



Agriculture Act 1958

1958 CHAPTER 71 6 and 7 Eliz 2

An Act to amend the Agriculture Act, 1947, the Agricultural Holdings Act, 1948, the Agriculture (Scotland) Act, 1948, and the Agricultural Holdings (Scotland) Act, 1949; to require the landlord of an agricultural holding in certain cases to provide, repair or alter fixed equipment on the holding; to amend Part II of the Landlord and Tenant Act, 1954, as to tenancies of agricultural land excluded therefrom; to amend the Schedule to the Corn Production Acts (Repeal) Act, 1921, and section twenty-one of the Hill Farming Act, 1946; and for purposes connected with the matters aforesaid. [1st August 1958]

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

Commencement Information

II Act wholly in force at Royal Assent.

1 Repeal of powers of supervision, direction and dispossession under Part II of Agriculture Act, 1947, and Part II of Agriculture (Scotland) Act 1948.

- (1) So much of Part II of the ^{M1}Agriculture Act, 1947 (in this Act referred to as “the Act of 1947”) as provides for supervision orders, and for the giving of directions to and the dispossession of owners or occupiers on grounds of bad estate management or bad husbandry, that is to say sections twelve to twenty of that Act, shall cease to have effect, and all entries in the register of local land charges relating to supervision orders shall, as soon as may be after the passing of this Act, be deleted.
- (2) So much of Part II of the ^{M2}Agriculture (Scotland) Act, 1948 (in this Act referred to as “the Scottish Act of 1948”) as provides for warning notices, and for the giving of directions to and the dispossession of owners or occupiers on grounds of bad estate management or bad husbandry, that is to say sections twenty-seven to thirty-four of that Act, shall cease to have effect.

Status: Point in time view as at 02/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

Marginal Citations
M1 1947 c. 48.
M2 1948 c. 45.

2 F1

Textual Amendments
F1 S. 2 repealed (S.) by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983](#) (c. 46, SIF 2:3), s. 6, [Sch. 2](#) and (E.W.) by [Agricultural Holdings Act 1984](#) (c. 41), s. 10(2), [Sch. 4](#)

3 F2

Textual Amendments
F2 S. 3 repealed by [Agricultural Holdings \(Notices to Quit\) Act 1977](#) (c. 12, SIF 2:3), s. 13, [Sch. 2](#) (subject to a saving in s. 14 in relation to notices to quit given before 7.4.1978)

4 F3

Textual Amendments
F3 S. 4 repealed by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), ss. 99, 101, [Sch. 13](#) para. 3, [Sch. 15 Pt. 1](#)

5 Transfer to Lord Chancellor of Minister’s functions as respects Agricultural Land Tribunals.

The functions conferred on the Minister in relation to Agricultural Land Tribunals by section seventy-three of the Act of 1947 shall be exercisable by the Lord Chancellor and not by the Minister, so however that the duty of providing the said Tribunals with the necessary officers and servants and of paying salaries, fees and allowances shall remain with the Minister.

6 Provisions as to succession to holdings in Scotland.

- (1) F4
- (3) F5
- (4) F6

Textual Amendments
F4 S. 6(1)(2) repealed with savings by [Succession \(Scotland\) Act 1964](#) (c. 41), s. 34(2), [Sch. 3](#)

Status: Point in time view as at 02/02/1991.

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F5 S. 6(3) repealed (S.) by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\)](#), s. 6, [Sch. 2](#)

F6 S. 6(4)(5) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), [Sch. 1 Pt. VIII](#)

7 **F7**

Textual Amendments

F7 S. 7 repealed by [Weeds Act 1959 \(c. 54\)](#), [Sch.](#)

8 Minor and consequential amendments.

(1) The enactments specified in Part I of the First Schedule to this Act (being enactments applying to England and Wales) and the enactments specified in Part II of that Schedule (being enactments applying to Scotland) shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

(2) **F8**

Textual Amendments

F8 S. 8(2) repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), s. 10(2), [Sch. 3](#)

