

Agricultural Holdings Act 1984

1984 CHAPTER 41

An Act to amend the law with respect to agricultural holdings. [12th July 1984]

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:—

Rent

Determination of rent of agricultural holding.

1. The following sections shall be substituted for section 8 of the 1948 Act—

"Arbitration on terms of tenancies as to rent.

8.—(1) Subject to the provisions of this section, the landlord or the tenant of an agricultural holding may by notice in writing served on his tenant or landlord demand that the rent to be payable in respect of the holding as from the next termination date shall be referred to arbitration under this Act.

(2) On a reference under subsection (1) of this section the arbitrator shall determine what rent should be properly payable in respect of the holding at the date of the reference and accordingly shall, with effect from the next termination date following the date of the demand for arbitration, increase or reduce the rent previously payable or direct that it shall continue unchanged.

(3) For the purposes of the foregoing subsection the rent properly payable in respect of a holding shall be the rent at which the holding might reasonably be expected to be let by a prudent and willing landlord to a prudent and willing tenant, taking into account (subject to subsections (5) to (7) of this section) all relevant factors, including (in every case) the terms of the tenancy (including those relating to rent), the character and situation of the holding (including the locality in which it is situated), the productive capacity of the holding and its related earning capacity, and the current level of rents for comparable lettings, as determined in accordance with subsection (5) of this section.

(4) In subsection (3) of this section, in relation to the holding—

(*a*) " productive capacity " means the productive capacity of the holding (taking into account fixed equipment and any other available facilities on the holding) on the assumption that it is in the occupation of a competent tenant practising a system of farming suitable to the holding ; and

(*b*) " related earning capacity " means the extent to which, in the light of that productive capacity, a competent tenant practising such a system of farming could reasonably be expected to profit from farming the holding.

(5) In determining for the purposes of that subsection the current level of rents for comparable lettings the arbitrator shall take into account any available evidence with respect to the rents (whether fixed by agreement between the parties or by arbitration under this Act) which are, or (in view of rents currently being tendered) are likely to become, payable in respect of tenancies of comparable agricultural holdings on terms (other than terms fixing the rent payable) similar to those of the tenancy under consideration, but shall disregard—

(*a*) any element of the rents in question which is due to an appreciable scarcity of comparable holdings available for letting on such terms compared with the number of persons seeking to become tenants of such holdings on such terms ;

(*b*) any element of those rents which is due to the fact that the tenant of, or a person tendering for, any comparable holding is in occupation of other land in the vicinity of that holding that may conveniently be occupied together with that holding ; and

(*c*) any effect on those rents which is due to any allowances or reductions made in consideration of the charging of premiums.

(6) On a reference under subsection (1) of this section the arbitrator shall disregard any increase in the rental value of the holding which is due to—

(*a*) tenant's improvements or fixed equipment other than improvements executed or equipment provided under an obligation imposed on the tenant by the terms of his contract of tenancy ; and

(*b*) landlord's improvements, in so far as the landlord has received or will receive grants out of moneys provided by Parliament or local government funds in respect of the execution of those improvements.

(7) On any such reference the arbitrator—

(*a*) shall also disregard any effect on the rent of the fact that the tenant who is a party to the arbitration is in occupation of the holding ; and

(*b*) shall not fix the rent at a lower amount by reason of any dilapidation or deterioration of, or damage to, buildings or land caused or permitted by the tenant.

(8) Subject to subsections (9) to (12) of this section, a demand for arbitration shall not be effective for the purposes of subsection (1) of this section if the next termination date following the date of the demand falls earlier than the end of three years from any of the following dates, that is to say—

(*a*) the commencement of the tenancy ; or

(*b*) the date as from which there took effect a previous increase or reduction of rent (whether made under this section or otherwise) ; or

(*c*) the date as from which there took effect a previous direction of an arbitrator under

this section that the rent should continue unchanged.

(9) Subsection (10) of this section applies in any case where a tenancy of an agricultural holding (" the new holding ") commences under a contract of tenancy between—

(*a*) a person who immediately before the date of the commencement of the tenancy was entitled to a severed part of the reversionary estate in an agricultural holding (" the original holding ") in which the new holding was then comprised ; and

(*b*) the person who immediately before that date was the tenant of the original holding ;

and where the rent payable in respect of the new holding at the commencement of the tenancy of that holding represents merely the appropriate portion of the rent payable in respect of the original holding immediately before the commencement of that tenancy.

(10) In any case to which this subsection applies—

(*a*) subsection (8)(*a*) of this section shall be read as referring to the commencement of the tenancy of the original holding ; and

(*b*) references to rent in subsection (8)(*b*) and (*c*) of this section shall be read as references to the rent payable in respect of the original holding ;

until the first occasion following the commencement of the tenancy of the new holding on which any such increase or reduction of, or direction with respect to, the rent of the new holding as is mentioned in subsection (8)(*b*) or (*c*) takes effect.

(11) Where under an agreement between the landlord and the tenant of the holding (not being an agreement expressed to take effect as a new contract of tenancy between the parties) provision is made for adjustment of the boundaries of the holding or for any other variation of the terms of the tenancy, exclusive of those relating to rent, then, unless the agreement otherwise provides—

(*a*) that provision shall for the purposes of subsection (8) of this section be treated as not operating to terminate the tenancy, and accordingly as not resulting in the commencement of a new contract of tenancy between the parties ; and

(*b*) any increase or reduction of rent solely attributable to any such adjustment or variation as aforesaid shall be disregarded for the purposes of paragraph (*b*) of that subsection.

(12) The following shall be disregarded for the purposes of subsection (8)(*b*) of this section—

(*a*) an increase or reduction of rent under section 7(3) of this Act;

(*b*) an increase of rent under section 9(1) of this Act or such an increase as is referred to in subsection (2) of that section, or any reduction of rent agreed between the landlord and the tenant of the holding in consequence of any change in the fixed equipment provided on the holding by the landlord;

(*c*) a reduction of rent under section 10 of the Agricultural Holdings (Notices to Quit) Act 1977. 1977 c.12.

(13) A demand for arbitration under subsection (1) of this section shall cease to be effective for the purposes of that subsection on the next termination date following the date of the demand unless before the said termination date—

(*a*) an arbitrator has been appointed by agreement between the parties; or

(*b*) an application has been made to the Minister for the appointment of an arbitrator by him.

Interpretation of section 8.

8A.—(1) Section 8 of this Act applies in relation to tenancies of agricultural holdings whenever created.

(2) References in that section, in relation to a demand for arbitration with respect to the rent of any holding, to the next termination date following the date of the demand are references to the next day following the date of the demand on which the tenancy of the holding could have been determined by notice to quit given at the date of the demand.

(3) In subsection (6) of that section—

(*a*) "tenant's improvements" means any improvements which have been executed on the holding, in so far as they were executed wholly or partly at the expense of the

tenant (whether or not that expense has been or will be reimbursed by a grant out of moneys provided by Parliament or local government funds) without any equivalent allowance or benefit made or given by the landlord in consideration of their execution;

(*b*) "tenant's fixed equipment" means fixed equipment provided by the tenant; and

(*c*) "landlord's improvements" means improvements executed on the holding by the landlord.

(4) Where the tenant has held a previous tenancy of the holding, then—

(*a*) in the definition of "tenant's improvements" in subsection (3)(*a*) of this section, the reference to any such improvements as are there mentioned shall extend to improvements executed during that tenancy; and

(*b*) in the definition of "tenant's fixed equipment" in subsection (3)(*b*), the reference to such equipment as is there mentioned shall extend to equipment provided during that tenancy;

excluding, however, any improvement or fixed equipment so executed or provided in respect of which the tenant received any compensation on the termination of that (or any other) tenancy.

(5) For the purposes of subsection (3)(*a*) of this section, the continuous adoption by the tenant of a system of farming more beneficial to the holding—

(*a*) than the system of farming required by the contract of tenancy; or

(*b*) in so far as no system is so required, than the system of farming normally practised on comparable agricultural holdings;

shall be treated as an improvement executed at his expense."

Statutory succession to agricultural holdings

Abolition of statutory succession to agricultural holdings in the case of new tenancies.

2.—(1) Subject to subsection (2) below, section 18(1) of the 1976 Act (application of provisions of that Act for succession to agricultural holdings) shall not apply on the death of the sole (or sole surviving) tenant of an agricultural holding where the tenancy was granted on or after the date on which this Act is passed

(2) Section 18(1) of that Act shall nevertheless apply on the death of any such tenant of an agricultural holding as is mentioned in subsection (1) above if—

(*a*) the tenancy was obtained by virtue of a direction of the Agricultural Land Tribunal under section 20 of the 1976 Act;

(*b*) the tenancy was granted (following such a direction) in circumstances within section 23(6) of that Act;

(*c*) the tenancy was granted by a written contract of tenancy indicating (in whatever terms) that subsection (1) above is not to apply in relation to the tenancy; or

(*d*) the tenancy was granted otherwise than as mentioned in the preceding provisions of this subsection to a person who, immediately before the date on which this Act is passed, was a tenant of the holding or of any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding.

(3) In this section "tenant" has the same meaning as in section 18(1).

Amendment of provisions relating to statutory succession in cases not excluded by section 2.

3.—(1) The following subsection shall be inserted in section 23 of the 1976 Act (effect of a direction under section 20) after subsection (1)—

"(1A) Where the deceased's tenancy was not derived from the interest held by the landlord at the relevant time, the tenancy or joint tenancy deemed by virtue of subsection (1) above to be granted to, and accepted by, the person or persons so entitled shall be deemed to be granted by the person for the time being entitled to the interest from which the deceased's tenancy was derived, instead of by the landlord, with like effect as if the landlord's interest and any other supervening interest were not subsisting at the relevant time: but this provision shall not be read as affecting the rights and liabilities of the landlord under this Part of this Act.

The reference above to a supervening interest is a reference to any interest in the land comprised in the deceased's tenancy, being an interest created subsequently to that tenancy and derived (whether immediately or otherwise) from the interest from which that tenancy was derived and still subsisting at the relevant time."

