



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART II

PROVISIONS AFFECTING TENANCY DURING ITS CONTINUANCE

Miscellaneous

[^{F1}19A Disputes relating to requests for landlord's consent or variation of terms

- (1) The appropriate authority may by regulations make provision for the tenant of an agricultural holding to refer for arbitration under this Act a request made by the tenant to the landlord where—
 - (a) the request falls within subsection (3), and
 - (b) no agreement has been reached with the landlord on the request.
- (2) The regulations may also provide that, where the tenant is given the right to refer a request to arbitration, the landlord and tenant may instead refer the request for third party determination under this Act.
- (3) A request falls within this subsection if—
 - (a) it is a request for—
 - (i) the landlord's consent to a matter which under the terms of the tenancy requires such consent, or
 - (ii) a variation of the terms of the tenancy,
 - (b) it is made for the purposes of—
 - (i) enabling the tenant to request or apply for relevant financial assistance or relevant financial assistance of a description specified in the regulations, or
 - (ii) complying with a statutory duty, or a statutory duty of a description specified in the regulations, applicable to the tenant, and
 - (c) it meets such other conditions (if any) as may be specified in the regulations.

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- (4) The regulations may provide for the arbitrator or third party on a reference made under the regulations, where the arbitrator or third party considers it reasonable and just (as between the landlord and tenant) to do so—
- (a) to order the landlord to comply with the request (either in full or to the extent specified in the award or determination);
 - (b) to make any other award or determination permitted by the regulations.
- (5) The regulations may (among other things) make provision—
- (a) about conditions to be met before a reference may be made;
 - (b) about matters which an arbitrator or third party is to take into account when considering a reference;
 - (c) for regulating the conduct of arbitrations or third party determinations;
 - (d) about the awards or determinations which may be made by the arbitrator or third party, which may include making an order for a variation in the rent of the holding or for the payment of compensation or costs;
 - (e) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
 - (f) for restricting a tenant's ability to make subsequent references to arbitration where a reference to arbitration or third party determination has already been made under the regulations in relation to the same tenancy.
- (6) The provision covered by subsection (5)(e) includes, in the case of a request made for the purpose described in subsection (3)(b)(i), conditions relating to the making of a successful application for assistance.
- (7) In this section—
- “appropriate authority” means—
- (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Welsh Ministers;
- “relevant financial assistance” means financial assistance under—
- (a) section 1 of the Agriculture Act 2020 (powers of Secretary of State to give financial assistance),
 - (b) section 21 of, or paragraph 8 of Schedule 5 to, that Act (powers of Secretary of State and Welsh Ministers to give financial assistance in exceptional market conditions), or
 - (c) a scheme of the sort mentioned in section 2(4) of that Act (third party schemes);
- “statutory duty” means a duty imposed by or under—
- (a) an Act of Parliament;
 - (b) an Act or Measure of Senedd Cymru;
 - (c) [^{F2}assimilated direct] legislation.]

Textual Amendments

F1 S. 19A inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 7](#)

F2 Words in s. 19A(7) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 19](#)

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20 Compensation for damage by game.

- (1) Where the tenant of an agricultural holding has sustained damage to his crops from any wild animals or birds the right to kill and take which is vested in the landlord or anyone (other than the tenant himself) claiming under the landlord, being animals or birds which the tenant has not permission in writing to kill, he shall, if he complies with the requirements of subsection (2) below, be entitled to compensation from his landlord for the damage.
 - (2) The requirements of this subsection are that the tenant shall give his landlord—
 - (a) notice in writing within one month after the tenant first became, or ought reasonably to have become, aware of the occurrence of the damage,
 - (b) a reasonable opportunity to inspect the damage—
 - (i) in the case of damage to a growing crop, before the crop is begun to be reaped, raised or consumed, and
 - (ii) in the case of damage to a crop which has been reaped or raised, before the crop is begun to be removed from the land, and
 - (c) notice in writing of the claim, together with particulars of it, within one month after the expiry of the year in respect of which the claim is made.
 - (3) For the purposes of subsection (2) above—
 - (a) seed once sown shall be treated as a growing crop whether or not it has germinated, and
 - (b) “year” means any period of twelve months ending, in any year, with 29th September or with such other date as may by agreement between the landlord and tenant be substituted for that date.
 - (4) The amount of compensation under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration under this Act.
- [^{F3}(4A) Notwithstanding subsection (4) above, the tenant and landlord may instead refer for third party determination under this Act the question of the amount of compensation to which the tenant is entitled.]
- (5) Where the right to kill and take the wild animals or birds that did the damage is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by that other person against all claims for compensation under this section; and any question arising under this subsection shall be determined by arbitration under this Act.
- [^{F4}(6) Notwithstanding subsection (5) above, the landlord and the other person may instead refer for third party determination under this Act the questions arising between them under that subsection.]