9 Interpretation.

(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say —

“Act of 1947” means the ^{M3}Agriculture Act, 1947;

“Act of 1948” means the ^{M4}Agricultural Holdings Act, 1948;

“agricultural holding”, . . . ^{F9}as respects Scotland has the meaning assigned to it by section one of the Scottish Act of 1949;

“the appointed day” means such day as the Minister or, in relation to Scotland, the Secretary of State, may by order made by statutory instrument appoint, and different days may be appointed by such orders in relation to different provisions of this Act;

..... **F9**

“Land Court” means the Scottish Land Court;

“landlord” and “tenant”, . . . ^{F9}as respects Scotland have the meanings assigned to them by section ninety-three of the Scottish Act of 1949;

“lease”, as respects Scotland, means a letting of land for a term of years, or for lives, or for lives and years, or from year to year;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“Scottish Act of 1948” means the ^{M5}Agriculture (Scotland) Act, 1948;

“Scottish Act of 1949” means the ^{M6}Agricultural Holdings (Scotland) Act, 1949.

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- (2) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.

Textual Amendments

- F9** Words repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. 1**

Marginal Citations

- M3** 1947 c. 48.
M4 1948 c. 63.
M5 1948 c. 45.
M6 1949 c. 75.

10 Repeals savings and transitional provisions.

- (1) **F10**
- (2) The repeal by virtue of this Act of provisions contained in Part II of the Act of 1947 shall not affect the operation of section ninety-five of that Act (which applies certain of those provisions for the purposes of special directions to secure production).
- (3) **F11**
- (4) The repeal by virtue of this Act of provisions contained in Part II of the Scottish Act of 1948 shall not affect the operation of section thirty-five of that Act (in relation to which certain of those provisions have effect for the purposes of special directions to secure production).
- (5) The repeal by virtue of this Act of section seventy-one of the Scottish Act of 1948 shall not affect the operation of subsection (6) of section twenty-one of the ^{M7}Crofters (Scotland) Act, 1955 (which applies the provisions of the said section seventy-one to the reference to the Land Court of certain proposals of the Crofters Commission) or the power of the Secretary of State to make regulations under the said section as so applied.
- (6) **F12**
- (7) The transitional provisions set out in the Fourth Schedule to this Act shall have effect.

Textual Amendments

- F10** S. 10(1) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**
- F11** S. 10(3) repealed (with saving) by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 4(1)(7), 10, **Sch. 2**
- F12** S. 10(6) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**

Marginal Citations

- M7** 1955 c. 21.

Status: Point in time view as at 02/02/1991.

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11 Short title and extent.

(1) This Act may be cited as the Agriculture Act, 1958.

(2) This Act . . . ^{F13} shall not extend to Northern Ireland.

Textual Amendments

F13 Words repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), s. 10(2), **Sch. 3**

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SCHEDULES

FIRST SCHEDULE

Section 8.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

ENGLAND AND WALES

Hill Farming Act, 1946

- 1 On the appointed day, in section twenty-one (which empowers the Minister to avoid or relax covenants in leases prohibiting or restricting the burning of heather or grass), the following subsections shall be substituted for subsection (1)—
- “ (1) Where the lease of the land in England or Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the Agricultural Land Tribunal, on an application by the tenant, may if it appears to them that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant or agreement as they think fit. ”

Modifications etc. (not altering text)

- C2** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Agriculture Act, 1947

- 2 Section fifty-three (which empowers the Minister, where it appears to him that a smallholdings authority have failed to fulfil their responsibilities to manage in accordance with the rules of good estate management land held by them for the purposes of smallholdings, to direct the authority to carry out certain work on the land) shall cease to have effect.

Modifications etc. (not altering text)

- C3** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 02/02/1991.