(2) In section 18(2) of that Act (interpretation of the provisions of that Act relating to succession on death of tenant)—

(*a*) in paragraph (*c*) of the definition of "eligible person" (which excludes a person who is the occupier, other-

1967 c. 22.

wise than as a licensee, of a commercial unit of agricultural land within the meaning of Part II of the Agriculture Act 1967) the words from " within " to the end of the paragraph shall be omitted ; and

(*b*) at the end of that definition there shall be inserted the following words—

" but in the case of the deceased's wife the reference in paragraph (*b*) above to the survivor's agricultural work shall be read as a reference to agricultural work carried out by either the wife or the deceased (or both of them) ; ".

(3) After section 18(3) of that Act (attendance at educational institutions to count for the purposes of paragraph (*b*) of the definition of " eligible person " up to a limit of three years) there shall be inserted the following subsections—

" (3A) In paragraph (*c*) of that definition " commercial unit of agricultural land " means a unit of agricultural land which is capable, when farmed under competent management, of producing a net annual income of an amount not less than the aggregate of the average annual earnings of two full-time, male agricultural workers aged twenty or over ; and, in so far as any units of production for the time being prescribed by an order under subsection (3B) below are relevant to the assessment of the productive capacity of a unit of agricultural land when farmed as aforesaid, the net annual income which that unit is capable of producing for the purposes of this subsection shall be ascertained by reference to the provisions of that order.

(3B) The Minister shall by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament—

(*a*) prescribe such units of production relating to agricultural land as he considers appropriate, being units framed by reference to any circumstances whatever and designed for the assessment of the productive capacity of such land ; and

(*b*) for any period of twelve months specified in the order, determine in relation to any unit of production so prescribed the amount which is to be regarded for the purposes of subsection (3A) above as the net annual income from that unit in that period.

(3C) Schedule 3A to this Act, which specifies—

(*a*) kinds of occupation that are to be disregarded for the purposes of paragraph (*c*) of the definition of " eligible person " in subsection (2) above ; and

(*b*) circumstances in which a person is deemed to be in occupation of land for those purposes;

shall have effect."

(4) For section 18(6) of that Act (certificate of the Minister to be conclusive as to whether a particular agricultural unit is or would be a commercial unit within the meaning of Part II of the Agriculture Act 1967) there shall be substituted the following subsections— 1967 c. 22.

" (6) For the purposes of any proceedings under this Part of this Act in relation to the holding, the Minister shall—

(*a*) at the request of any of the following persons, namely any person falling within paragraphs (*a*) to (*d*) of subsection (1) above, the landlord or the secretary of the Tribunal; and

(*b*) in relation to any relevant land;

determine by reference to the provisions of any order for the time being in force under subsection (3B) above the net annual income which, in his view, the land is capable of producing for the purposes of subsection (3A) above, and shall issue a written statement of his view and the grounds for it to the person making the request.

In this subsection " relevant land " means agricultural land which is—

(*a*) occupied by any person falling within the said paragraphs (*a*) to (*d*) (whether he is, where the request is made by a person so falling, the person making the request or not); or

(*b*) the subject of an application made under section 20 of this Act by any such person.

(6A) Where—

(*a*) for the purposes of any proceedings under this Part of this Act the Minister has issued a statement to any person containing a determination under subsection (6) above made by reference to the provisions of an order under subsection (3B) above; and

(*b*) before any hearing by the Tribunal in those proceedings is due to begin it appears to him that any subsequent order under that subsection has affected any matter on which that determination was based;

he shall make a revised determination under subsection (6) above and shall issue a written statement of his view and the grounds for it to the person in question.

(6B) Any statement issued by the Minister in pursuance of subsection (6) or (6A) above shall be evidence of any facts stated in it as facts on which his view is based; and any document purporting to be such a statement and to be signed by or on behalf of the Minister shall be taken to be such a statement unless the contrary is shown."

(5) Schedule 1 to this Act shall have effect for the purpose of making further minor amendments of the provisions of Part II of that Act as they apply in relation to cases not excluded by section 2 of this Act.

Nomination of successor by retiring tenant.

4. Schedule 2 to this Act (under which a person nominated by the tenant of an agricultural holding may apply to the Agricultural Land Tribunal for a direction entitling him to a tenancy of the holding on the retirement of the tenant) shall have effect.

Notices to quit

Amendments with respect to length of notices to quit.

5. The following subsections shall be added at the end of section 1 of the 1977 Act (length of notice to quit ordinarily needed to end tenancy of agricultural holding)—

" (5) Where on a reference under section 8(1) of the 1948 Act with respect to an agricultural holding the arbitrator determines that the rent payable in respect of the holding shall be increased, a notice to quit the holding given by the tenant at least six months before it purports to take effect shall not be invalid by virtue of subsection (1) above if it purports to terminate the tenancy at the end of the year of the tenancy beginning with the date as from which the increase of rent is effective.

(6) On an application made to the Tribunal with respect to an agricultural holding under subsection (4) of section 2 of this Act for the purposes of Case C in subsection (3) of that section, the Tribunal may, if they grant a certificate in accordance with the application, specify in the certificate a minimum period of notice for termination of the tenancy (not being a period of less than two months) and direct that that period shall apply instead of the period of notice required in accordance with subsection (1) above; and in any such case a notice to quit the holding which states that the Tribunal have given a direction under this subsection shall not be invalid by virtue of subsection (1) above if the notice given is not less than the minimum notice specified in the certificate.

(7) A notice to quit within subsection (5) or (6) above shall not be invalid by virtue of any term of the contract of tenancy requiring a longer period of notice to terminate

the tenancy, and a notice to quit within subsection (6) shall not be invalid by reason of its terminating at a date other than the end of a year of the tenancy."

Amendments with respect to cases excepted from restriction on operation of notices to quit.

6.—(1) Section 2(3) of the 1977 Act (cases excepted from restriction on operation of notices to quit agricultural holdings) shall be amended as follows.

(2) Case A shall be omitted.

(3) In Case C, for the words from "on an application" to "so satisfied" there shall be substituted the words "not more than six months before the giving of the notice to quit, the Tribunal granted a certificate under subsection (4) below that the tenant of the holding was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry".

(4) In paragraph (i) of Case D, after the word "paragraph" there shall be inserted "(*a*) or".

(5) In Case G—

(*a*) for the words from the beginning to "aforesaid" there shall be substituted the words "the notice to quit is given—

(*a*) following the death of a person who immediately before his death was the sole (or sole surviving) tenant under the contract of tenancy; and

(*b*) not later than the end of the period of three months beginning with the date of any relevant notice;

and it is stated in the notice to quit that it is given by reason of that person's death,"; and

(*b*) the following words shall be added at the end "and the reference to the date of any relevant notice shall be construed as a reference—

(i) to the date on which a notice in writing was served on the landlord by or on behalf of an executor or administrator of the tenant's estate informing the landlord of the tenant's death or the date on which the landlord was given notice by virtue of section 20(14) of the Agriculture (Miscellaneous Provisions) Act 1976 of any application with respect to the holding under section 20 or 21 of that Act; or

1976 c. 55.

(ii) where both of those events occur, to the date of whichever of them occurs first."

(6) The following Case shall be inserted after Case H—

"Case I—the holding is let as a smallholding by a

smallholdings authority or the Minister in pursuance of Part III of the Agriculture Act 1970 and was so let after the commencement of the Agricultural Holdings Act 1984, and— 1970 c. 40.

(*a*) the tenant has attained the age of 65 ; and

(*b*) if the result of the notice to quit taking effect would be to deprive the tenant of living accommodation occupied by him under the tenancy, suitable alternative accommodation is available for him, or will be available for him when the notice takes effect ; and

(*c*) the instrument under which the tenancy was granted contains an acknowledgement signed by the tenant that the tenancy is subject to the provisions of this Case ;

and it is stated in the notice to quit that it is given by reason of the matter aforesaid.

Schedule 1A to this Act shall have effect for determining whether, for the purposes of paragraph (*b*) above, suitable alternative accommodation is or will be available for the tenant."

(7) The following subsection shall be inserted after section 2(3) of that Act—

" (3A) For the purposes of Case B no account shall be taken of any permission granted as mentioned in paragraph (*a*) of that Case if the permission—

(*a*) was granted on an application made by the National Coal Board ; and

(*b*) relates to the working of coal by opencast operations ; and

(*c*) was granted subject to a restoration condition and to an aftercare condition in which the use specified is use for agriculture or use for forestry.

In this subsection " restoration condition " and " aftercare condition " have the meaning given by section 30A(2) of the Town and Country Planning Act 1971." 1971 c. 78.

(8) The following subsections shall be inserted after section 2(4) of that Act—

" (4A) In determining whether to grant a certificate under subsection (4) above the Tribunal shall disregard any practice adopted by the tenant in pursuance of any provision of the contract of tenancy, or of any other agreement with the landlord, which indicates (in whatever terms) that

its object is the furtherance of one or more of the following purposes, namely—

(*a*) the conservation of flora or fauna or of geological or physiographical features of special interest;

(*b*) the protection of buildings or other objects of archaeological, architectural or historic interest;

(*c*) the conservation or enhancement of the natural beauty or amenity of the countryside or the promotion of its enjoyment by the public.

(4B) For the purposes of Case D and Case E any provision such as is mentioned in subsection (4A) above shall (if it would not otherwise be so regarded) be regarded as a term or condition of the tenancy which is not inconsistent with the tenant's responsibilities to farm in accordance with the rules of good husbandry."

(9) In section 19 of the 1976 Act (restriction on operation of notices to quit within Case G), in paragraph (*a*), after the words "is made" there shall be inserted the words "(or has already at the time of the notice to quit been made)".

Circumstances to be taken into account by Tribunal in cases of non-compliance with notice to do work.

7. In section 4(4) of the 1977 Act (additional restrictions on operation of notice to quit given by reason of tenant's non-compliance with notice to do work), for the words from "unless" to the end there shall be substituted the words "unless it appears to them, having regard—

(*a*) to the extent to which the tenant has failed to comply with the notice to do work;

(*b*) to the consequences of his failure to comply with it in any respect; and

(*c*) to the circumstances surrounding any such failure;

that a fair and reasonable landlord would not insist on possession."

