

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Agriculture (Model Clauses for Fixed Equipment) (England) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

PROSPECTIVE

SCHEDULE 1

Maintenance, repair and insurance of the fixed equipment of an agricultural holding

PART 3

General provisions

Redundant fixed equipment

15.—(1) If the landlord or tenant is of the opinion that an item of fixed equipment is, or before the same was damaged or destroyed by fire was, redundant to the farming of the holding, the landlord or tenant may, by two months' notice in writing served on the other, refer the question to arbitration under the Act unless the landlord and tenant agree to refer the question for third party determination.

(2) In any such arbitration or third party determination, no item of fixed equipment may be determined to be, or to have been before damage or destruction by fire, redundant to the farming of the holding, unless the arbitrator or third party is satisfied that the repair or replacement of such item is or was not reasonably required having regard to—

- (a) the landlord's responsibilities to manage the holding in accordance with the rules of good estate management;
- (b) the period for which the holding may reasonably be expected to remain a separate holding; and
- (c) the character and situation of the holding and the average requirements of a tenant reasonably skilled in husbandry.

(3) Where an arbitrator awards or a third party determines that the said item of fixed equipment is, or before such damage or destruction by fire was, redundant to the farming of the holding then, as from the date of the award or determination—

- (a) paragraph 16(b) applies to that item and both the landlord and tenant are relieved from all liability in respect of any antecedent breach of any obligation to maintain, repair or replace that item of fixed equipment; and
- (b) the landlord is entitled to demolish and remove that item of fixed equipment and to enter the holding for those purposes.

Commencement Information

I1 Sch. 1 para. 15 in force at 1.10.2015, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Sch. 1 para. 15 coming into force by [S.I. 2015/950 reg. 1\(1\)](#)