



Agricultural Tenancies Act 1995

1995 CHAPTER 8

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Resolution of disputes

28 Resolution of disputes.

- (1) Subject to subsections (4) and (5) below and to section 29 of this Act, any dispute between the landlord and the tenant under a farm business tenancy, being a dispute concerning their rights and obligations under this Act, under the terms of the tenancy or under any custom, shall be determined by arbitration.
- (2) Where such a dispute has arisen, the landlord or the tenant may give notice in writing to the other specifying the dispute and stating that, unless before the end of the period of two months beginning with the day on which the notice is given the parties have appointed an arbitrator by agreement, he proposes to apply to [^{F1}a professional authority for the appointment of an arbitrator by that authority].
- (3) Where a notice has been given under subsection (2) above, but no arbitrator has been appointed by agreement, either party may, after the end of the period of two months referred to in that subsection, apply to [^{F2}a professional authority for the appointment of an arbitrator by that authority].
- [^{F3}(3A) A party may not make an application to a professional authority under subsection (3) above in relation to a dispute if the other party has already made an application to a professional authority under that subsection in relation to that dispute.]
- [^{F4}(4)
- (5) Subsections (1) to (3) above do not apply in relation to—
 - (a) the determination of rent in pursuance of a statutory review notice (as defined in section 10(1) of this Act),
 - (b) any case falling within section 19(1) of this Act, ^{F5}...

Changes to legislation: Agricultural Tenancies Act 1995, Cross Heading: Resolution of disputes is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) any claim for compensation under Part III of this Act [^{F6}, or
- (d) any dispute relating to rent review, in any case where Part II of this Act is excluded by virtue of section 9(c)(ii) of this Act.]

Textual Amendments

- F1** Words in s. 28(2) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 26(2)**
- F2** Words in s. 28(3) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 26(3)**
- F3** S. 28(3A) inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 26(4)**
- F4** S. 28(4) repealed (31.1.1997) by [1996 c. 23](#), s. 107(2), **Sch. 4** (with s. 81(2)); [S.I. 1996/3146](#), **art. 3**.
- F5** Word in s. 28(5)(b) repealed (19.10.2006) by [Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), arts. 1(1)(b), 14(2)(a), **Sch. 2** (with arts. 10, 14(3))
- F6** S. 28(5)(d) and word inserted (19.10.2006) by [Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), arts. 1(1)(b), **14(2)(b)** (with arts. 10, 14(3))

29 Cases where right to refer claim to arbitration under section 28 does not apply.

- (1) Section 28 of this Act does not apply in relation to any dispute if—
 - (a) the tenancy is created by an instrument which includes provision for disputes to be resolved by any person other than—
 - (i) the landlord or the tenant, or
 - (ii) a third party appointed by either of them without the consent or concurrence of the other, and
 - (b) either of the following has occurred—
 - (i) the landlord and the tenant have jointly referred the dispute to the third party under the provision, or
 - (ii) the landlord or the tenant has referred the dispute to the third party under the provision and notified the other in writing of the making of the reference, the period of four weeks beginning with the date on which the other was so notified has expired and the other has not given a notice under section 28(2) of this Act in relation to the dispute before the end of that period.
- (2) For the purposes of subsection (1) above, a term of the tenancy does not provide for disputes to be “resolved” by any person unless that person (whether or not acting as arbitrator) is enabled under the terms of the tenancy to give a decision which is binding in law on both parties.

30 General provisions applying to arbitrations under Act.

- (1) Any matter which is required to be determined by arbitration under this Act shall be determined by the arbitration of a sole arbitrator.
- (2) Any application under this Act to [^{F7}a professional authority] for the appointment of an arbitrator [^{F8}by that authority] must be made in writing and must be accompanied by such reasonable fee [^{F9}as that authority] may determine in respect of the costs of making the appointment.

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- (3) Where an arbitrator appointed [^{F10}by a professional authority] for the purposes of this Act dies or is incapable of acting and no new arbitrator has been appointed by agreement, either party may apply to [^{F11}that authority] for the appointment of a new arbitrator [^{F12}by that authority].

Textual Amendments

- F7** Words in s. 30(2) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 27(2)(a)**
- F8** Words in s. 30(2) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 27(2)(b)**
- F9** Words in s. 30(2) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 27(2)(c)**
- F10** Words in s. 30(3) inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 27(3)(a)**
- F11** Words in s. 30(3) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 27(3)(b)**
- F12** Words in s. 30(3) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 27(3)(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8A inserted by [2023 asc 4 s. 24\(4\)](#)
- s. 28(5)(za) inserted by [2023 asc 4 s. 24\(5\)](#)
- s. 36A inserted by [2023 asc 4 s. 24\(6\)](#)