Miscellaneous and supplemental

Transfer of certain functions of Minister to President of R.I.C.S.

8.—(1) The functions of the Minister under the following provisions of the 1948 Act, namely—

section 16(2) (appointment of person to make record of condition of holding);

paragraph 1 of Schedule 6 (appointment of arbitrator);

paragraph 5(*b*) of that Schedule (fixing of arbitrator's remuneration); and

paragraph 13 of that Schedule (extension of time limited for making award);

shall be exercisable instead by the President of the Royal Institution of Chartered Surveyors (referred to in this section as "the President").

(2) Accordingly any reference to the Minister in any of those provisions, or in any other provision of the 1948 Act relating to the appointment of an arbitrator by the Minister or to an arbitrator appointed by him, shall be construed, in relation to any time after the commencement of this section, as a reference to the President.

(3) No application may be made to the President—

(*a*) for a person to be appointed by him under section 16(2) of the 1948 Act; or

(*b*) for an arbitrator to be appointed by him under paragraph 1 of Schedule 6 to that Act;

unless the application is accompanied by the prescribed fee; but once the prescribed fee has been paid in connection with any such application for the appointment of an arbitrator no further fee shall be payable in connection with any subsequent application for the President to exercise any function exercisable by him in relation to the arbitration by virtue of subsection (1) above (including an application for the appointment by him in an appropriate case of a new arbitrator).

(4) In subsection (3) above "the prescribed fee" means, in relation to any such application as is mentioned in paragraph (*a*) or (*b*) of that subsection, such fee as the Minister may by regulations made by statutory instrument prescribe as the fee for such an application; but no regulations shall be made under this subsection unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.

(5) Any instrument of appointment or other document purporting to be made in the exercise of any function exercisable by the President by virtue of subsection (1) above and to be signed by or on behalf of the President shall be taken to be such an instrument or document unless the contrary is shown.

Interpretation, etc.

9.—(1) In this Act—

1948 c. 63. "the 1948 Act" means the Agricultural Holdings Act 1948;

1976 c. 55. "the 1976 Act" means the Agriculture (Miscellaneous Provisions) Act 1976; and

1977 c. 12. "the 1977 Act" means the Agricultural Holdings (Notices to Quit) Act 1977.

(2) Unless the context otherwise requires, expressions used in this Act and the 1948 Act have the same meaning in this Act as in that Act.

(3) Section 87(1) and (2) of the 1948 Act (Crown land) shall have effect as if references to that Act included references to this Act (except paragraph 30 of Schedule 3).

Minor and consequential amendments and repeals.

10.—(1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential on the preceding provisions of this Act.

(2) The enactments specified in Schedule 4 to this Act (which include enactments which were spent before the passing of this Act or are no longer of practical utility) are repealed to the extent specified in the third column of that Schedule.

Short title, commencement, transitional provisions and extent.

11.—(1) This Act may be cited as the Agricultural Holdings Act 1984.

(2) Subject to subsections (3) to (5) below, this Act shall come into force at the end of the period of two months beginning with the day on which it is passed; and references in this Act, and in any Act amended by this Act, to the commencement of this Act are references to the beginning of the day on which it so comes into force.

(3) The following provisions shall come into force on the passing of this Act—

(*a*) sections 1, 2 and 9 and this section;

(*b*) paragraphs 5(3), 23 and 35 of Schedule 3 and section 10(1) so far as relating thereto;

(*c*) section 10(2) and Schedule 4 so far as relating to section 1(2) of the 1948 Act, section 2 of the Agriculture Act 1958 and Case H in section 2(3) of the 1977 Act; 1958 c. 71.

(*d*) Schedule 5.

(4) Section 6(7) above shall be deemed to have come into force on 1st March 1984.

(5) The following provisions shall come into force on such day as the Minister may appoint by order made by statutory instrument—

(*a*) section 8;

(*b*) section 10(2) and Schedule 4 so far as relating to paragraph 28 of Schedule 6 to the 1948 Act.

(6) The transitional and saving provisions contained in Schedule 5 to this Act shall have effect.

(7) This Act extends to England and Wales only.

SCHEDULES

Section 3(5).

SCHEDULE 1

MINOR AMENDMENTS WITH RESPECT TO STATUTORY SUCCESSION

Definitions

1. In subsection (2) of section 18 of the 1976 Act (application of following sections of Part II)—

(*a*) the following definition shall be inserted after the definition of "the 1977 Act"—

"" agricultural land " has the meaning given by section 1(2) of the 1948 Act; " ;

(*b*) in the definition of " the holding ", the words " (except where the context otherwise requires) " shall be inserted after the words " the holding " ; and

(*c*) the following definition shall be inserted after the definition of " eligible person "—

"" related holding " means, in relation to the holding, any agricultural holding comprising the whole or a substantial part of the land comprised in the holding ; ".

Cases excluded from Part II of the 1976 *Act*

2.—(1) Subsection (4) of section 18 of that Act (cases where provisions of Part II of that Act do not apply) shall be amended as follows.

(2) In paragraph (*a*), the following sub-paragraph shall be substituted for sub-paragraph (ii)—

" (ii) the Tribunal consented before that date to its operation ; ".

(3) In paragraph (*c*)—

(*a*) in sub-paragraphs (i) and (ii), for the words " that Act " there shall be substituted the words " the 1948 Act " ; and

(*b*) the following sub-paragraph shall be substituted for sub-paragraph (iii)—

" (iii) the Tribunal consented before that date to the operation of the notice ; ".

(4) In paragraph (*d*), sub-paragraph (ii) and the word " or " immediately preceding it shall be omitted.

(5) The following paragraph shall be substituted for paragraph (*e*)—

" (*e*) without prejudice to subsection (5) below, if on each of the last two occasions when there died a sole (or sole surviving) tenant (within the meaning of subsection (1)

above) of the holding or of a related holding there occurred one or other of the following things, namely—

(i) a tenancy of the holding or of a related holding was obtained by virtue of a direction of the Tribunal under section 20 of this Act, or such a tenancy was granted (following such a direction) in circumstances within section 23(6) of this Act; or

(ii) a tenancy of the holding or of a related holding was granted by the landlord to a person who, being on that occasion a person falling within paragraphs (*a*) to (*d*) of subsection (1) above, was or had become the sole or sole remaining applicant for such a direction; ".

(6) In paragraph (*f*), for the words from "and the" to the end of the paragraph there shall be substituted the words "(whether the tenancy was granted before or after the commencement of the said Part III); ".

(7) The following subsections shall be substituted for subsection (5) of that section—

"(5) If on any occasion prior to the date of death, as a result of an agreement between the landlord and the tenant for the time being of the holding or of a related holding, the holding or a related holding became let—

(*a*) under a tenancy granted by the landlord; or

(*b*) by virtue of an assignment of the current tenancy;

to a person who, if the said tenant had died immediately before the grant or assignment, would have fallen within paragraphs (*a*) to (*d*) of subsection (1) above, that occasion shall for the purposes of paragraph (*e*) of subsection (4) above be deemed to be an occasion such as is mentioned in that paragraph on which a tenancy of the holding or a related holding was obtained by virtue of a direction of the Tribunal under section 20 of this Act.

In this subsection "tenant" has the same meaning as in subsection (1) above; and if any such tenancy was granted as aforesaid for a term commencing later than the date of the grant, the holding under that tenancy shall for the purposes of this subsection not be taken to have become let under that tenancy until the commencement of the term.

(5A) Subsections (4)(*e*) and (5) above—

(*a*) shall apply whether or not any tenancy granted or obtained (otherwise than by virtue of an assignment) as mentioned in those provisions related to the whole of the land held by the tenant on the occasion of whose death, or with whose agreement, the tenancy was so granted or obtained, as the case may be; and

(*b*) shall apply where a joint tenancy is granted by the landlord to persons one of whom is a person such as is mentioned in either of those provisions as they apply where a tenancy is granted by the landlord to any such person alone;

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and subsection (5) shall apply where a tenancy is assigned to joint tenants one of whom is a person such as is mentioned in that subsection as it applies where a tenancy is assigned to any such person alone."

Succession to part of a holding pursuant to a Tribunal direction

3.—(1) The following provisions of this paragraph have effect for the purpose of permitting a direction to be given under section 20 of the 1976 Act entitling the person or persons concerned to a tenancy (or a joint tenancy) of part of the agricultural holding to which an application under that section relates.

(2) In section 19 of that Act (restriction on operation of notice to quit given by reason of death of tenant), for paragraph (*b*) (ii) there shall be substituted the following—

"(ii) the Tribunal consent under section 22 of this Act to the operation of the notice to quit in relation to the whole or part of the holding;

and where the Tribunal consent under that section to the operation of the notice in relation to part only of the holding the notice shall have effect accordingly as a notice to quit that part and shall not be invalid by reason that it relates only to part of the holding."

(3) In section 20 of that Act (applications for tenancy of the holding)—

(*a*) the words "subsection (9A) below and" shall be inserted after the words "subject to" in subsection (5) and after those words (in the second place where they occur) in subsection (6); and

(*b*) the following subsection shall be inserted after subsection (9)—

"(9A) Where the person or persons who would, subject to section 22 of this Act, be entitled to a direction under this section entitling him or them to a tenancy or (as the case may be) to a joint tenancy of the holding agree to accept instead a tenancy or joint tenancy of a part of the holding, any direction given by the Tribunal under subsection (5), (6) or (9) above shall relate to that part of the holding only."

(4) In section 22 of that Act (opportunity for landlord to obtain Tribunal's consent to operation of notice to quit)—

(*a*) the words "Subject to subsection (5) below" shall be inserted at the beginning of subsections (2) and (4); and

(*b*) the following subsection shall be added at the end—

"(5) Where in any case—

(*a*) a notice to quit to which section 19 of this Act applies has been given; and

(*b*) section 20(9A) of this Act applies ;

the Tribunal shall give their consent to the operation of the notice to quit in relation to the part of the holding which would, in accordance with section 20(9A), be excluded from any direction given by the Tribunal with respect to the holding under section 20 ; and subsections (2) and (4) above shall not apply."

