CHAPTER 50.

An Act to amend the Law relating to Agricultural Holdings. [8th August 1900.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Right of tenant to compensation for improvements. 46 & 47 Vict. c. 61.

1.—(1.) Where a tenant has made on his holding any improvement comprised in the First Schedule to this Act he shall, subject as in the Agricultural Holdings (England) Act, 1883 (in this Act referred to as the principal Act) and in this Act mentioned, be entitled, at the determination of a tenancy, on quitting his holding to obtain from the landlord as compensation under the said Acts for the improvement such sum as fairly represents the value of the improvement to an incoming tenant. Provided always, that in estimating the value of any such improvement there shall not be taken into account, as part of the improvement made by the tenant, what is justly due to the inherent capabilities of the soil.

(2.) References in the principal Act to the First Schedule to that Act shall be construed as references to the First Schedule to this Act.

(3.) In the ascertainment of the amount of the compensation payable to a tenant under the principal Act or this Act there shall be taken into account any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement.

(4.) In the ascertainment of the amount of the compensation payable to a tenant in respect of manures as defined by this Act, there shall be taken into account the value of the manure required by the contract of tenancy or by custom to be returned to the holding in respect of any crops sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, not exceeding the value of the manure which would have been produced by the consumption on the holding of the crops so sold off or removed.

(5.) Nothing in this section shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom, agreement, or otherwise, in lieu of any compensation provided by this section.

Settlement of differences by arbitration.

2.—(1.) If a tenant claims to be entitled to compensation, whether under the principal Act or this Act, or under custom, agreement, or otherwise, in respect of any improvement comprised in the First Schedule to this Act, and if the landlord and tenant fail to agree as to the amount and time and mode of payment of such compensation, the difference shall be settled by arbitration in

accordance with the provisions, if any, in that behalf in any agreement between landlord and tenant, and in default of and subject to any such provisions by arbitration under this Act in accordance with the provisions set out in the Second Schedule to this Act.

(2.) Any claim by a tenant for compensation under the principal Act or this Act in respect of any improvement comprised in the First Schedule to this Act shall not be made after the determination of the tenancy. Provided that where the claim relates to an improvement executed after the determination of the tenancy, but while the tenant lawfully remains in occupation of part of the holding, the claim may be made at any time before the tenant quits that part.

(3.) Where any claim by a tenant for compensation in respect of any improvement comprised in the First Schedule to this Act is referred to arbitration, and any sum is claimed to be due to the tenant from the landlord in respect of any breach of contract or otherwise in respect of the holding, or to the landlord from the tenant in respect of any waste wrongfully committed or permitted by the tenant, or in respect of breach of contract or otherwise in respect of the holding, the party claiming such sum may, if he thinks fit, by written notice to the other party given by registered letter or otherwise not later than seven days after the appointment of the arbitrator or arbitrators, require that the arbitration shall extend to the determination of the further claim, and thereupon the provisions of this section with respect to arbitration shall apply accordingly, and any sum awarded to be paid by a landlord or tenant shall be recoverable in manner provided by the principal Act for the recovery of compensation.

(4.) Where any claim which is referred to arbitration relates to an improvement executed or matter arising after the determination of the tenancy, but while the tenant lawfully remains in occupation of part of the holding, the arbitrator may, if he thinks fit, make a separate award in respect of such claim.

(5.) An arbitration shall, unless the parties otherwise agree, be before a single arbitrator.

(6.) If in any arbitration under this Act the arbitrator states a case for the opinion of the county court on any question of law, the opinion of the court on any question so stated shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal, from whose decision no appeal shall lie.

(7.) Any person who wilfully and corruptly gives false evidence before an arbitrator or umpire in any arbitration under this Act shall be guilty of perjury, and may be dealt with, prosecuted, and punished accordingly.

(8.) Subject to any provision contained in any agreement between landlord and tenant the Arbitration Act, 1889, shall not apply to any arbitration to which this Act applies. 52 & 53 Vict. c. 49.

Land charges.

3.—(1.) The powers of the county court under the principal Act with respect to charges shall be exercised by the Board of Agriculture, and accordingly the Board of Agriculture shall be substituted for the county court in sections twenty-nine, thirty, thirty-one, thirty-two, and thirty-nine of that Act.

