Act” means the ^{M14}Agricultural Holdings (Scotland) Act 1949:

and unless the context otherwise requires expressions used in this Part of this Act and the [^{F20}principal Act][^{F20}Agricultural Holdings Act 1986] or, as the case may be, the principal Scottish Act have the same meanings in this Part of this Act as in that Act.

(2) In this Part of this Act . . . ^{F21} references to the acquisition of any property are references to the vesting of the property in the person acquiring it.

(3) [^{F22}Section 87(1) and (2) of the principal Act][^{F22}Section 95(1), (2) and (3) of the Agricultural Holdings Act 1986] and section 86(1) and (2) of the principal Scottish Act (Crown land) shall have effect as if references to that Act included references to this Part of this Act.

(4) References in this section to this Part of this Act include references to Schedules 1 to 4 to this Act.

(5) In the application of this section to Scotland, in subsection (2) the words from “references to the termination” to “and” shall be omitted.

Textual Amendments

F19 Definition repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 15 Pt. I](#)

F20 Words “Agricultural Holdings Act 1986” substituted (E. W.) for words “principal Act” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 46\(1\)\(2\)](#)

F21 Words repealed by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 15 Pt. I](#)

F22 Words “Section 95(1), (2) and (3) of the Agricultural Holdings Act 1986” substituted (E.W.) for words “Section 87(1) and (2) of the principal Act” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 46\(1\)\(3\)](#)

Marginal Citations

M13 1948 c. 63.

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Changes to legislation: *There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)*

M14 [1949 c. 75.](#)

Status:

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There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Part II.