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- 3 In section seventy-three (which provides for the establishment, constitution and procedure of Agricultural Land Tribunals)—
- (a) for references to the Minister there shall be substituted references to the Lord Chancellor;
 - (b) in subsection (1), for the words “determining matters referred to them under this Act” there shall be substituted the words “hearing and determining references and applications made to them under any enactment”;
 - (c) in subsection (3), the following paragraph shall be inserted after the words “and in particular—” —
 - “(aa) as to the manner in which applications are to be made to the Tribunals and the time within which they are to be made;”
- and paragraph (c) shall be omitted;
- (d) in subsection (4), the words “or application” shall be inserted after the word “reference”; and
 - (e) after the subsection (4) there shall be inserted the following subsection—
 - “(5) An Agricultural Land Tribunal may, for the purpose of hearing and determining applications and references made to them under any enactment, sit in two or more divisions, and, in relation to the hearing and determination of any such applications or reference by such a division, that division shall be deemed to be the Tribunal.”

Modifications etc. (not altering text)

- C4** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 4 In relation to Agricultural Land Tribunals, section seventy-five (which provides for the case where land lies partly in the area of one such tribunal and partly in the area of another) shall have effect (except as respects a reference to such a tribunal under section eighty-five or section eighty-six of the Act of 1947) as if, for the reference therein to the Minister, there were substituted a reference to the Lord Chancellor.
- 5 (1) The Ninth Schedule shall be amended in accordance with the following provisions of this paragraph.
- (2) The following paragraphs shall be substituted for paragraphs 13 to 16—
- “13 (1) The Lord Chancellor shall appoint a chairman for each Agricultural Land Tribunal, who shall be a barrister or solicitor of not less than seven years’ standing.
 - (2) The chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.
 - (3) The chairman may resign his office by notice in writing to the Lord Chancellor.
 - (4) If the Lord Chancellor is satisfied that the Chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or if the chairman is adjudged bankrupt or makes a composition or arrangement

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- with his creditors, the Lord Chancellor may revoke the appointment of the chairman.
- 14 The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of deputy-chairman, who shall be barristers or solicitors of not less than seven years' standing.
- 15 (1) The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to represent the interests of farmers and a panel of persons appearing to him to represent the interests of owners of agricultural land.
- (2) Subject to the following sub-paragraph, the persons to be placed on either panel shall be selected by the Lord Chancellor from nominations made at his request by persons appearing to him to represent the interests of farmers or owners of agricultural land, as the case may be.
- (3) The last foregoing sub-paragraph shall not prevent the Lord Chancellor from placing on either of the panels a person not nominated in accordance with that sub-paragraph, if the persons requested to make the nominations for that purpose do not make the required number of nominations, or the nominations they make do not include enough persons who appear to the Lord Chancellor to be suitable.
- 16 (1) For each hearing by an Agricultural Land Tribunal of an application or reference thereto the members of the Tribunal shall be—
- (a) the chairman, or a person nominated from the panel of deputy-chairmen (whether for that Tribunal or for any other Agricultural Land Tribunal) or from the chairmen of other Agricultural Land Tribunals, and
- (b) one person nominated by the chairman from each of the panels for that Tribunal drawn up under the last foregoing paragraph or from a corresponding panel for any other Agricultural Land Tribunal.
- (2) The chairman may, if it appears to him expedient so to do, nominate two assessors to be added to the Tribunal for the hearing of an application or reference thereto in order to assist the Tribunal in the hearing.
- (3) The assessors shall be selected by the chairman from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors
- 16A If the chairman of an Agricultural Land Tribunal is prevented by sickness or any other reason from making nominations under sub-paragraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-chairmen for that Tribunal by the chairman or, if the chairman is unable to make the appointment, by the Lord Chancellor.”
- (3) In paragraph 17, for the reference to the Minister there shall be substituted a reference to the Lord Chancellor.
- (4) Paragraph 18 shall cease to have effect.

Status: Point in time view as at 02/02/1991.