(5) The following subsection shall be added at the end of section 23 of that Act (effect of a direction under section 20)—

"(9) Where in accordance with section 20(9A) of this Act the tenancy to which a direction under that section entitles the person or persons concerned is a tenancy of part of the deceased's holding, references in this and the next following section to the holding shall be read as references to the whole of the deceased's holding or to the part of that holding to which the direction relates, as the context requires."

(6) In section 24 of that Act (arbitration on terms of new tenancy), the following words shall be added at the end of subsection (2)—

"and references to the holding shall be read in accordance with section 23(9) of this Act."

Continuing eligibility of applicant

4. In section 20(2) of that Act, for the words "that the applicant is an eligible person" there shall be substituted—

"(*a*) that the applicant was an eligible person at the date of death, and

(*b*) that he has not subsequently ceased to be such a person ;".

Order of hearing of applications

5.—(1) In section 18(1) of that Act, after "20(14)" there shall be inserted "and (15)".

(2) In section 20 of that Act, the following subsection shall be added after subsection (14)—

"(15) If at the expiry of the period of three months beginning with the day after the date of the death of a tenant there are pending before such a tribunal separate applications made under this section by any person, or (as the case may be) by each one of a number of persons, in respect of more than one agricultural holding held by the tenant at that date, then, subject to and in accordance with the provisions of any order under the said section 73(3), those applications (together with, in each case, any associated application made under the following section) shall be heard and determined by the tribunal in such order as may be decided—

(*a*) where those applications were made by one person, by that person ;

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(*b*) where those applications were made by two or more persons, by agreement between those persons or, in default of agreement, by the chairman of the tribunal;

and any decision made by the chairman under paragraph (*b*) above shall be made according to the respective sizes of the holdings concerned so that any application in respect of any holding which is larger than any other of those holdings shall be heard and determined by the tribunal before any application in respect of that other holding."

Postponement of operative date of notice to quit

6. In section 22 of that Act, the following subsections shall be added after the subsection (5) added by paragraph 3(4)(*b*) above—

"(6) If on an application made in pursuance of subsection (1) above the Tribunal give their consent to the operation of a notice to quit—

(*a*) within the period of three months ending with the date on which the notice purports to terminate the tenancy ("the original operative date"); or

(*b*) at any time after that date;

the Tribunal may, on the application of the tenant, direct that the notice shall have effect from a later date ("the new operative date").

(7) The new operative date, in the case of a notice to quit, must be a date not later than the end of the period of three months beginning with—

(*a*) the original operative date; or

(*b*) the date on which the Tribunal give their consent to the operation of the notice;

whichever last occurs."

Postponement of "relevant time" etc.

7.—(1) The words "Subject to subsection (2A) below" shall be inserted at the beginning of section 23(2) of that Act.

(2) The following subsection shall be inserted after section 23(2)—

"(2A) Where the Tribunal give a direction under section 20(5), (6) or (9) of this Act in relation to the holding at any time after the beginning of the period of three months ending with the relevant time apart from this subsection ("the original relevant time"), then—

(*a*) if the direction is given within that period, the Tribunal may, on the application of the tenant, specify in the direction, as the relevant time for the purposes of this and the next following section, such a time falling within the period of three months immediately following the original relevant time as they think fit;

(*b*) if the direction is given at any time after the original relevant time the Tribunal shall specify in the direction,

as the relevant time for those purposes, such a time falling within the period of three months immediately following the date of the giving of the direction as they think fit;

and any time so specified shall be the relevant time for those purposes accordingly."

(3) In section 24(2)—

(*a*) at the end of the definition of "the relevant time" there shall be inserted the words "or by section 23(2A) of this Act (as the case may require)"; and

(*b*) in the definition of "the prescribed period" for the words from "and the" onwards there shall be substituted the words "and—

(*a*) the end of the three months immediately following the relevant time; or

(*b*) the end of the three months immediately following the date of the giving of the direction;

whichever last occurs."

Occupation of land

8. The following Schedule shall be inserted after Schedule 3 to that Act—

"SCHEDULE 3A

OCCUPATION OF LAND FOR PURPOSES OF STATUTORY SUCCESSION

Preliminary

1.—(1) In this Schedule "the occupancy condition" means paragraph (*c*) of the definition of "eligible person" in section 18(2) of this Act.

(2) For the purposes of this Schedule a body corporate is controlled by a survivor of the deceased if he or his spouse, or he and his spouse together, have the power to secure—

(*a*) by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate; or

(*b*) by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate;

that the affairs of that body corporate are conducted in accordance with his, her or their wishes, respectively.

(3) Any reference in this Schedule to the spouse of a survivor of the deceased does not apply in relation to any time when the survivor's marriage is the subject of a decree of judicial separation or a decree nisi of divorce or of nullity of marriage.

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Excluded occupation

2.—(1) Occupation by a survivor of the deceased of any agricultural land shall be disregarded for the purposes of the occupancy condition if he occupies it only—

(*a*) under a tenancy approved by the Minister under section 2(1) of the 1948 Act or under such a tenancy relating to the use of land for grazing or mowing as is referred to in the proviso to that provision ;

(*b*) under a tenancy for more than one year but less than two years ;

(*c*) under a tenancy not falling within paragraph (*a*) or (*b*) above and not having effect as a contract of tenancy ;

(*d*) under a tenancy to which section 3 of the 1948 Act does not apply by virtue of section 3B of that Act ;

(*e*) as a licensee ; or

(*f*) as an executor, administrator, trustee in bankruptcy or person otherwise deriving title from another person by operation of law.

(2) Paragraphs (*a*) to (*e*) of sub-paragraph (1) above do not apply in the case of a tenancy or licence granted to a survivor of the deceased by his spouse or by a body corporate controlled by him.

(3) References in the following provisions of this Schedule to the occupation of land by any person do not include occupation under a tenancy, or in a capacity, falling within paragraphs (*a*) to (*f*) of that sub-paragraph.

Deemed occupation in case of Tribunal direction

3. Where a survivor of the deceased is, by virtue of a direction of the Tribunal under section 20 of this Act, for the time being entitled (whether or not with any other person) to a tenancy of the whole or part of any agricultural holding held by the deceased at the date of death other than the holding, he shall, for the purposes of the occupancy condition, be deemed to be in occupation of the land comprised in that holding or (as the case may be) in that part of that holding.

Joint occupation

4.—(1) Where any agricultural land is jointly occupied by a survivor of the deceased and one or more other persons as—

(*a*) beneficial joint tenants ;

(*b*) tenants in common ;

(*c*) joint tenants under a tenancy ; or

(*d*) joint licensees ;

the survivor shall be treated for the purposes of the occupancy condition as occupying the whole of the land.

(2) If, however, the Tribunal in proceedings under section 20 of this Act determine on the survivor's application that his appropriate share of the net annual income which the land is, or was at any time, capable of producing for the purposes of section 18(3A) of this Act is or was then less than the aggregate of the earnings referred to in that provision, then, for the purpose of determining whether the occupancy condition is or was then satisfied in his case, the net annual income which the land is, or (as the case may be) was, capable of so producing shall be treated as limited to his appropriate share.

(3) For the purposes of sub-paragraph (2) above the appropriate share of the survivor shall be ascertained—

(*a*) where he is a beneficial or other joint tenant or a joint licensee, by dividing the net annual income which the land is or was at the time in question capable of producing for the purposes of section 18(3A) by the total number of joint tenants or joint licensees for the time being;

(*b*) where he is a tenant in common, by dividing the said net annual income in such a way as to attribute to him and to the other tenant or tenants in common shares of the income proportionate to the extent for the time being of their respective undivided shares in the land.

(4) Where by virtue of paragraph 3 above any land is deemed to be occupied by each of two or more survivors of the deceased as a result of a direction entitling them to a joint tenancy of the land, the preceding provisions of this paragraph shall apply to each of the survivors as if the land were jointly occupied by him and the other survivor or survivors as joint tenants under that tenancy.

Occupation by spouse or controlled company

5.—(1) For the purposes of the occupancy condition and of paragraph 4 above, occupation—

(*a*) by the spouse of a survivor of the deceased; or

(*b*) by a body corporate controlled by a survivor of the deceased;

shall be treated as occupation by the survivor.

(2) Where, in accordance with sub-paragraph (1) above, paragraph 4 above applies to a survivor of the deceased in relation to any time by virtue of the joint occupation of land by his spouse or a body corporate and any other person or persons, sub-paragraphs (2) and (3) of that paragraph shall apply to the survivor as if he were the holder of the interest in the land for the time being held by his spouse or the body corporate, as the case may be.

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Deemed occupation in case of tenancy or licence granted by survivor, spouse or controlled company

6.—(1) Where—

(*a*) any agricultural land is occupied by any person under such a tenancy as is mentioned in paragraphs (*a*) to (*d*) of paragraph 2(1) above or as a licensee; and

(*b*) that tenancy or licence was granted by a survivor of the deceased or a connected person (or both), being at the time it was granted a person or persons entitled to occupy the land otherwise than under a tenancy, or in a capacity, falling within paragraphs (*a*) to (*f*) of paragraph 2(1);

then, unless sub-paragraph (2) below applies, the survivor shall, for the purposes of the occupancy condition, be deemed to be in occupation of the whole of the land.

(2) Where the tenancy or licence referred to in sub-paragraph (1) above was granted by the person or persons there referred to and one or more other persons who were at the time it was granted entitled to occupy the land as mentioned in paragraph (*b*) of that sub-paragraph, sub-paragraphs (2) and (3) of paragraph 4 above shall apply to the survivor as if the land were jointly occupied by him and the said other person or persons as holders of their respective interests for the time being in the land.

(3) In this paragraph "connected person", in relation to a survivor of the deceased, means—

(*a*) the survivor's spouse; or

(*b*) a body corporate controlled by the survivor;

and for the purposes of sub-paragraph (2) above and the provisions of paragraph 4 there mentioned any interest in the land for the time being held by a connected person by whom the tenancy or licence was granted shall be attributed to the survivor.

