



Agricultural Tenancies Act 1995

1995 CHAPTER 8

PART I

GENERAL PROVISIONS

Exclusion of Agricultural Holdings Act 1986

4 Agricultural Holdings Act 1986 not to apply in relation to new tenancies except in special cases.

- (1) The ^{M1}Agricultural Holdings Act 1986 (in this section referred to as “the 1986 Act”) shall not apply in relation to any tenancy beginning on or after 1st September 1995 (including any agreement to which section 2 of that Act would otherwise apply beginning on or after that date), except [^{F1}(subject to subsection (2B) below)] any tenancy of an agricultural holding which—
- (a) is granted by a written contract of tenancy entered into before 1st September 1995 and indicating (in whatever terms) that the 1986 Act is to apply in relation to the tenancy,
 - (b) is obtained by virtue of a direction ^{F2}... under section 39 or 53 of the 1986 Act,
 - (c) is granted (following a direction under section 39 of that Act) in circumstances falling within section 45(6) of that Act,
 - (d) is granted on an agreed succession by a written contract of tenancy indicating (in whatever terms) that Part IV of the 1986 Act is to apply in relation to the tenancy,
 - (e) is created by the acceptance of a tenant, in accordance with the provisions as to compensation known as the “Evesham custom” and set out in subsections (3) to (5) of section 80 of the 1986 Act, on the terms and conditions of the previous tenancy, ^{F3}...
 - (f) is granted to a person who, immediately before the grant of the tenancy, was the tenant of the holding, or of any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding, under a tenancy in relation to which the 1986 Act applied [^{F4}, and is so granted because an agreement between the parties (not being an agreement expressed to take

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effect as a new tenancy between the parties) has effect as an implied surrender followed by the grant of the tenancy, or]

[^{F5}(g) is granted to a person who, immediately before the grant of the tenancy, was the tenant of the holding, or of any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding, under a tenancy in relation to which the 1986 Act applied, and is so granted by a written contract of tenancy indicating (in whatever terms) that the 1986 Act is to apply in relation to the tenancy.]

(2) For the purposes of subsection (1)(d) above, a tenancy (“the current tenancy”) is granted on an agreed succession if, and only if,—

(a) the previous tenancy of the holding or a related holding was a tenancy in relation to which Part IV of the 1986 Act applied, ^{F6}...

[^{F7}(b) the current tenancy is granted to a person (alone or jointly with other persons) who, if the tenant under that previous tenancy (“the previous tenant”) had died immediately before the grant, would have been his close relative, and

(c) either of the conditions in subsection (2A) below is satisfied.]

[^{F8}(2A) The conditions referred to in subsection (2)(c) above are—

(a) the current tenancy is granted to a person (alone or jointly with other persons) who was or had become the sole or sole remaining applicant for a direction [^{F9}under section 39 or 53 of the 1986 Act] for a tenancy, and

(b) the current tenancy—

(i) is granted as a result of an agreement between the landlord and the previous tenant, and

(ii) is granted, and begins, before the date of the giving of any retirement notice by the previous tenant, or if no retirement notice is given, before the date of death of the previous tenant.]

[^{F10}(2B) The 1986 Act shall not apply by virtue of subsection (1)(f) or (g) above in relation to the tenancy of an agricultural holding (“the current holding”) where—

(a) the whole or a substantial part of the land comprised in the current holding was comprised in an agricultural holding (“the previous holding”) which was subject to a tenancy granted after the commencement of this subsection in relation to which the 1986 Act applied by virtue of subsection (1)(f) or (g) above;

(b) the whole or a substantial part of the land comprised in the previous holding was comprised in an agricultural holding (“the original holding”) which was at the commencement of this subsection subject to a tenancy in relation to which the 1986 Act applied; and

(c) the land comprised in the original holding does not, on the date of the grant of the tenancy of the current holding, comprise the whole or a substantial part of the land comprised in the current holding.]

[^{F11}(2C) The references in subsections (1)(g) and (2B) above to a substantial part of the land comprised in the holding mean a substantial part determined by reference to either area or value.]

(3) In this section—

(a) “agricultural holding” and “contract of tenancy” have the same meaning as in the 1986 Act, ^{F12}...

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- (b) “close relative” and “related holding” have the meaning given by section 35(2) of that Act^{F13}, and
- (c) “retirement notice” has the meaning given by section 49(3) of that Act.]

Textual Amendments

- F1** Words in s. 4(1) inserted (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), **12(2)** (with arts. 10, 12(12))
- F2** Words in s. 4(1)(b) omitted (1.7.2013) by virtue of The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 216(a)** (with Sch. 3)
- F3** Word in s. 4(1)(e) repealed (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), 12(3), **Sch. 2** (with arts. 10, 12(12))
- F4** Words in s. 4(1)(f) substituted (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), **12(4)** (with arts. 10, 12(12))
- F5** S. 4(1)(g) inserted (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), **12(5)** (with arts. 10, 12(12))
- F6** Word in s. 4(2)(a) repealed (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), 12(6), **Sch. 2** (with arts. 10, 12(12))
- F7** S. 4(2)(b)(c) substituted for s. 4(2)(b) (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), **12(7)** (with arts. 10, 12(12))
- F8** S. 4(2A) inserted (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), **12(8)** (with arts. 10, 12(12))
- F9** Words in s. 4(2A)(a) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 216(b)** (with Sch. 3)
- F10** S. 4(2B) inserted (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), **12(9)** (with arts. 10, 12(12))
- F11** S. 4(2C) inserted (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), **12(10)** (with arts. 10, 12(12))
- F12** Word in s. 4(3)(a) repealed (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), 12(11)(a), **Sch. 2** (with arts. 10, 12(12))
- F13** S. 4(3)(c) and word inserted (19.10.2006) by Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805), arts. 1(1)(b), **12(11)(b)** (with arts. 10, 12(12))

Marginal Citations

- M1** 1986 c. 5.

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