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Modifications etc. (not altering text)

C5 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Agricultural Holdings Act, 1948

6—7 **F14**

Textual Amendments

F14 Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. 1**

8 **F15**

Textual Amendments

F15 Sch. 1 paras. 8, 19, 23, 24 repealed by [Agricultural Holdings \(Notices to Quit\) Act 1977](#) (c. 12), s. 13, **Sch. 2** (subject to a saving in s. 14 in relation to notices to quit given before 7.4.1978)

9 On the appointed day, in section twenty-five—
(a) subsections (2) to (4) shall cease to have effect;
(b) **F16**
(c) **F16**

Textual Amendments

F16 Sch. 1 paras. 9(b)(c), 10, 11, 13 repealed (with saving) by [Agricultural \(Notices to Quit\) Act 1977](#) (c. 12), s. 14, **Sch. 2**

Modifications etc. (not altering text)

C6 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

10—11 **F17**

Textual Amendments

F17 Sch. 1 paras. 9(b)(c), 10, 11, 13 repealed (with saving) by [Agricultural \(Notices to Quit\) Act 1977](#) (c. 12), s. 14, **Sch. 2**

12 Section twenty-eight (which empowers the Minister to give the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-four of the Act of 1948 is in force, directions for

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securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.

Modifications etc. (not altering text)

C7 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

13 F18

Textual Amendments

F18 Sch. 1 paras. 9(b)(c), 10, 11, 13 repealed (with saving) by [Agricultural \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, [Sch. 2](#)

14–18 F19

Textual Amendments

F19 Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, [Sch. 15 Pt. 1](#)

19 F20

Textual Amendments

F20 Sch. 1 paras. 8, 19, 23, 24 repealed by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 13, [Sch. 2](#) (subject to a saving in s. 14 in relation to notices to quit given before 7.4.1978)

20, 21 F21

Textual Amendments

F21 Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, [Sch. 15 Pt. 1](#)

22 F22

Textual Amendments

F22 Sch. 1 para. 22 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), s. 10, [Sch. 2](#)

23, 24 F23

Status: Point in time view as at 02/02/1991.

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Textual Amendments

F23 Sch. 1 paras. 8, 19, 23, 24 repealed by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 13, [Sch. 2](#) (subject to a saving in s. 14 in relation to notices to quit given before 7.4.1978)

25 **F24**

Textual Amendments

F24 Sch. 1 para. 25 and Sch. 4 paras. 6–8, 13(d)(e) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), s. 1(1), [Sch. 1 Pt. XIX](#)

Agriculture (Miscellaneous Provisions) Act, 1954

26 In section five, in subsection (1) (which empowers an Agricultural Land Tribunal to award costs against a person concerned in a reference to them who has acted frivolously, vexatiously or oppressively), after the word “reference” in each place where it occurs there shall be inserted the words “ or application ”.

Modifications etc. (not altering text)

C8 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

27 In section six—
(a) subsection (3) (which entitles the Minister to appear and be heard on a reference or application to the High Court in respect of a question of law arising in the course of proceedings before an Agricultural Land Tribunal) shall cease to have effect; and
(b) the power to make orders conferred by subsection (6) shall be exercisable by the Lord Chancellor and not by the Minister.

Modifications etc. (not altering text)

C9 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

28 **F25**

Textual Amendments

F25 Sch. 1 para. 28 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55, SIF 2:1\)](#), s. 26, [Sch. 4 Pt. II](#)

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

Landlord and Tenant Act, 1954

- 29 Subsection (1) of section forty-three shall have effect, and be deemed always to have had effect, as if, at the end of paragraph (a) thereof, there were inserted the words “ or a tenancy which would be a tenancy of an agricultural holding if the proviso to subsection (1) of section two of the Agricultural Holdings Act, 1948, did not have effect or, in a case where the approval of the Minister of Agriculture, Fisheries and Food was given as mentioned in the said subsection (1), if that approval has not been given ”.

Modifications etc. (not altering text)

C10 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART II

SCOTLAND

Agriculture (Scotland) Act, 1948

- 30 Section thirty-six (which refers to special directions as to stocking of deer forests and grouse moors) shall cease to have effect.