Ministerial statements as to net annual income from land

7. The reference in the definition of "relevant land" in section 18(6) of this Act to agricultural land which is occupied by any such person as is mentioned in paragraph (*a*) of that definition includes a reference to any agricultural land which is deemed to be occupied by him by virtue of this Schedule."

Section 4.

SCHEDULE 2

STATUTORY SUCCESSION BY PERSON NOMINATED BY RETIRING TENANT

Application of Schedule

1.—(1) Where—

(*a*) an agricultural holding is held under a tenancy from year to year, being a tenancy granted before the date on which

this Act is passed or on or after that date in circumstances within section 2(2) of this Act; and

(*b*) a notice is given to the landlord by the tenant, or (in the case of a joint tenancy) by all the tenants, of the holding indicating (in whatever terms) that he or they wish a single eligible person named in the notice to succeed him or them as tenant of the holding as from a date specified in the notice, being a date on which the tenancy of the holding could have been determined by notice to quit given at the date of the notice and which falls not less than one year, but not more than two years, after the date of the notice;

the principal paragraphs of this Schedule shall apply unless excluded by paragraph 2 below (and subject also to paragraph 3 below).

In this sub-paragraph "tenant" does not include an executor, administrator, committee of the estate, trustee in bankruptcy or other person deriving title from a tenant by operation of law.

(2) In this Schedule—

"agricultural land" has the meaning given by section 1(2) of the 1948 Act;

"close relative" means—

(*a*) the wife or husband of the retiring tenant;

(*b*) a brother or sister of the retiring tenant;

(*c*) a child of the retiring tenant;

(*d*) any person (not within (*b*) or (*c*) above) who, in the case of any marriage to which the retiring tenant has been at any time a party, has been treated by the latter as a child of the family in relation to that marriage;

"eligible person" means (subject to sub-paragraph (3) below) a close relative in whose case the following conditions are satisfied—

(*a*) in the last seven years his only or principal source of livelihood throughout a continuous period of not less than five years, or two or more discontinuous periods together amounting to not less than five years, derived from his agricultural work on the holding or on an agricultural unit of which the holding forms part; and

(*b*) he is not the occupier of a commercial unit of agricultural land;

but in the case of the wife of the retiring tenant the reference in paragraph (*a*) above to the relative's agricultural work shall be read as a reference to agricultural work carried out by either the wife or the retiring tenant (or both of them);

"the holding" means the holding in respect of which the retirement notice is given;

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"the nominated successor" means the eligible person named in the retirement notice;

"the principal paragraphs of this Schedule" means paragraphs 4 to 10 below (except paragraphs 5(10) and 6(6), which are of general application);

"the relevant period" means (subject to paragraphs 2(6) and 3(3) below) the period of one month beginning with the day after the date of the giving of the retirement notice;

"the retirement date" means the date specified in the retirement notice as the date as from which the proposed succession is to take place;

"the retirement notice" means the notice mentioned in sub-paragraph (1) above;

"the retiring tenant" means the tenant by whom the retirement notice was given or, where it was given by joint tenants (and the context so permits), any one of those tenants, and "the retiring tenants" accordingly means those tenants;

"the tenancy" means the tenancy of the holding;

"the Tribunal" means the Agricultural Land Tribunal.

(3) For the purposes of paragraph (*a*) of the definition of "eligible person" in sub-paragraph (2) above any period during which a close relative was, in the period of seven years mentioned in that paragraph, attending a full-time course at a university, college or other establishment of further education shall be treated as a period throughout which his only or principal source of livelihood derived from his agricultural work on the holding; but not more than three years in all shall be so treated by virtue of this sub-paragraph.

(4) For the purposes of paragraph (*b*) of that definition—

(*a*) "commercial unit of agricultural land" means a commercial unit of agricultural land as defined by subsection (3A) of section 18 of the 1976 Act (taken with subsection (3B) of that section);

(*b*) Schedule 3A to that Act (which provides for the disregarding of certain kinds of occupation as well as specifying circumstances in which a person is deemed to be in occupation of land) shall apply in relation to the nominated successor as it applies in relation to a survivor of a deceased tenant, but subject to the following modifications, namely—

(i) references to the occupancy condition shall be read as references to the said paragraph (*b*),

(ii) the reference in paragraph 4(2) to section 20 of that Act shall be read as a reference to paragraph 5 below, and

(iii) paragraphs 3, 4(4) and 7 shall be omitted ; and

(*c*) where the nominated successor is, by virtue of a direction of the Tribunal under paragraph 5(6) below, for the time being entitled to a tenancy of any agricultural holding held by the retiring tenant other than the holding he shall be deemed to be in occupation of that holding.

(5) For the purposes of any proceedings under this Schedule in relation to the holding the Minister shall—

(*a*) at the request of any of the following persons, namely the nominated successor, the landlord or the secretary of the Tribunal ; and

(*b*) in relation to any agricultural land which is occupied by the nominated successor ;

determine by reference to the provisions of any order for the time being in force under subsection (3B) of the said section 18 the net annual income which, in his view, the land is capable of producing for the purposes of subsection (3A) of that section (as applied by sub-paragraph (4)(*a*) above), and shall issue a written statement of his view and the grounds for it to the person making the request.

The reference above to any agricultural land which is occupied by the nominated successor includes a reference to any agricultural land which is deemed to be occupied by him by virtue of sub-paragraph (4)(*b*) or (*c*) above.

(6) Subsection (6A) of the said section 18 (revision of determinations) shall, with any necessary modifications, apply to a statement issued by the Minister in pursuance of sub-paragraph (5) above as it applies to one issued by him under subsection (6) of that section, and subsection (6B) of that section (evidential matters) shall apply also to any statement issued by him in pursuance of that or this sub-paragraph.

(7) Section 92 of the 1948 Act (service of notices) shall apply to a notice under sub-paragraph (1)(*b*) above as it applies to a notice under that Act.

Excluded cases

2.—(1) The principal paragraphs of this Schedule shall not apply—

(*a*) if on the date of the giving of the retirement notice the tenancy is the subject of a valid notice to quit to which subsection (1) of section 2 of the 1977 Act applies, being a notice given before that date in the case of which either—

(i) the month allowed by that subsection for serving a counter-notice thereunder expired before that date without such a counter-notice having been served ; or

(ii) the Tribunal consented before that date to its operation ;

(*b*) if on the date of the giving of the retirement notice the tenancy is the subject of a valid notice to quit given before that date and falling within Case C or F in subsection (3) of that section ;

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(*c*) if on the date of the giving of the retirement notice the tenancy is the subject of a valid notice to quit given before that date and falling within Case B, D or E in subsection (3) of that section, and either—

(i) the time within which the tenant could have required any question arising in connection with the notice to quit to be determined by arbitration under the 1948 Act expired before that date without such a requirement having been made by the tenant, and the month allowed for serving any counter-notice in respect of the notice to quit expired before that date without any such counter-notice having been served ; or

(ii) questions arising in connection with the notice to quit were referred to arbitration under the 1948 Act before that date and were determined before that date in such a way as to uphold the operation of the notice to quit, and (where applicable) the month allowed for serving any counter-notice in respect of the notice to quit expired before that date without a counter-notice having been served ; or

(iii) the Tribunal consented before that date to the operation of the notice to quit ;

(*d*) if the retiring tenant has at any time given any other notice under paragraph 1(1)(*b*) above in respect of the holding or a related holding and an application to become the tenant of the holding or a related holding has been duly made by any person under paragraph 5 below in respect of that notice ;

(*e*) subject to sub-paragraph (3) below, if at the retirement date the retiring tenant will be under 65 ;

(*f*) if the holding consists of land held by a smallholdings authority or the Minister for the purposes of smallholdings within the meaning of Part III of the Agriculture Act 1970 (whether the tenancy was granted before or after the commencement of the said Part III) ;

1970 c. 40.

(*g*) if the tenancy was granted by trustees in whom the land is vested on charitable trusts the sole or principal object of which is the settlement or employment in agriculture of persons who have served in any of Her Majesty's naval, military or air forces.

(2) In sub-paragraph (1)(*d*) above "related holding" means, in relation to the holding, any agricultural holding comprising the whole or a substantial part of the land comprised in the holding.

(3) The principal paragraphs of this Schedule are not excluded by sub-paragraph (1)(*e*) above if the retirement notice is given on the grounds that—

(*a*) the retiring tenant or (where the notice is given by joint tenants) each of the retiring tenants is or will at the retirement date be incapable, by reason of bodily or mental infirmity, of conducting the farming of the holding in such a way as to secure the fulfilment of the responsibilities of

the tenant to farm in accordance with the rules of good husbandry ; and

(*b*) any such incapacity is likely to be permanent ;

and that fact is stated in the notice.

(4) The principal paragraphs of this Schedule shall not apply if, had a sole tenant of the holding died at the date of the giving of the retirement notice in circumstances falling within subsection (1) of section 18 of the 1976 Act, the application of the provisions of Part II of that Act referred to in that subsection would have been excluded in relation to the holding by paragraph (*e*) of subsection (4) of that section ; and the reference to that paragraph includes a reference to it as extended by subsection (5) of that section or by paragraph 10(1)(*b*) below in relation to a direction of the Tribunal under this Schedule.

(5) If on the date of the giving of the retirement notice the tenancy is the subject of a valid notice to quit given before that date and including a statement that it is given for any such reason as is referred to in Case B, D or E in section 2(3) of the 1977 Act (not being a notice to quit falling within sub-paragraph (1)(*c*) above), the principal paragraphs of this Schedule shall not apply unless one of the events referred to in sub-paragraph (6) below occurs.

(6) Those events are as follows—

(*a*) it is determined by arbitration under the 1948 Act that the notice to quit is ineffective for the purposes of section 2(3) on account of the invalidity of any such reason as aforesaid ; or

(*b*) where a counter-notice is duly served under section 4(2) or (3) of the 1977 Act—

(i) the Tribunal withhold consent to the operation of the notice to quit, or

(ii) the period for making an application to the Tribunal for such consent expires without such an application having been made ;

and where one of those events occurs the relevant period shall for the purposes of this Schedule be the period of one month beginning with the date on which the arbitrator's award is delivered to the tenant, with the date of the Tribunal's decision to withhold consent, or with the expiry of the said period for making an application (as the case may be).

