

Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 13(3)

SUPPLEMENTARY PROVISIONS WITH RESPECT TO PAYMENTS UNDER S. 12(1) IN ENGLAND AND WALES

- 1 Subject to paragraph 4 of this Schedule, any dispute with respect to any sum which may be or become payable by virtue of section 12(1) of this Act shall be referred to and determined by the Lands Tribunal.
- 2 If in any case the sum to be paid by virtue of the said section 12(1) to the tenant of an agricultural holding by an acquiring authority would, apart from this paragraph and paragraph 3 of this Schedule, fall to be ascertained in pursuance of ^[F1]section 9(2) of this Act^[F1]section 60(4) of the Agricultural Holdings Act 1986^[F1] by reference to the rent of the holding at a rate which was not determined by arbitration under ^[F1]section 8 or section 9 of the principal Act^[F1]section 12 or section 13 of the Agricultural Holdings Act 1986^[F1] and which the authority consider is unduly high, the authority may make an application to the Lands Tribunal for the rent to be considered by the tribunal.

Textual Amendments

- F1** Words “section 60(4) of the Agricultural Holdings Act 1986” substituted (E.W.) for words “section 9(2) of this Act” and “section 12 or section 13 of the Agricultural Holdings Act 1986” substituted (E.W) for “section 8 or section 9 of the principal Act” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 48\(1\)\(2\)\(a\)\(b\)](#)

- 3 Where, on an application under paragraph 2 above, the tribunal are satisfied that—
 - (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question on a reference to arbitration duly made in pursuance of ^[F2]section 8 of the principal Act^[F2]section 12 of the Agricultural Holdings Act 1986^[F2] on the date of the application (hereafter in this paragraph referred to as “the appropriate rent”); or
 - (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant contract of tenancy with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of the said section 12(1), in consequence of the compulsory acquisition or taking of possession of any land included in the holding,they shall dismiss the application; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of the said section 12(1) shall be ascertained in pursuance of the said ^[F2]section 9(2)^[F2]section 60(4)^[F2] by reference to the appropriate rent instead of by reference to the rent to which the application relates.

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Textual Amendments

- F2** Words “section 12 of the Agricultural Holdings Act 1986” substituted (E.W.) for words “section 8 of the principal Act” and words “section 60(4)” substituted (E.W.) for words “section 9(2)” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 48\(1\)\(3\)\(a\)\(b\)](#)

- 4 The enactments mentioned in paragraph 5 of this Schedule shall, subject to any necessary modifications, have effect in their application to such an acquiring of an interest or taking of possession as is mentioned in subsection (1) of section 12 of this Act (hereafter in this paragraph referred to as “the relevant event”)—
- (a) in so far as those enactments make provision for the doing, before the relevant event, of any thing connected with compensation (including in particular provision for determining the amount of or the liability to pay compensation or for the payment of it into court or otherwise), as if references to compensation, except compensation for damage or injurious affection, included references to any sum which will become payable by virtue of the said subsection (1) in consequence of the relevant event; and
 - (b) subject to sub-paragraph (a) above, as if references to compensation (except as aforesaid) included references to sums payable or, as the context may require, to sums paid by virtue of the said subsection (1) in consequence of the relevant event.
- 5 The enactments aforesaid are—
- (a) Part I and section 32 of the ^{M1}Land Compensation Act 1961;
 - (b) the following provisions of the ^{M2}Compulsory Purchase Act 1965, that is to say, sections 6, 9, 11, 12, 20(4) and (5), 22 (except subsection (4)) and 26; in Schedule 1, paragraphs 6 to 8 and 10; Schedule 2 ^{F3}...;
 - (c) any provision of the Lands Clauses Acts or of any other enactment or any instrument having effect by virtue of an enactment, being a provision corresponding to a provision mentioned in sub-paragraph (b) of this paragraph.

Textual Amendments

- F3** Words in [Sch. 3 para. 5\(b\)](#) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 16 para. 8; S.I. 2016/733, reg. 3\(j\)](#)

Marginal Citations

- M1** 1961 c. 33.
M2 1965 c. 56.

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