Modifications etc. (not altering text)

C11 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 31 In the Third Schedule, in paragraph 1, the words “section twenty-nine or”, and in paragraph 5 the words “subsection (4) of section thirty and” shall be omitted.

Modifications etc. (not altering text)

C12 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Agricultural Holdings (Scotland) Act, 1949

- 32 For section nine there shall be substituted the following section—

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Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

- (1) Where under the lease of an agricultural holding, whether entered into before or after the commencement of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent pasture, the landlord or tenant may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under this Act of the question whether it is expedient in order to secure the full and efficient farming of the holding that the amount of land required to be maintained as permanent pasture should be reduced.
- (2) On a reference under the foregoing subsection the arbiter may by his award—
 - (a) direct that the lease shall have effect subject to such modifications of the provision thereof as to which is to be maintained as permanent pasture or is to be treated as arable land, and as to cropping, as may be specified in that direction; and
 - (b) if he gives a direction reducing the area of land which under the lease is to be maintained as permanent pasture, order that the lease shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave as permanent pasture, or should leave as temporary pasture sown with seeds mixture of such kind as may be specified in the order, such area of land (in addition to the area of land required by the lease, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the lease to be maintained as permanent pasture has been reduced by virtue of the direction.”

Modifications etc. (not altering text)

C13 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 33 In section twelve, in subsection (3) (which provides for a question whether a tenant has so exercised his rights under subsection (!) of that section as to injure or deteriorate his holding to be determined for certain purposes by the Secretary of State) for the words from “determined by the Secretary of State” to “a certificate of the Secretary of State” there shall be substituted the words “determined by arbitration; and a certificate of the arbiter”; and in subsection (5) after the words “section nine of this Act” there shall be inserted the words “or an arbiter has directed under the said section nine”.

Modifications etc. (not altering text)

C14 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced

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in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 34 In section twenty-four (which relates to the giving of notices to quit) in paragraph (a) of subsection (6) after the words “other purposes” there shall be inserted the words “(not being agricultural purposes)”.

Modifications etc. (not altering text)

C15 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 35 On the appointed day, in section twenty-five—
- (a) for references to the Secretary of State there shall be substituted references to the Land Court;
 - (b) paragraph (a) of subsection (2) shall cease to have effect; and
 - (c) at the end of paragraph (b) of subsection (2) there shall be added the words “and it is stated in the notice that it is given by reason of the matter aforesaid”.

Modifications etc. (not altering text)

C16 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 36 On the appointed day, in section twenty-six—
- (a) subsections (2) to (4) shall cease to have effect;
 - (b) in subsection (5) the words “the Secretary of State or” in each place where they occur shall be omitted; and
 - (c) in subsection (6) for the reference to the Secretary of State there shall be substituted a reference to the Land Court.

Modifications etc. (not altering text)

C17 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 37 On the appointed day, for section twenty-seven there shall be substituted the following section—