Notices to quit restricting operation of Schedule

3.—(1) If the tenancy becomes the subject of a valid notice to quit given on or after the date of the giving of the retirement notice (but before the Tribunal have begun to hear any application by the nominated successor under paragraph 5 below in respect of the retirement notice) and the notice to quit—

(*a*) falls within Case C in section 2(3) of the 1977 Act and is founded on a certificate granted under section 2(4) of that Act in accordance with an application made before that date : or

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(*b*) falls within Case F in section 2(3);

the retirement notice shall be of no effect and no proceedings, or (as the case may be) no further proceedings, shall be taken under this Schedule in respect of it.

(2) If the tenancy becomes the subject of a valid notice to quit given on or after the date of the giving of the retirement notice (but before the Tribunal have begun to hear any application by the nominated successor under paragraph 5 below in respect of the retirement notice) and the notice to quit—

(*a*) includes a statement that it is given for any such reason as is referred to in Case B in section 2(3) of the 1977 Act; or

(*b*) includes a statement that it is given for any such reason as is referred to in Case D in section 2(3) and is founded on a notice given for the purposes of that Case before that date;

the retirement notice shall be of no effect and no proceedings, or (as the case may be) no further proceedings, shall be taken under this Schedule in respect of it unless one of the events referred to in sub-paragraph (3) below occurs.

(3) Those events are as follows—

(*a*) it is determined by arbitration under the 1948 Act that the notice to quit is ineffective for the purposes of section 2(3) on account of the invalidity of any such reason as aforesaid; or

(*b*) where a counter-notice is duly served under section 4(2) or (3) of the 1977 Act—

(i) the Tribunal withhold consent to the operation of the notice to quit, or

(ii) the period for making an application to the Tribunal for such consent expires without such an application having been made;

and where one of those events occurs, and the notice to quit was given before the time when the relevant period would expire apart from this sub-paragraph, that period shall for the purposes of this Schedule expire at the end of the period of one month beginning with the date on which the arbitrator's award is delivered to the tenant, with the date of the Tribunal's decision to withhold consent, or with the expiry of the said period for making an application (as the case may be).

(4) For the purposes of this Schedule an application by the nominated successor under paragraph 5 below which is invalidated by sub-paragraph (1) or (2) above shall be treated as if it had never been made.

Restriction on operation of certain notices to quit

4.—(1) This paragraph applies to any notice to quit the holding or part of the holding given to the tenant thereof (whether before or

on or after the date of the giving of the retirement notice), not being a notice to quit falling within any provision of paragraph 2 or 3 above.

(2) A notice to quit to which this paragraph applies shall not, if it would otherwise be capable of so having effect, have effect—

(*a*) at any time during the relevant period ; or

(*b*) where an application to become the tenant of the holding is made by the nominated successor under paragraph 5 below within that period, at any time before the application has been finally disposed of by the Tribunal or withdrawn or abandoned ;

and shall in any event not have effect if any such application is disposed of by the Tribunal by the giving of a direction under sub-paragraph (6) of that paragraph.

Application for tenancy of the holding

5.—(1) The nominated successor may (subject to paragraph 8(2) below) apply to the Tribunal within the relevant period for a direction entitling him to a tenancy of the holding.

(2) Any such application—

(*a*) must be accompanied by a copy of the retirement notice ; and

(*b*) must be signed by both the nominated successor and the retiring tenant or, where the notice was given by joint tenants, by each of the retiring tenants.

(3) If the retirement notice includes a statement in accordance with paragraph 2(3) above that it is given on the grounds mentioned in that provision, then, before the nominated successor's application is further proceeded with under this paragraph, the Tribunal must be satisfied—

(*a*) that the retiring tenant or (as the case may be) each of the retiring tenants either is or will at the retirement date be incapable, by reason of bodily or mental infirmity, of conducting the farming of the holding in such a way as to secure the fulfilment of the responsibilities of the tenant to farm in accordance with the rules of good husbandry ; and

(*b*) that any such incapacity is likely to be permanent.

(4) If the Tribunal are satisfied—

(*a*) that the nominated successor was an eligible person at the date of the giving of the retirement notice ; and

(*b*) that he has not subsequently ceased to be such a person ;

the Tribunal shall determine whether he is in their opinion a suitable person to become the tenant of the holding.

(5) Before making a determination under sub-paragraph (4) above the Tribunal shall afford the landlord an opportunity of stating his

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views on the suitability of the nominated successor; and in making any such determination the Tribunal shall have regard to all relevant matters, including—

(*a*) the extent to which the nominated successor has been trained in, or has had practical experience of, agriculture;

(*b*) his age, physical health and financial standing;

(*c*) the views (if any) stated by the landlord on his suitability.

(6) If the nominated successor is determined under that sub-paragraph to be in their opinion a suitable person to become the tenant of the holding, the Tribunal shall, subject to sub-paragraph (7) below, give a direction entitling him to a tenancy of the holding.

(7) The Tribunal shall not give such a direction if, on an application made by the landlord, it appears to the Tribunal that greater hardship would be caused by giving the direction than by refusing the nominated successor's application under this paragraph.

(8) If the Tribunal dispose of the nominated successor's application otherwise than by the giving of a direction under sub-paragraph (6) above the retirement notice shall be of no effect (but without prejudice to paragraph 2(1)(*d*) above).

(9) For the purposes of this Schedule an application by the nominated successor under this paragraph which is withdrawn or abandoned shall be treated as if it had never been made.

1947 c. 48.

(10) Provision shall be made by order under section 73(3) of the Agriculture Act 1947 (procedure of Agricultural Land Tribunals) for requiring any person making an application to such a tribunal for a direction under this paragraph to give notice of the application to the landlord of the agricultural holding to which the application relates.

Effect of a direction under paragraph 5

6.—(1) Subject to the provisions of this and the following paragraph, a direction by the Tribunal under paragraph 5(6) above entitling the nominated successor to a tenancy of the holding shall entitle him to a tenancy of the holding as from the relevant time on the same terms as those on which the holding was let immediately before it ceased to be let under the contract of tenancy under which it was let at the date of the giving of the retirement notice; and accordingly, subject as aforesaid, such a tenancy shall be deemed to be at that time granted by the landlord to, and accepted by, the nominated successor.

(2) Where the tenancy of the retiring tenant or (as the case may be) of the retiring tenants was not derived from the interest held by the landlord at the relevant time, the tenancy deemed by virtue of sub-paragraph (1) above to be granted to, and accepted by, the nominated successor shall be deemed to be granted by the person for the time being entitled to the interest from which the tenancy of the retiring tenant or tenants was derived, instead of by the landlord, with like effect as if the landlord's interest and any other supervening interest were not subsisting at the relevant time:

but this provision shall not be read as affecting the rights and liabilities of the landlord under this Schedule. SCH. 2

The reference above to a supervening interest is a reference to any interest in the land comprised in the tenancy of the retiring tenant or tenants, being an interest created subsequently to that tenancy and derived (whether immediately or otherwise) from the interest from which that tenancy was derived and still subsisting at the relevant time.

(3) If the terms of the tenancy to which the nominated successor is entitled by virtue of a direction such as is mentioned in sub-paragraph (1) above would not, apart from this sub-paragraph, include a covenant by the tenant not to assign, sub-let or part with possession of the holding or any part thereof without the landlord's consent in writing, sub-paragraph (1) above shall have effect as if those terms included that covenant.

(4) Any tenancy of the holding inconsistent with the tenancy to which the nominated successor is entitled by virtue of such a direction shall, if it would not cease at the relevant time apart from this sub-paragraph, cease at that time as if terminated at that time by a valid notice to quit given by the tenant.

(5) The rights conferred on any person by such a direction (as distinct from his rights under his tenancy of the holding after he has become the tenant thereof) shall not be capable of assignment.

(6) The Lord Chancellor may by regulations made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament provide for all or any of the provisions of this Schedule (except this sub-paragraph) to apply, with such exceptions, additions or other modifications as may be specified in the regulations, in cases where the nominated successor, being entitled to a tenancy of the holding by virtue of such a direction, dies before the relevant time.

(7) In this paragraph "the relevant time" means the retirement date, except that—

(*a*) where such a direction is given within the period of three months ending with the retirement date, the Tribunal may, on the application of the tenant, specify in the direction, as the relevant time for the purposes of this paragraph, such a time falling within the period of three months immediately following the retirement date as they think fit;

(*b*) where such a direction is given at any time after the retirement date, the Tribunal shall specify in the direction, as the relevant time for those purposes, such a time falling within the period of three months immediately following the date of the giving of the direction as they think fit;

and any time so specified shall be the relevant time for those purposes accordingly.

Arbitration on terms of new tenancy

7.—(1) Where the Tribunal give a direction such as is mentioned in paragraph 6(1) above, subsections (3) to (8) of section 24 of the

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1976 Act (provisions as to arbitration on terms of new tenancy) shall have effect in relation to the tenancy which the nominated successor is entitled to or has obtained by virtue of the direction, but with the substitution—

(*a*) in subsection (4) of a reference to paragraph 6(1) for the reference to section 23(1) of that Act;

(*b*) in subsection (5)(*a*) of a reference to the tenancy of the retiring tenant or (as the case may be) tenants for the reference to the deceased's tenancy.

(2) In those provisions, as extended by sub-paragraph (1) above—

"the landlord" means the landlord of the holding;

"the tenant" means the nominated successor;

"the relevant time" has the meaning given by paragraph 6(7) above;

"the prescribed period" means the period between the giving of the direction and—

(*a*) the end of the three months immediately following the relevant time; or

(*b*) the end of the three months immediately following the date of the giving of the direction;

whichever last occurs.

(3) Section 77 of the 1948 Act (arbitration under that Act) shall have effect as if in subsection (1) the first reference to that Act included a reference to this Schedule.