(2.) Where a charge may be made under the principal Act or this Act for compensation, the person making the award shall, at the request and cost of the party entitled to obtain the charge, certify the amount to be charged and the term for which the charge may properly be made, having regard to the time at which each improvement in respect of which compensation is awarded is to be deemed to be exhausted.

(3.) Sections twenty-nine, thirty, and thirty-one of the principal Act shall apply to any money paid by or due from a landlord to a tenant as compensation for any improvement comprised in the First Schedule to this Act, whether the compensation be claimed under this Act or under custom or agreement or otherwise.

(4.) A charge made by the Board of Agriculture pursuant to this section shall be a land charge within the meaning of the Land Charges Registration and Searches Act, 1888, and may be registered accordingly. This subsection shall not apply to Scotland.

51 & 52 Vict. c. 51.

Fixtures and buildings.

4. The provisions of section thirty-four of the principal Act shall apply to a fixture or building acquired by a tenant in like manner as they apply to a fixture or building affixed or erected by a tenant.

Power of entry.

5. The landlord of a holding or any person authorised by him may at all reasonable times enter on the holding, or any part of it, for the purpose of viewing the state of the holding.

Penal rents and liquidated damages

6. Notwithstanding any provision in a contract of tenancy making the tenant liable to pay a higher rent or other liquidated damages in the event of any breach or nonfulfilment of a covenant or condition, a landlord shall not be entitled to recover, by distress or otherwise, any sum in consequence of any breach or nonfulfilment of any such covenant or condition in excess of the damage actually suffered by him in consequence of the breach of nonfulfilment. Provided that this section shall not apply to any covenant or condition against breaking up permanent pasture, grubbing underwoods, or felling cutting lopping or injuring trees, or regulating the burning of heather.

Improvements executed before Act comes into operation.

7. The compensation in respect of an improvement made before this Act comes into operation shall be such (if any) as could have been claimed if this Act had not been passed, but shall be ascertained in the manner provided by this Act.

Notice of termination of tenancy. 46 & 47 Vict. c. 62.

8. From and after the passing of this Act notice of termination of tenancy under section twenty-eight of the Agricultural Holdings (Scotland) Act, 1883, may be given in the same manner as a notice

of removal under section six of the Removal Terms (Scotland) Act, 1886. 49 & 50 Vict. c. 50.

Interpretation.

9.—(1.) References to "manures" in the principal Act and this Act shall be construed as references to the improvements numbered twenty-three, twenty-four, and twenty-five in Part III. of the First Schedule to this Act.

(2.) This Act shall be construed as one with the principal Act.

Application to Scotland.

10. In the application of this Act to Scotland—

(1.) References to the principal Act and to sections twenty-nine, thirty, thirty-two, and thirty-four thereof shall be construed as references to the Agricultural Holdings (Scotland) Act, 1883, and to sections twenty-four, twenty-six, twenty-five, and thirty thereof respectively. References to sections thirty-one and thirty-nine of the principal Act shall not apply: 46 & 47 Vict. c. 62.

(2.) A reference to the Arbitration Act, 1889, shall be construed as a reference to the Arbitration (Scotland) Act, 1894, and a reference to the Market Gardeners' Compensation Act, 1895, shall be construed as a reference to the Market Gardeners' Compensation (Scotland) Act, 1897: 57 & 58 Vict. c. 13. 60 & 61 Vict. c. 29.

(3.) The expression "either division of the Court of Session" shall be substituted for "Court of Appeal," "sheriff" for "county court" or "judge of a county court," "auditor of the sheriff court" for "registrar of the county court," "Act of Sederunt" for "Rules of the Supreme Court," "arbiter" and "arbiters" for "arbitrator" and "arbitrators," "oversman" for "umpire," "deterioration" for "waste" and "expenses" for "costs":

(4.) Any award or agreement as to compensation, and any other award under this Act, may be competently recorded for execution in the books of council and session or sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral.

(5.) Where any jurisdiction committed by the principal Act or this Act to the sheriff is exercised by the sheriff-substitute there shall be no appeal to the sheriff.

Extent of Act.

11. This Act shall not extend to Ireland.

Repeal.

12. The enactments specified in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Commencement of Act.

13. This Act shall come into operation on the first day of January one thousand nine hundred and one.

Short titles.

14.—(1.) This Act may be cited as the Agricultural Holdings Act, 1900.

