



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

86 Power of landlord to obtain charge on holding.

- (1) Where the landlord of an agricultural holding—
- (a) has paid to the tenant of the holding an amount due to him under this Act, or under custom or agreement, or otherwise, in respect of compensation for an improvement falling within section 64(1) or (4) above, for any such matter as is specified in Part II of Schedule 8 to this Act or for disturbance, or
 - (b) has defrayed the cost of the execution by him, in pursuance of a notice served under section 67(5) above, of an improvement specified in Part II of Schedule 7 to this Act,

he shall be entitled to obtain from the Minister an order charging the holding or any part of it with repayment of the amount of the compensation or the amount of the cost, as the case may be.

- (2) Where there falls to be determined by arbitration [^{F1}or third party determination] under this Act the amount of compensation for an improvement falling within 64(1) or (4) above or for any such matter as is specified in Part II of Schedule 8 to this Act payment of which entitles the landlord to obtain a charge under subsection (1) above, the arbitrator [^{F2} or (as the case may be) the third party] shall, at the request and cost of the landlord, certify—
- (a) the amount of the compensation, and
 - (b) the term for which the charge may properly be made having regard to the time at which each improvement or matter in respect of which compensation is awarded is to be deemed to be exhausted.

- (3) Where the landlord of an agricultural holding is entitled to receive the rents and profits of the holding otherwise than for his own benefit (whether as trustee or in any other character) he shall, either before or after paying to the tenant of the holding any sum agreed [^{F3}, awarded or determined by third party determination] under this Act to

*Changes to legislation: There are currently no known outstanding effects for the
 Agricultural Holdings Act 1986, Section 86. (See end of Document for details)*

be paid to the tenant for compensation or awarded [^{F4} or determined by third party determination] under this Act to be paid by the landlord, be entitled to obtain from the Minister an order charging the holding with repayment of that sum.

- (4) The rights conferred by this section on a landlord of an agricultural holding to obtain an order charging land shall not be exercised by trustees for ecclesiastical or charitable purposes except with the approval in writing of the [^{F5}Charity Commission].

Textual Amendments

- F1** Words in s. 86(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. 23\(2\)\(a\)](#)
- F2** Words in s. 86(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. 23\(2\)\(b\)](#)
- F3** Words in s. 86(3) substituted (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. 23\(3\)\(a\)](#)
- F4** Words in s. 86(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. 23\(3\)\(b\)](#)
- F5** Words in s. 86(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 79](#); S.I. 2007/309, [art. 2](#), [Sch.](#)

Modifications etc. (not altering text)

- C1** Ss. 85, 86(1)(3)(4) applied by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 13, [Sch. 1 Pt. III para. 12](#)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Section 86.