Effect of death of retiring tenant on succession to the holding

8.—(1) Sub-paragraphs (2) to (4) below apply where the retiring tenant, being the sole (or sole surviving) tenant of the holding, dies after giving the retirement notice.

(2) If the tenant's death occurs at a time when no application by the nominated successor has been made under paragraph 5 above or such an application has not been finally disposed of by the Tribunal, the retirement notice shall be of no effect and no proceedings, or (as the case may be) no further proceedings, shall be taken under this Schedule in respect of it; and accordingly, subject to section 2 of this Act, section 18(1) of the 1976 Act shall apply on the tenant's death in relation to the holding.

(3) If the tenant's death occurs at a time when any such application has been so disposed of by the giving of a direction such as is mentioned in sub-paragraph (1) of paragraph 6 above, but before the relevant time (within the meaning of that paragraph), that paragraph, paragraph 7 above and paragraphs 9 and 10 below shall continue to have effect in relation to the holding; and accordingly section 18(1) of the 1976 Act shall not apply on the tenant's death in relation to the holding.

(4) If the tenant's death occurs at a time when any such application has been so disposed of otherwise than by the giving of any such

direction, section 18(1) of the 1976 Act shall, subject to section 2 of this Act, apply on the tenant's death in relation to the holding, but no application may be made on that occasion by the nominated successor under section 20 (or 21) of that Act in relation to the holding. SCH. 2

(5) Where the retirement notice was given by joint tenants and one of those tenants, not being the sole surviving tenant of the holding, dies, his death shall not affect any rights of the nominated successor under this Schedule.

Effect of direction on succession to other holdings under the 1976 *Act*

9. Where—

(*a*) the retiring tenant, being the sole (or sole surviving) tenant of the holding, dies ; and

(*b*) the nominated successor is for the time being entitled to a tenancy of the holding by virtue of a direction under paragraph 5(6) above,

then for the purpose of determining whether, in relation to any other agricultural holding held by the retiring tenant at the date of his death, the nominated successor is a person in whose case the condition specified in paragraph (*c*) of the definition of " eligible person " in subsection (2) of section 18 of the 1976 Act is satisfied, the nominated successor shall be deemed to be in occupation of the holding, and subsection (6) of that section shall have effect as if the reference in the definition of " relevant land " to agricultural land which is occupied as mentioned in paragraph (*a*) of that definition included a reference to agricultural land which is deemed to be occupied by the nominated successor by virtue of this paragraph.

Effect of succession of nominated successor on succession under the 1976 *Act*

10.—(1) Where the nominated successor obtains a tenancy of the holding by virtue of a direction under paragraph 5(6) above—

(*a*) subsection (2) of section 2 of this Act shall apply to the tenancy as it applies to a tenancy obtained as mentioned in paragraph (*a*) of that subsection, and the reference in paragraph 1(1) above to that subsection accordingly includes a reference to it as applied by this paragraph ; and

(*b*) that occasion shall for the purposes of subsection (4)(*e*) of section 18 of the 1976 Act (exclusion of Part II of that Act where two successions have already occurred), in its application on the death of a tenant of the holding or a related holding, be deemed to be an occasion on which there died a sole tenant (within the meaning of subsection (1) of that section) of the holding and a tenancy of the holding was obtained by virtue of a direction of the Tribunal under section 20 of that Act.

(2) In sub-paragraph (1)(*b*) above " related holding " means, in relation to the holding, any agricultural holding comprising land the whole or a substantial part of which is comprised in the holding.

Section 10(1).

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

The Agricultural Holdings Act 1948 (*c.* 63)

1.—(1) Section 1 of the 1948 Act (meaning of "agricultural holding") shall be amended as follows.

(2) In subsection (1), for the words "agricultural land comprised in a contract of tenancy" there shall be substituted the words "land (whether agricultural land or not) comprised in a contract of tenancy which is a contract for an agricultural tenancy".

(3) After that subsection there shall be inserted the following subsections—

"(1A) For the purposes of this section, a contract of tenancy relating to any land is a contract for an agricultural tenancy if, having regard to—

(*a*) the terms of the tenancy;

(*b*) the actual or contemplated use of the land at the time of the conclusion of the contract and subsequently; and

(*c*) any other relevant circumstances;

the whole of the land comprised in the contract, subject to such exceptions only as do not substantially affect the character of the tenancy, is let for use as agricultural land.

(1B) A change in user of the land concerned subsequent to the conclusion of a contract of tenancy which involves any breach of the terms of the tenancy shall be disregarded for the purpose of determining whether a contract which was not originally a contract for an agricultural tenancy has subsequently become one unless it is effected with the landlord's permission, consent or acquiescence."

2.—(1) In section 3 of that Act (tenancies for two years or more, unless terminated by notice, to continue as tenancies from year to year)—

(*a*) at the beginning of subsection (1) there shall be inserted the words "Subject to sections 3A and 3B of this Act"; and

(*b*) at the beginning of subsection (4) there shall be inserted the words "Subject to section 3B of this Act".

(2) The following sections shall be inserted after that section—

"Restriction on continuation of tenancy where tenant dies before term expires.

3A.—(1) This section shall apply to any tenancy such as is referred to in section 3(1) of this Act granted after the commencement of the Agricultural Holdings Act 1984.

(2) If the person, or the survivor of the persons, to whom any such tenancy was granted dies one year or more before the date fixed for the expiration of the term

for which it was granted, the tenancy shall not continue as mentioned in section 3(1) and shall accordingly terminate on that date.

(3) If—

(*a*) any such person dies at any other time before the expiration of the term, and

(*b*) no notice effective to terminate the tenancy on the expiration of the term has been given under section 3(1),

any such tenancy shall, instead of continuing as mentioned in section 3(1), continue (as from the expiration of the term) for a further period of twelve months, but otherwise on the terms of the tenancy so far as applicable, and shall accordingly terminate on the first anniversary of the date fixed for the expiration of the term.

(4) For the purposes of the provisions of this Act with respect to compensation any tenancy terminating in accordance with subsection (2) or (3) of this section shall be deemed to terminate by reason of a notice to quit given by the landlord of the holding.

Exclusion of continuation of tenancy by agreement.

3B.—(1) This section shall apply to any tenancy of an agricultural holding for a term of not less than two, and not more than five, years.

(2) Where, before the grant of any such tenancy—

(*a*) the persons who will be the landlord and the tenant in relation to the tenancy agree that section 3 of this Act shall not apply to the tenancy ; and

(*b*) those persons make a joint application in writing to the Minister for his approval of that agreement ; and

(*c*) the Minister notifies them of his approval ;

section 3 shall not apply to the tenancy if it satisfies the requirements of subsection (3) of this section.

(3) A tenancy satisfies the requirements of this subsection if the contract of tenancy is in writing and it, or a statement endorsed upon it, indicates (in whatever terms) that section 3 of this Act does not apply to the tenancy."

3.—(1) Section 5 of that Act (provisions for securing written tenancy agreements) shall be amended as follows.

(2) The following subsection shall be substituted for subsection (1)—

"(1) Where in respect of a tenancy of an agricultural holding (whether created before or after the commencement of this Act)—

(*a*) there is not in force an agreement in writing embodying

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all the terms of the tenancy (including any terms established by the operation of regulations under section 6 of this Act); or

(*b*) such an agreement in writing is in force but the terms of the tenancy do not make provision for one or more of the matters specified in the First Schedule to this Act;

the landlord or the tenant of the holding may, if he has requested his tenant or landlord to enter into an agreement in writing embodying all the terms of the tenancy and containing provision for all of the said matters but no such agreement has been concluded, refer the terms of the tenancy to arbitration under this Act."

(3) The following subsections shall be added at the end—

"(4) Where in respect of any such tenancy—

(*a*) the terms of the tenancy neither make provision for, nor make provision inconsistent with, the matter specified in paragraph 10 of the First Schedule to this Act; and

(*b*) the landlord requests the tenant in writing to enter into such an agreement as is mentioned in subsection (1) of this section containing provision for all of the matters specified in that Schedule;

the tenant may not without the landlord's consent in writing assign, sub-let or part with possession of the holding or any part of it during the period while the determination of the terms of the tenancy is pending.

(5) That period is the period beginning with the date of service of the landlord's request on the tenant and ending with the date on which an agreement is concluded in accordance with that request or (as the case may be) with the date on which the award of an arbitrator on a reference under this section relating to the tenancy takes effect.

(6) Any transaction entered into in contravention of subsection (4) of this section shall be void."

4. In section 7(5) of that Act (effect of award of arbitrator under section 5 or 6), after the words "having effect" there shall be inserted the words "(by way of variation of the agreement previously in force in respect of the tenancy)".

5.—(1) Section 9 of that Act (increases of rent for certain improvements carried out by landlord) shall be amended as follows.

(2) In subsection (1)—

(*a*) the following provisions shall be omitted, namely—

(i) in paragraph (*b*), the words from the beginning to "or",

(ii) paragraph (*d*) and the word "or" immediately preceding it, and

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(iii) the words from " or, where " to " that day " ;

(*b*) for the words from " for the supply " to " the Minister " there shall be substituted the words " executed on the holding for the purpose of complying with the requirements of a notice under section 3 of the Agriculture (Safety, Health and Welfare Provisions) Act 1956 (provision of sanitary conveniences and washing facilities) " ; and 1956 c. 49.

(*c*) in the proviso, after the words " moneys provided by Parliament " there shall be inserted the words " or local government funds ".

(3) The following subsection shall be substituted for subsection (2)—

" (2) No increase of rent shall be made under the foregoing subsection in respect of an improvement within paragraph (*a*) of that subsection if before the end of the period allowed under that subsection for the landlord to serve a notice requiring such an increase the landlord and tenant agree on any increase of rent or other benefit to the landlord in respect of the improvement."

(4) Subsections (3) and (5) shall be omitted.

6.—(1) Section 13 of that Act (tenant's right to remove fixtures and buildings) shall be amended as follows.

(2) In subsection (1), in paragraph (*a*), after the word " fixture " there shall be inserted the words " (of whatever description) ".