Textual Amendments

- F3** S. 20(4A) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\), s. 115\(2\)\(e\)\(3\)\(a\), Sch. 4 para. 12\(2\)](#)
- F4** S. 20(6) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\), s. 115\(2\)\(e\)\(3\)\(a\), Sch. 4 para. 12\(3\)](#)

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21 Extension of tenancies in lieu of claims to emblements.

- (1) Where the tenancy of an agricultural holding held by a tenant at a rackrent determines by the death or cesser of the estate of any landlord entitled for his life, or for any other uncertain interest, instead of claims to emblements the tenant shall continue to hold and occupy the holding until the occupation is determined by a twelve months' notice to quit expiring at the end of a year of the tenancy, and shall then quit upon the terms of his tenancy in the same manner as if the tenancy were then determined by effluxion of time or other lawful means during the continuance of his landlord's estate.
- (2) The succeeding landlord shall be entitled to recover from the tenant, in the same manner as his predecessor could have done, a fair proportion of the rent for the period which may have elapsed from the date of the death or cesser of the estate of his predecessor to the time of the tenant so quitting.
- (3) The succeeding landlord and the tenant respectively shall as between themselves and as against each other be entitled to all the benefits and advantages and be subject to the terms, conditions and restrictions to which the preceding landlord and the tenant respectively would have been entitled and subject if the tenancy had determined in manner aforesaid at the expiry of the said twelve months' notice.

22 Rights to require certain records to be made.

- (1) At any time during the tenancy of an agricultural holding—
 - (a) the landlord or the tenant may require the making of a record of the condition of the fixed equipment on the holding and of the general condition of the holding itself (including any parts not under cultivation), and
 - (b) the tenant may require the making of a record of any fixtures or buildings which, under section 10 above, he is entitled to remove and of existing improvements executed by him or in respect of the execution of which he, with the written consent of the landlord, paid compensation to an outgoing tenant.
- (2) Any such record shall be made by a person appointed, [^{F5}by the landlord and tenant (“the parties”) or, in default of agreement between the parties, by a person appointed by a professional authority on the application of either of them; and any person appointed by a professional authority] may, on production of evidence of his appointment, enter the holding at all reasonable times for the purpose of making any such record.
- [^{F6}(2A) A party may not make an application to a professional authority under subsection (2) in any case if the other party has already made an application to a professional authority under that subsection in that case.]
- (3) The cost of making any such record shall, in default of agreement between the landlord and tenant, be borne by them in equal shares.
- (4) No application may be made to [^{F7}a professional authority] for a person to be appointed by [^{F8}that authority] under subsection (2) above unless the application is accompanied by such fee as may be prescribed as the fee for such an application.
- (5) Any instrument of appointment purporting to be made by [^{F9}a professional authority] by virtue of subsection (2) above and to be signed by or on behalf of [^{F10}that authority] shall be taken to be such an instrument unless the contrary is shown.
- [^{F11}(6) In this section “professional authority” has the same meaning as in section 84.]

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Textual Amendments

- F5** Words in s. 22(2) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 5\(2\)](#)
- F6** S. 22(2A) inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 5\(3\)](#)
- F7** Words in s. 22(4) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 5\(4\)\(a\)](#)
- F8** Words in s. 22(4) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 5\(4\)\(b\)](#)
- F9** Words in s. 22(5) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 5\(5\)\(a\)](#)
- F10** Words in s. 22(5) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 5\(5\)\(b\)](#)
- F11** S. 22(6) inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 5\(6\)](#)

Modifications etc. (not altering text)

- C1** S. 22(2) amended (1.3.1996) by [S.I. 1996/337](#), [art. 2\(a\)](#).

23 Landlord's power of entry.

The landlord of an agricultural holding or any person authorised by him may at all reasonable times enter on the holding for any of the following purposes, namely—

- (a) viewing the state of the holding,
- (b) fulfilling the landlord's responsibilities to manage the holding in accordance with the rules of good estate management,
- (c) providing or improving fixed equipment on the holding otherwise than in fulfilment of those responsibilities.

24 Restriction of landlord's remedies for breach of contract of tenancy.

Notwithstanding any provision in a contract of tenancy of an agricultural holding making the tenant liable to pay a higher rent or other liquidated damages in the event of a breach or non-fulfilment of a term or condition of the contract, the landlord shall not be entitled to recover in consequence of any such breach or non-fulfilment^{F12} ... any sum in excess of the damage actually suffered by him in consequence of the breach or non-fulfilment.

Textual Amendments

- F12** Words in s. 24 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 43](#), [23 Pt. 4](#) (with s. 89); [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

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