



# Agricultural Holdings Act 1986

## 1986 CHAPTER 5

### PART IV

#### SUCCESSION ON DEATH OR RETIREMENT OF TENANT

##### *Succession on death of tenant*

#### **41 Application by not fully eligible person to be treated as eligible.**

- (1) This section applies to any surviving close relative of the deceased who for some part of the seven years ending with the date of death engaged (whether full-time or part-time) in agricultural work on the holding, being a person in whose case—
  - [<sup>F1</sup>(a) the condition specified in paragraph (b) of the definition of “eligible person” in section 36(3) above is satisfied, and]
  - (b) the condition specified in paragraph (a) of that definition, though not fully satisfied, is satisfied to a material extent.
- (2) A person to whom this section applies may within the period of three months beginning with the day after the date of death apply to the Tribunal for a determination that he is to be treated as an eligible person for the purposes of sections 36 to 48 of this Act.
- (3) If on an application under this section—
  - (a) the Tribunal are satisfied that the applicant is a person to whom this section applies, and
  - (b) it appears to the Tribunal that in all the circumstances it would be fair and reasonable for the applicant to be able to apply under section 39 above for a direction entitling him to a tenancy of the holding,the Tribunal shall determine that he is to be treated as an eligible person for the purposes of sections 36 to 48 of this Act, but shall otherwise dismiss the application.
- (4) In relation to a person in respect of whom the Tribunal have determined as mentioned in subsection (3) above sections 36 to 48 of this Act shall apply as if he were an eligible person.

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*Changes to legislation: There are currently no known outstanding effects for the  
Agricultural Holdings Act 1986, Section 41. (See end of Document for details)*

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- (5) A person to whom this section applies may make an application under section 39 above as well as an application under this section; and if the Tribunal determine as mentioned in subsection (3) above in respect of a person who has made an application under that section, the application under that section shall (without prejudice to subsection (4) above) be treated as made by an eligible person.
- (6) Without prejudice to the generality of paragraph (b) of subsection (1) above, cases where the condition mentioned in that paragraph might be less than fully satisfied include cases where the close relative's agricultural work on the holding fell short of providing him with his principal source of livelihood because the holding was too small.
- [<sup>F2</sup>(7) The references in subsections (1) and (6) above to agricultural work carried out by a person on the holding include—
- (a) agricultural work carried out by him from the holding, and
  - (b) other work carried out by him on or from the holding,
- which is of a description approved in writing by the landlord after the commencement of this subsection.]

#### **Textual Amendments**

- F1** S. 41(1)(a) omitted (11.11.2020 for specified purposes) by virtue of [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c), [Sch. 3 para. 12](#)
- F2** S. 41(7) inserted (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), [art. 5\(2\)](#) (with art. 10)

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 41.