



# Agricultural Holdings Act 1986

## 1986 CHAPTER 5

### PART II

#### PROVISIONS AFFECTING TENANCY DURING ITS CONTINUANCE

##### *Fixed equipment*

#### **10 Tenant's right to remove fixtures and buildings.**

(1) Subject to the provisions of this section—

- (a) any engine, machinery, fencing or other fixture (of whatever description) affixed, whether for the purposes of agriculture or not, to an agricultural holding by the tenant, and
- (b) any building erected by him on the holding,

shall be removable by the tenant at any time during the continuance of the tenancy or before the expiry of two months from its termination, and shall remain his property so long as he may remove it by virtue of this subsection.

(2) Subsection (1) above shall not apply—

- (a) to a fixture affixed or a building erected in pursuance of some obligation,
- (b) to a fixture affixed or a building erected instead of some fixture or building belonging to the landlord,
- (c) to a building in respect of which the tenant is entitled to compensation under this Act or otherwise, or
- (d) to a fixture affixed or a building erected before 1st January 1884.

(3) The right conferred by subsection (1) above shall not be exercisable in relation to a fixture or building unless the tenant—

- (a) has paid all rent owing by him and has performed or satisfied all his other obligations to the landlord in respect of the holding, and
- (b) has, at least one month before both the exercise of the right and the termination of the tenancy, given to the landlord notice in writing of his intention to remove the fixture or building.

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*Changes to legislation: There are currently no known outstanding effects for the  
Agricultural Holdings Act 1986, Section 10. (See end of Document for details)*

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- (4) If, before the expiry of the notice mentioned in subsection (3) above, the landlord gives to the tenant a counter-notice in writing electing to purchase a fixture or building comprised in the notice, subsection (1) above shall cease to apply to that fixture or building, but the landlord shall be liable to pay to the tenant the fair value of that fixture or building to an incoming tenant of the holding.
- (5) In the removal of a fixture or building by virtue of subsection (1) above, the tenant shall not do any avoidable damage to any other building or other part of the holding, and immediately after the removal shall make good all damage so done that is occasioned by the removal.
- (6) Any dispute between the landlord and the tenant with respect to the amount payable by the landlord under subsection (4) above in respect of any fixture or building shall be determined by arbitration under this Act.
- [<sup>F1</sup>(6A) Notwithstanding subsection (6) above, the landlord and tenant may instead refer for third party determination under this Act the dispute that has arisen with respect to the amount payable by the landlord under subsection (4).]
- (7) This section shall apply to a fixture or building acquired by a tenant as it applies to a fixture or building affixed or erected by him.
- (8) This section shall not be taken as prejudicing any right to remove a fixture that subsists otherwise than by virtue of this section.

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**Textual Amendments**

- F1** S. 10(6A) 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. 7](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 10.