

Status: Point in time view as at 01/07/2013.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Cross Heading: Compensation for tenant-right matters. (See end of Document for details)

SCHEDULES

SCHEDULE 12

MODIFICATIONS APPLICABLE TO OLD TENANCIES AND OTHER SIMILAR CASES

Compensation for tenant-right matters

- 6 (1) Where the tenant of an agricultural holding entered into occupation of the holding before 1st March 1948, section 65(1) of this Act shall not apply to him as regards the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act, unless, before the termination of the tenancy, he gives notice in writing to the landlord stating that he elects that it is to apply to him as regards those matters.
- (2) Where the tenancy terminates by reason of a notice to quit and at any time while the notice to quit is current the landlord gives notice in writing to the tenant requiring him to elect whether section 65(1) of this Act is to apply to him as regards the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act, the tenant shall not be entitled to give a notice under sub-paragraph (1) above after the expiry of—
- (a) one month from the giving of the notice under this sub-paragraph, or
 - (b) if the operation of the notice to quit depends upon any proceedings under section 26 or 27 of this Act (including any proceedings under Schedule 3 to this Act), one month from the termination of those proceedings.
- 7 (1) This paragraph applies where the tenant of an agricultural holding entered into occupation of the holding before 31st December 1951 and immediately before that date subsection (1) of section 47 of the ^{M1}Agricultural Holdings Act 1948 applied to him as regards the matters now specified in paragraphs 7 to 9 of Part II of Schedule 8 to this Act (whether by virtue of his having entered into occupation of the holding on or after 1st March 1948 or by virtue of a notice having been given under paragraph (c) of the proviso to subsection (1) of the said section 47).
- (2) Where this paragraph applies, section 65(1) of this Act shall not apply to the tenant as regards the matters specified in paragraph 10 of Part II of Schedule 8 to this Act unless, before the termination of the tenancy, he gives notice in writing to the landlord that it is to apply to him as regards those matters.
- (3) Paragraph 6(2) above shall have effect in relation to a notice under this paragraph as if in that provision there were substituted—
- (a) for the reference to the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act a reference to the matters specified in paragraph 10 of Part II of that Schedule, and
 - (b) for the reference to a notice under paragraph 6(1) above, a reference to a notice under this paragraph.

Marginal Citations

M1 1948 c. 63.

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- 8 (1) In a case where, by virtue of paragraph 6 or 7 above, section 65(1) above does not apply to a tenant as regards all or any of the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act—
- (a) sections 70(4) and (5) and 76(3) of this Act shall have effect with the omission of references to the excluded matters,
 - (b) section 77(1) of this Act shall not apply to compensation to the tenant for the excluded matters, and
 - (c) section 78(3) of this Act, in so far as it provides that a claim for compensation in a case for which the provisions of this Act do not provide for compensation shall not be enforceable except under an agreement in writing, shall not apply to a claim by a tenant for compensation for the excluded matters.
- (2) In this paragraph “the excluded matters” means, in relation to a case to which this paragraph applies, the matters as regards which section 65(1) does not apply to the tenant.
- 9 The Minister may revoke or vary the provisions of paragraphs 6 to 8 above so far as they relate to the matters specified in paragraph 10 of Part II of Schedule 8 to this Act as if those provisions were contained in an order made under section 91 of this Act.

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