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

- (1) An application by a landlord for the consent of the Land Court under section twenty-five of this Act to the operation of a notice to quit shall be made within one month after service on the landlord by the tenant of a counter-notice requiring that subsection (1) of that section shall apply to the notice to quit.
- (2) A tenant to whom has been given a notice to quit in connection with any question arises under subsection (2) of section twenty-five of this Act shall, if he requires such question to be determined by arbitration under this Act, give notice to the landlord to that effect within one month after the notice to quit has been served on him; and where the award of the arbitrator in an arbitration so required is such that the provisions of subsection (1) of section twenty-five of this Act would have applied to the notice to quit if a counter-notice had been served within the period limited by that subsection the period within which a counter-notice may be served under that subsection shall be extended up to the expiration of one month from the issue of the arbitrator's award.
- (3) Where such an arbitration as is referred to in the last foregoing subsection has been required by the tenant, or where an application has been made to the Land Court for their consent to the operation of a notice to quit, the operation of the notice to quit shall be suspended until the issue of the arbitrator's award or of the decision of the Land Court, as the case may be.
- (4) Where the decision of the Land Court giving their consent to the operation of a notice to quit, or the award of the arbitrator in such an arbitration as is referred to in subsection (2) of this section, is issued at a date later than six months before the date on which the notice to quit is expressed to take effect, the Land Court, on application made to them in that behalf at any time not later than one month after the issue of the decision or award aforesaid, may postpone the operation of the notice to quit for a period not exceeding twelve months.
- (5) If the tenant of an agricultural holding receives from the landlord notice to quit the holding or a part thereof and in consequence thereof gives to a sub-tenant notice to quit that holding or part, the provisions of subsection (1) of section twenty-five of this Act shall not apply to the notice given to the sub-tenant; but if the notice to quit given to the tenant by the landlord does not have effect, the notice to quit given as aforesaid by the tenant to the sub-tenant shall not have effect. For the purposes of this subsection a notice to quit part of the holding which under the provisions of section thirty-three of this Act is accepted by the tenant as a notice to quit the entire holding shall be treated as a notice to quit the holding.
- (6) Where notice is served on the tenant of an agricultural holding to quit the holding or a part thereof, being a holding or part which is subject to a sub-tenancy, and the tenant serves on the landlord a counter-notice in accordance with the provisions of subsection (1) of section twenty-five of this Act, the tenant shall also serve on the sub-tenant notice in writing that he has served such counter-notice on the landlord, and the sub-tenant shall be entitled to be a party to any proceedings before the Land Court for their consent to the notice to quit."

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

Modifications etc. (not altering text)

C18 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

38 On the appointed day, for section twenty-eight there shall be substituted the following section—

For the purposes of paragraph (d) of subsection (2) of section twenty-five of this Act, the landlord of an agricultural holding may apply to the Land Court for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and the Land Court, if satisfied that the tenant is not fulfilling his said responsibilities, shall grant such a certificate.”

Modifications etc. (not altering text)

C19 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

39 Section twenty-nine (which empowers the Secretary of State to give to the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-five of the Scottish Act of 1949 is in force, directions for securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.

Modifications etc. (not altering text)

C20 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

40 For section thirty there shall be substituted the following section—

“30 Penalty for breach of condition accompanying consent to notice to quit.

(1) Where, on giving consent under section twenty-five of this Act to the operation of a notice to quit an agricultural holding or part of an agricultural holding, the Land Court imposed a condition under section twenty-six of this Act for securing that the land to which the notice to quit related would be used for the purpose for which the landlord proposed to terminate the

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

tenancy, and it is proved, on an application to the Land Court on behalf of the Crown—

(a) that the landlord has failed to comply with the condition within the period allowed thereby, or

(b) that the landlord has acted in contravention of the condition,

the Land Court may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Land Court is attributable to that part.

(2) A penalty imposed under this section shall be a debt due to the Crown and shall, when recovered, be paid into the Exchequer.”

Modifications etc. (not altering text)

C21 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

41 On the appointed day, in section fifty-two (which empowers the Secretary of State to approve the carrying out by the tenant of certain long-term improvements)—

(a) for references to the Secretary of State there shall be substituted references to the Land Court;

(b) in subsection (2) the words from “after giving notice” to “so to do”, the words from “after affording” to “appointed by the Secretary of State” and the words from “and in either case” to the end of the subsection, shall be omitted; and

(c) in subsection (4) the words from “after affording” to “appointed by the Secretary of State” shall be omitted.

Modifications etc. (not altering text)

C22 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

42 In section sixty-three, in subsection (1), for the words “paragraph(ii) of section nine” there shall be substituted the words “paragraph(b) of subsection (2) of section nine”.

Modifications etc. (not altering text)

C23 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 43 On the appointed day, in section sixty-six (which empowers the Secretary of State to direct that, for the purposes of certain improvements to be carried out by the tenant, an agricultural holding shall be treated as a market garden)—
- (a) for references to the Secretary of State there shall be substituted references to the Land Court; and
 - (b) in subsection (1) the words from “and after affording” to “appointed by the Secretary of State” shall be omitted.

