



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART IV

SUCCESSION ON DEATH OR RETIREMENT OF TENANT

Succession on death of tenant

36 Right of any eligible person to apply for new tenancy on death of tenant.

- (1) Any eligible person may apply under section 39 below to the Tribunal for a direction entitling him to a tenancy of the holding unless excluded by subsection (2) or section 37 or 38 below.
- (2) Subsection (1) above (and section 41 below) shall not apply if on the date of death the holding was held by the deceased under—
 - (a) a tenancy for a fixed term of years of which more than twenty-seven months remained unexpired, or
 - (b) a tenancy for a fixed term of more than one but less than two years.
- (3) For the purposes of this section and sections 37 to 48 below, “eligible person” means (^{F1}subject to the provisions of Part I of Schedule 6 to this Act and] without prejudice to section 41 below) any surviving close relative of the deceased in whose case the following [^{F2}conditions are][^{F2}condition is] satisfied—
 - (a) in the seven years ending with the date of death his only or principal source of livelihood throughout a continuous period of not less than five years, or two or more discontinuous periods together amounting to not less than five years, derived from his agricultural work on the holding or on an agricultural unit of which the holding forms part, [^{F3}and
 - (b) he is not the occupier of a commercial unit of agricultural land.]
- (4) In the case of the deceased’s wife the reference in subsection (3)(a) above to the relative’s agricultural work shall be read as a reference to agricultural work carried out by either the wife or the deceased (or both of them).

*Changes to legislation: There are currently no known outstanding effects for the
Agricultural Holdings Act 1986, Section 36. (See end of Document for details)*

[^{F4}(4A) In the case of the deceased’s civil partner the reference in subsection (3)(a) above to the relative’s agricultural work shall be read as a reference to agricultural work carried out by either the civil partner or the deceased (or both of them).]

[^{F5}(5) For the purposes of the condition in subsection (3)(a), any period during which a close relative of the deceased was, in the period of seven years mentioned in that condition, attending a full-time course at a university, college or other establishment of higher or further education shall be treated as a period throughout which the relative’s only or principal source of livelihood derived from the relative’s agricultural work on the holding; but not more than three years in all shall be so treated by virtue of this subsection.]

[^{F6}(6) The reference in subsection (3)(a) above to agricultural work carried out by a person on the holding or on an agricultural unit of which the holding forms part includes—

- (a) agricultural work carried out by him from the holding or an agricultural unit of which the holding forms part, and
- (b) other work carried out by him on or from the holding or an agricultural unit of which the holding forms part,

which is of a description approved in writing by the landlord after the commencement of this subsection.]

Textual Amendments

- F1** Words in s. 36(3) omitted (11.11.2020 for specified purposes) by virtue of [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c), [Sch. 3 para. 11\(2\)\(a\)](#)
- F2** Words in s. 36(3) substituted (11.11.2020 for specified purposes) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c), [Sch. 3 para. 11\(2\)\(b\)](#)
- F3** S. 36(3)(b) and word omitted (11.11.2020 for specified purposes) by virtue of [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c), [Sch. 3 para. 11\(2\)\(c\)](#)
- F4** S. 36(4A) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 37](#); S.I. 2005/3175, {art. 2(1), Sch. 1}
- F5** S. 36(5) substituted (11.11.2020 for specified purposes) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c), [Sch. 3 para. 11\(3\)](#)
- F6** S. 36(6) inserted (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), [art. 5\(1\)](#) (with art. 10)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 36.