(2.) The Agricultural Holdings (England) Act, 1883, the Tenants Compensation Act, 1890, the Market Gardeners' Compensation Act, 1895, and this Act, may be cited together as the Agricultural Holdings (England) Acts, 1883 to 1900. 53 & 54 Vict. c. 57. 58 & 59 Vict. c. 27.

(3.) The Agricultural Holdings (Scotland) Act, 1883, the Market Gardeners' Compensation (Scotland) Act, 1897, and this Act may be cited together as the Agricultural Holdings (Scotland) Acts, 1883 to 1900.

Sections 1, 2, 3.

SCHEDULES.

FIRST SCHEDULE.

PART I.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS REQUIRED.

(1.) Erection, alteration, or enlargement of buildings.
(2.) Formation of silos.
(3.) Laying down of permanent pasture.
(4.) Making and planting of osier beds.
(5.) Making of water meadows or works of irrigation.
(6.) Making of gardens.
(7.) Making or improving of roads or bridges.
(8.) Making or improving of watercourses, ponds, wells, or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes.
(9.) Making or removal of permanent fences.
(10.) Planting of hops.
(11.) Planting of orchards or fruit bushes.
(12.) Protecting young fruit trees.
(13.) Reclaiming of waste land.
(14.) Warping or weiring of land.
(15.) Embankments and sluices against floods.
(16.) The erection of wirework in hop gardens.

[N.B.—*This part is subject as to market gardens to the provisions of Part III.*]

PART II.

IMPROVEMENTS IN RESPECT OF WHICH NOTICE TO LANDLORD IS REQUIRED.

(17.) Drainage.

PART III.

IMPROVEMENTS IN RESPECT OF WHICH CONSENT OF OR NOTICE TO LANDLORD IS NOT REQUIRED.

(18.) Chalking of land.
(19.) Clay-burning.
(20.) Claying of land or spreading blaes upon land.
(21.) Liming of land.
(22.) Marling of land.
(23.) Application to land of purchased artificial or other purchased manure.

(24.) Consumption on the holding by cattle, sheep, pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.

(25.) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.

(26.) Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the determination of the tenancy.

(27.) In the case of a holding as to which section three of the Market Gardeners' Compensation Act, 1895, applies— 58 & 59 Vict. c. 27.

(i.) Planting of standard or other fruit trees permanently set out;

(ii.) Planting of fruit bushes permanently set out;

(iii.) Planting of strawberry plants;

(iv.) Planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years;

(v.) Erection or enlargement of buildings for the purpose of the trade or business of a market gardener.

SECOND SCHEDULE.

RULES AS TO ARBITRATION. Section 2.

PART I.

ARBITRATION BEFORE A SINGLE ARBITRATOR.

Appointment of Arbitrator.

1. A person agreed upon between the parties, or in default of agreement nominated by the Board of Agriculture on the application in writing of either of the parties, shall be appointed arbitrator.

2. If a person appointed arbitrator dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbitrator may be appointed as if no arbitrator had been appointed.

3. Neither party shall have power to revoke the appointment of the arbitrator without the consent of the other party.

4. Every appointment, notice, revocation, and consent under this part of these rules must be in writing.

Time for Award.

5. The arbitrator shall make and sign his award within twenty-eight days of his appointment or within such longer period as the Board of Agriculture may (whether the time for making the award has expired or not) direct.

Removal of Arbitrator.

6. Where an arbitrator has misconducted himself the county court may remove him.

Evidence.

7. The parties to the arbitration, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrator, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrator all samples, books, deeds, papers, accounts, writings, and documents, within their possession or power respectively which may be required or called for, and do all other things which during the proceedings the arbitrator may require.

8. The arbitrator shall have power to administer oaths, and to take the affirmation of parties and witnesses appearing, and witnesses shall, if the arbitrator thinks fit, be examined on oath or affirmation.

Statement of Case.

9. The arbitrator may at any stage of the proceedings, and shall, if so directed by the judge of a county court (which direction may be given on the application of either party), state in the form of a special case for the opinion of that court any question of law arising in the course of the arbitration.

Award.

10. The arbitrator shall on the application of either party specify the amount awarded in respect of any particular improvement or improvements, and the award shall fix a day not sooner than one month nor later than two months after the delivery of the award for the payment of the money awarded for compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board of Agriculture.