Modifications etc. (not altering text)

C24 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 44 On the appointed day, sections seventy-one and seventy-two (which respectively provide for representations to the Secretary of State as to the taking of action by him, and for proposals as to such action to be referred to the Land Court) shall cease to have effect.

Modifications etc. (not altering text)

C25 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951

- 45 On the appointed day in section twenty-one (as read with section twenty-four)—
- (a) in subsections (2) and (3) for references to the Secretary of State there shall be substituted references to the Land Court;
 - (b) subsections (4) and (7) shall cease to have effect;
 - (c) in subsection (5) for paragraph (c) there shall be substituted the following paragraph—
 - “(c) the Scottish Land Court has not before the beginning of this period of residence protection decided whether to give or withhold consent to the operation of the notice to quit”; and
 - (d) in subsection (6) the reference to section twenty-seven of the Scottish Act of 1949 shall be construed as a reference to that section as originally enacted and not as amended by this Act.

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

Modifications etc. (not altering text)

C26 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

46 On the appointed day, in section twenty-four, in paragraph (b), the words from “for references to the Agricultural Land Tribunal” to “appeal thereto” and paragraph (c) shall be omitted.

Modifications etc. (not altering text)

C27 The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{F26}SECOND SCHEDULE

Textual Amendments

F26 Sch. 2 and Sch. 3 repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), Sch. 1 Pt. VIII

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F26

^{F27}THIRD SCHEDULE

Textual Amendments

F27 Sch. 2 and Sch. 3 repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), Sch. 1 Pt. VIII

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F27

FOURTH SCHEDULE

Section 10.

TRANSITIONAL PROVISIONS

1 Where, by virtue of any provision of the First Schedule to this Act, any functions of the Minister under an enactment referred to in that provision fall to be exercised after the coming into operation thereof by the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator, anything done in the exercise of those functions, in

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

so far as it has effect immediately before the coming into operation of that provision shall, subject to the provisions of this Schedule, continue to have effect thereafter as if done by the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator, as the case may be, under the said enactment as amended by this Act.

- 2 Notwithstanding the repeal by this Act of section fourteen of the Act of 1947—
- (a) a direction given by the Minister under paragraph (a) of subsection (1) of that section which is in force immediately before the passing of this Act shall continue in force, and the provisions of the Act of 1947 applicable for the purposes of such a direction shall continue to apply for those purposes notwithstanding the repeal by this Act of any of those provisions;
 - (b) the right conferred on the Minister by subsection (5) of the said section fourteen to recover the reasonable cost of work carried out before the passing of this Act in the exercise of powers conferred by that subsection shall continue to be exercisable, and subsection (6) of that section shall continue to apply in relation to disputes as to the reasonable cost of such work; and
 - (c) the Second Schedule to the Act of 1947 shall continue to apply as respects a direction given under the said section fourteen.
- 3 Notwithstanding the repeal by this Act of section fifteen of the Act of 1947, subsection (6) of that section shall continue to have effect as respects the right of a tenant to compensation for an improvement carried out before the passing of this Act.
- 4 (1) This paragraph shall apply where, immediately before the passing of this Act, the Minister was in possession of land under section eighteen of the Act of 1947.
- (2) In this paragraph—
- “the landlord” has the same meaning as in the said section eighteen;
- “the landlord’s agreement” means the agreement, if any, regulating the Minister’s possession of the land made between the Minister and the landlord under subsection (2) of the said section eighteen.
- (3) The Minister shall be entitled to remain in possession of the land until the eleventh day of October, nineteen hundred and fifty-eight.
- (4) If, immediately before the said eleventh day of October, the land is being farmed by a person entrusted by the Minister with the farming thereof (in this sub-paragraph referred to as “the farmer”) then, on that day—
- (a) the farmer shall become the tenant of the land under a tenancy from year to year beginning on that day on such terms as may thereafter be agreed between the farmer and the landlord or as may, in default of agreement, be determined by arbitration under the Act of 1948; and
 - (b) the landlord’s agreement and the agreement regulating the farming of the land made between the Minister and the farmer under paragraph (b) of subsection (2) of the said section eighteen shall each determine as if the condition specified in paragraph (b) of subsection (5) of that section had been satisfied.
- (5) If, immediately before the said eleventh day of October, the land is being farmed by a person acting under the direction of the Minister the landlord’s agreement shall determine on that day as if the landlord had served on the Minister a notice in writing

