



# Agricultural Holdings Act 1986

## 1986 CHAPTER 5

### PART II

#### PROVISIONS AFFECTING TENANCY DURING ITS CONTINUANCE

##### *Written tenancy agreements*

#### **6 Right to written tenancy agreement.**

- (1) Where in respect of a tenancy of an agricultural holding—
- (a) there is not in force an agreement in writing embodying all the terms of the tenancy (including any model clauses incorporated in the contract of tenancy by virtue of section 7 below), or
  - (b) such an agreement in writing is in force but the terms of the tenancy do not make provision for one or more of the matters specified in Schedule 1 to this Act,

the landlord or tenant of the holding may, if he has requested the other to enter into an agreement in writing embodying all the terms of the tenancy and containing provision for all of the said matters but no such agreement has been concluded, refer the terms of the tenancy to arbitration under this Act.

[<sup>F1</sup>(1A) Where the landlord or tenant has the right under subsection (1) above to refer the terms of the tenancy to arbitration under this Act, the landlord and tenant may instead refer the terms of the tenancy for third party determination under this Act.]

- (2) On any such reference the arbitrator in his award [<sup>F2</sup>or (as the case may be) the third party in his determination]—
- (a) shall specify the existing terms of the tenancy, subject to any variations agreed between the landlord and the tenant,
  - (b) in so far as those terms as so varied neither make provision for, nor make provision inconsistent with, the matters specified in Schedule 1 to this Act, shall make provision for all of the said matters having such effect as may be agreed between the landlord and the tenant or, in default of agreement, as

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- appears to the arbitrator [<sup>F3</sup>or third party] to be reasonable and just between them, and
- (c) may include any further provisions relating to the tenancy which may be agreed between the landlord and the tenant.
- (3) Where it appears to the arbitrator [<sup>F4</sup>or third party] on a reference under this section that, by reason of any provision which he is required to include in his award [<sup>F5</sup>or (as the case may be) his determination], it is equitable that the rent of the holding should be varied, he may vary the rent accordingly.
- (4) The award of an arbitrator [<sup>F6</sup>or (as the case may be) the determination of a third party] under this section shall have effect as if the terms and provisions specified and made in the award [<sup>F7</sup> or determination] were contained in an agreement in writing entered into by the landlord and the tenant and having effect (by way of variation of the agreement previously in force in respect of the tenancy) as from the making of the award [<sup>F7</sup> or determination] or, if the award [<sup>F7</sup> or determination] so provides, from such later date as may be specified in it.
- (5) Where in respect of a tenancy of an agricultural holding—
- (a) the terms of the tenancy neither make provision for, nor make provision inconsistent with, the matter specified in paragraph 9 of Schedule 1 to this Act, and
- (b) the landlord requests the tenant in writing to enter into such an agreement as is mentioned in subsection (1) above containing provision for all of the matters specified in that Schedule,
- the tenant may not without the landlord's consent in writing assign, sub-let or part with possession of the holding or any part of it during the period while the determination of the terms of the tenancy is pending; and any transaction entered into in contravention of this subsection shall be void.
- (6) The period mentioned in subsection (5) above is the period beginning with the date of service of the landlord's request on the tenant and ending with the date on which an agreement is concluded in accordance with that request or (as the case may be) with the date on which the award of an arbitrator [<sup>F8</sup>or the determination of a third party] on a reference under this section relating to the tenancy takes effect.

#### Textual Amendments

- F1** S. 6(1A) 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. 3\(2\)](#)
- F2** Words in s. 6(2) 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. 3\(3\)\(a\)](#)
- F3** Words in s. 6(2)(b) 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. 3\(3\)\(b\)](#)
- F4** Words in s. 6(3) 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. 3\(4\)\(a\)](#)
- F5** Words in s. 6(3) 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. 3\(4\)\(b\)](#)
- F6** Words in s. 6(4) 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. 3\(5\)\(a\)](#)
- F7** Words in s. 6(4) 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. 3\(5\)\(b\)](#)

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**F8** Words in s. 6(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. 3\(6\)](#)

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