11. The award to be made by the arbitrator shall be final and binding on the parties and the persons claiming under them respectively.

12. The arbitrator may correct in an award any clerical mistake or error arising from any accidental slip or omission.

13. When an arbitrator has misconducted himself, or an arbitration or award has been improperly procured, the county court may set the award aside.

Costs.

14. The costs of and incidental to the arbitration and award shall be in the discretion of the arbitrator, who may direct to and by whom and in what manner these costs or any part thereof are to be paid, and the costs shall be subject to taxation by the registrar of the county court on the application of either party, but that taxation shall be subject to review by the judge of the county court.

15. The arbitrator shall, in awarding costs, take into consideration the reasonableness or unreasonableness of the claim of either party, either in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily.

Forms.

16. Any forms for proceedings in arbitrations under this Act which may be prescribed by the Board of Agriculture shall, if used, be sufficient.

PART II.

ARBITRATION BEFORE TWO ARBITRATORS OR AN UMPIRE.

Appointment of Arbitrators and Umpire.

1. If the parties agree in writing that there be not a single arbitrator, each of them shall appoint an arbitrator.

2. If before award one or two arbitrators dies or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, the party appointing him shall appoint another arbitrator.

3. Notice of every appointment of an arbitrator by either party shall be given to the other party.

4. If for fourteen days after notice by one party to the other to appoint an arbitrator, or another arbitrator, the other party fails to do so, then, on the application of the party giving notice, the Board of Agriculture shall appoint a person to be an arbitrator.

5. Where two arbitrators are appointed, then (subject to the provisions of these rules) they shall, before they enter on the arbitration, appoint an umpire.

6. If before award an umpire dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, the arbitrators may appoint another umpire.

7. If for seven days after request from either party, the arbitrators fail to appoint an umpire, or another umpire, then, on the application of either party, the Board of Agriculture shall appoint a person to be the umpire.

8. Neither party shall have power to revoke an appointment of an arbitrator without the consent of the other.

9. Every appointment, notice, request, revocation, and consent under this part of these rules shall be in writing.

Time for Award.

10. The arbitrators shall make and sign their award in writing within twenty-eight days after the appointment of the last appointed of them, or on or before any later day to which the arbitrators, by any writing signed by them, may enlarge the time for making the award, not being more than forty-nine days from the appointment of the last appointed of them.

11. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to either party or to the umpire a notice in writing stating that they cannot agree, the umpire may forthwith enter on the arbitration in lieu of the arbitrators.

12. The umpire shall make and sign his award within one month after the original or extended time appointed for making the award of the arbitrators has expired.

13. The time for making an award may from time to time be extended by the Board of Agriculture, whether the time for making the award has expired or not.

Removal of Arbitrator, Evidence, Statement of Case, Award, Costs, Forms.

14. The provisions of Part I. of these rules as to the removal of an arbitrator, the evidence, the statement of a case, the award, costs, and forms shall apply to an arbitration in accordance with this Part as if the expression "arbitrator" whenever used in those provisions included two arbitrators or an umpire, as the case may require.

Section 12.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 61.	The Agricultural Holdings (England) Act, 1883.	Section one. Sections six to sixteen. Section seventeen from "and the award shall" to the end of the section. Sections eighteen to twenty-three. In section twenty-four the words "or ordered on appeal" and the words "or ordered". Section twenty-nine from "where an award has been made" to "improvement will". Section fifty-seven. The definition of "manures" in section sixty-one. The First Schedule.
46 & 47 Vict. c. 62.	The Agricultural Holdings (Scotland) Act, 1883.	Section one. Sections six to eight. Sections eleven to fifteen. Section sixteen from the beginning thereof to "within the county," and from "and the award shall" to the end of the section. Sections seventeen to twenty. In section twenty-one the words "or ordered on appeal," and the words "or ordered." Section twenty-four from "where an award has been made" to "improvement will". Section thirty-eight. The Schedule.
52 & 53 Vict. c. 20.	The Agricultural Holdings (Scotland) Act, 1889.	The whole Act.
58 & 59 Vict. c. 27.	The Market Gardeners' Compensation Act, 1895.	In section three the paragraphs numbered (2) and (3).
60 & 61 Vict. c. 22.	The Market Gardeners' Compensation (Scotland) Act, 1897.	In section three the paragraphs numbered (2) and (3).