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

under paragraph (a) of subsection (5) of the said section eighteen two months before that day.

- (6) Notwithstanding the repeal by this Act of the said section eighteen, subsections (2) and (4) and (6) to (8) of that section shall continue to apply in relation to the land, so however that paragraph (b) of the said subsection (2) shall not apply in relation thereto.

5 F28

Textual Amendments

F28 Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. 1**

6—8 F29

Textual Amendments

F29 Sch. 1 para. 25 and Sch. 4 paras. 6–8, 13(d)(e) repealed by [Statute Law \(Repeals\) Act 1977](#) (c. 18), s. 1(1), **Sch. 1 Pt. XIX**

9 F30

Textual Amendments

F30 Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. 1**

- 10 (1) Nothing in paragraph 5 of the First Schedule to this Act, shall affect the appointment of a chairman of an Agricultural Land Tribunal made before the passing of this Act or any proceedings before such a Tribunal commenced before the passing thereof.
- (2) A panel drawn up by the Lord Chancellor before the passing of this Act under paragraph 15 of the Ninth Schedule to the Act of 1947 shall be deemed for the purposes of proceedings commenced after the passing of this Act to have been drawn up under that paragraph as amended by paragraph 5 of the First Schedule to this Act.

11 F31

Textual Amendments

F31 Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. 1**

12 F32

Textual Amendments

F32 Sch. 4 para. 12 repealed by [Weeds Act 1959](#) (c. 54), s. 10(1), **Sch.**

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958. (See end of Document for details)

- 13 Paragraphs 1 and 2, paragraphs 5 to 8 . . . ^{F33} of this Schedule shall apply to Scotland, subject to the following modifications that is to say—
- (a) in paragraph 1, for references to the Minister and to the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator there shall be substituted respectively references to the Secretary of State and to the Land Court or an arbiter;
 - (b) in paragraph 2, for references to the Minister, to the Act of 1947, to section fourteen of that Act, to paragraph (a) of subsection (1) and to subsections (5) and (6) of that section and to the Second Schedule to that Act, there shall be substituted respectively references to the Secretary of State, to the Scottish Act of 1948, to section twenty-nine of that Act, to paragraph (a) of subsection (1) or subsection (3) and to subsections (6) and (7) of that section and to the Third Schedule to that Act;
 - (c) in paragraph 5, for references to section eight of the Act of 1948, to the twenty- ninth day of September and to an arbitrator there shall be substituted respectively references to section seven of the Scottish Act of 1949, to the twenty-eighth day of November and to an arbiter;
 - (d) ^{F34}
 - (e) ^{F34}

Textual Amendments

F33 Words repealed by [Weeds Act 1959 \(c. 54\), s.10\(1\), Sch.](#)

F34 [Sch. 1 para. 25](#) and [Sch. 4 paras. 6–8, 13\(d\)\(e\)](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), s. 1\(1\), Sch. 1 Pt. XIX](#)

- 14 Notwithstanding the provisions of paragraph 37 of the First Schedule to this Act, the regulations made by the Secretary of State under section twenty-seven of the Scottish Act of 1949 in force immediately before the day appointed for the coming into operation of section three of this Act shall continue to have effect for the purposes of any proceedings consequent upon a notice to quit in a case where the tenant served on the landlord a counter-notice under subsection (1) of section twenty-five of that Act before that day.

Status:

Point in time view as at 02/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Agriculture Act 1958.