(3) The following subsections shall be inserted after subsection (4)—

" (4A) Subsection (1) of this section applies to a fixture whether it was affixed to the holding for the purposes of agriculture or not ; but this section shall not be taken as prejudicing any right to remove a fixture that subsists otherwise than by virtue of this section.

(4B) Any dispute between the landlord and the tenant with respect to the amount payable by the landlord under subsection (3) of this section in respect of any fixture or building shall be determined by arbitration under this Act."

7.—(1) Section 14 of that Act (tenant's right to, and measure of, compensation for damage by game, and indemnity to landlord) shall be amended as follows.

(2) In subsection (1)—

(*a*) for the words from " game, the " to " extends " there shall be substituted the words " any wild animals or birds, the right to kill and take which is vested in the landlord or anyone (other than the tenant himself) claiming under the landlord, being animals or birds which the tenant has not permission in writing to kill, he shall be entitled to compensation from his landlord for the damage: " ;

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(*b*) in paragraph (*b*) of the proviso, for the words from "calendar year" to "therefor" there shall be substituted the word "year"; and

(*c*) the following paragraph shall be added at the end—

"For the purposes of paragraph (*a*)(i) above, seed once sown shall be treated as a growing crop whether or not it has germinated; and in paragraph (*b*) above "year" means any period of twelve months ending, in any year, with 29th September or with such other date as may by agreement between the landlord and tenant be substituted for that date."

(3) In subsection (3), for the word "game" there shall be substituted the words "wild animals or birds that did the damage".

(4) Subsection (4) shall be omitted.

8. In section 16 of that Act (right of landlord or tenant to require making of record of condition of holding etc.)—

(*a*) in subsection (1), for the words from "the buildings" to "the holding" there shall be substituted the words "the fixed equipment on the holding and of the general condition of the holding itself (including any parts not under cultivation)"; and

(*b*) at the end of subsection (2) there shall be added the words "; and any person so appointed may, on production of evidence of his appointment, enter the holding at all reasonable times for the purpose of making any such record."

9.—(1) Section 34 of that Act (right to, and measure of, compensation for disturbance) shall be amended as follows.

(2) The following subsection shall be inserted after subsection (2)—

"(2A) Where—

(*a*) the tenant of an agricultural holding has sub-let the holding, and

(*b*) the sub-tenancy terminates by operation of law in consequence of the termination of the tenancy by reason of any such notice or counter-notice as is referred to in subsection (1)(*a*) or (*b*) of this section,

this section shall apply if the sub-tenant quits the holding in consequence of the termination of the sub-tenancy as mentioned in paragraph (*b*) above as it applies where a tenant quits a holding in consequence of any such notice or counter-notice as aforesaid."

(3) In subsection (4)—

(*a*) for the words "the notice given by the landlord" there shall be substituted the words "the notice to quit";

(*b*) for the words from "such" to "as is" there shall be substituted the words "relevant previous notice"; and

(*c*) the following paragraph shall be added at the end— SCH. 3

"In this subsection "relevant previous notice" means any notice to quit given by the same person who gave the current notice to quit or, where that person is a person entitled to a severed part of the reversionary estate in the holding, by that person or by any other person so entitled."

10. In section 37 of that Act (measure of compensation for old improvements), for the words from "such sum" to the end there shall be substituted the words "an amount equal to the increase attributable to the improvement in the value of the agricultural holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry".

11. In section 53 of that Act (grants out of moneys provided by Parliament to be taken into account in assessing compensation for new improvements), after the words "moneys provided by Parliament" there shall be inserted the words "or local government funds".

12. In section 56(1) of that Act (right to, and measure of, compensation for continuous adoption of special system of farming), in proviso (ii), for the words from "the buildings" to the end there shall be substituted the words "the fixed equipment on the holding and of the general condition of the holding;".

13. In section 57 of that Act (right to, and measure of, compensation for deterioration etc. of particular parts of holding)—

(*a*) at the beginning of subsection (2) there shall be inserted the words "Subject to subsection (4) of this section,"; and

(*b*) at the end of the section there shall be added the following subsection—

"(4) The amount of the compensation payable under subsection (1) of this section, or in accordance with subsection (3) of this section, shall in no case exceed the amount (if any) by which the value of the landlord's reversion in the holding is diminished owing to the dilapidation, deterioration or damage in question."

14. The existing provisions of section 60 of that Act (compensation provisions applicable to parts of holdings in certain cases) shall become subsection (1) of that section, and—

(*a*) the following paragraph shall be inserted after paragraph (*a*) of that subsection—

"(*aa*) by virtue of section 19 of the Agriculture (Miscellaneous Provisions) Act 1976; 1976 c. 55.; and

(*b*) the following subsections shall be added after that subsection—

"(2) Where a person entitled to a severed part of the

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reversionary estate in an agricultural holding resumes possession of part of the holding by virtue of a notice to quit that part given to the tenant by virtue of section 140 of the Law of Property Act 1925 the provisions of this Act with respect to compensation shall apply to that part of the holding as if—

1925 c. 20.

(*a*) it were a separate holding which the tenant had quitted in consequence of the notice to quit; and

(*b*) the person resuming possession were the landlord of that separate holding.

(3) References in this Act to the termination of the tenancy of or (as the case may be) of part of an agricultural holding include references to the resumption of possession of part of an agricultural holding in circumstances within subsection (1) or (2) above."

15. In section 61 of that Act (provisions as to compensation where holding is divided), for the words from the beginning of the section to "divided" there shall be substituted the words "Where the reversionary estate in an agricultural holding is for the time being vested in more than one person in several parts, the tenant shall be entitled, on quitting the entire holding, to require that any compensation payable to him under this Act shall be determined as if the reversionary estate were not so severed,".

16. In section 67 of that Act (effect of agreement to let or treat an agricultural holding as a market garden), the following paragraph shall be substituted for paragraph (*b*) of subsection (1)—

"(*b*) in section 13 of this Act—

(i) the exception in subsection (1)(*b*) for a building in respect of which the tenant is entitled to compensation under this Act or otherwise shall not apply in relation to any building erected by the tenant on the holding, or acquired by him since 31st December 1900, for the purposes of his trade or business as a market gardener, and

(ii) subsection (5)(*b*) shall not exclude that section from applying to any building acquired by him since that date for those purposes (whenever erected);".

17. In section 68 of that Act (power of Tribunal in default of agreement to treat an agricultural holding as a market garden)—

(*a*) in subsection (2) for the words "bankrupt or compounding with his creditors" and "bankruptcy or composition" there shall be substituted the words "insolvent" and "insolvency" respectively; and

(*b*) the following subsection shall be added at the end—

"(6) For the purposes of subsection (2) of this section a person has become insolvent if any of the following events has occurred, namely—

(*a*) he has become bankrupt or has made a composition or arrangement with his creditors or a

receiving order has been made against him ; or

(*b*) where the tenant is a body corporate, a winding-up order has been made with respect to it or a resolution for voluntary winding-up has been passed with respect to it (other than a resolution passed solely for the purposes of its reconstruction or of its amalgamation with another body corporate) ;

and the reference in that subsection to the date of the insolvency is a reference to the date of the occurrence of the event in question."

18. In section 70 of that Act (settlement of claims between landlord and tenant on termination of tenancy)—

(*a*) in subsection (3), for the word "four" there shall be substituted the word "eight" and the words from "and the" to the end shall be omitted ;

(*b*) in subsection (4), the words from "and any extension" to "subsection" shall be omitted, and for the words from "cease" to the end there shall be substituted the words "be determined by arbitration under this Act".

19.—(1) Section 77 of that Act (arbitrations under the Act) shall be amended as follows.

(2) In subsection (1), for the words "the Sixth Schedule to this Act" there shall be substituted the words "any order under this section, together with the provisions of the Sixth Schedule to this Act (as for the time being in force)".

(3) The following subsections shall be substituted for subsections (2) to (4)—

"(2) The Lord Chancellor may by order make provision as to the procedure to be followed in, or in connection with, proceedings on arbitrations under this Act.

(3) An order under this section may in particular—

(*a*) provide for the provisions of the Sixth Schedule to this Act, exclusive of those mentioned in subsection (4) of this section, to have effect subject to such modifications as may be specified in the order ;

(*b*) prescribe forms for proceedings on arbitrations under this Act which, if used, shall be sufficient ;

(*c*) prescribe the form in which awards in such proceedings are to be made.

(4) An order under this section shall not make provision inconsistent with the following provisions of the Sixth Schedule, namely paragraphs 1 to 5 and 10 to 12, the proviso to paragraph 13, and paragraphs 17, 19, 20A, 20B and 24 to 28.

(5) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to

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annulment in pursuance of a resolution of either House of Parliament.

(6) In this section "modifications" includes additions, omissions and amendments."

20. In section 83 of that Act (general provisions as to charges under the Act on holdings), the words "subsection (1) of" shall be omitted in subsections (3) and (4).

21. In section 92(1) of that Act (service of notices), at the end there shall be added the following words "or by the recorded delivery service".

22. In section 93 of that Act (revocation and variation of orders)—

(*a*) after the word "sections" there shall be inserted the word "seventy-two"; and

(*b*) the word "seventy-four" shall be omitted.

23. In section 94(1) of that Act (interpretation)—

(*a*) the following definition shall be inserted immediately after the definition of "livestock"—

""local government funds" means, in relation to any grant in respect of an improvement executed by the landlord or tenant of an agricultural holding, the funds of any body which, under or by virtue of any enactment, has power to make grants in respect of improvements of the description in question within any particular area (whether or not it is a local authority for that area);"; and

(*b*) the following definition shall be substituted for the definition of "the Minister"—

""the Minister" means—

(*a*) in relation to England, the Minister of Agriculture, Fisheries and Food; and

(*b*) in relation to Wales, the Secretary of State."

24. In Schedule 1 to that Act, paragraphs 6 and 7 (maintenance and repairing of fixed equipment and insurance against damage by fire etc., to be among the matters dealt with in a written tenancy agreement) shall cease to have effect.

25.—(1) In Part I of Schedule 3 to that Act (new improvements for which compensation is payable if consent of landlord is obtained for their execution)—

(*a*) in paragraph 2, the words "or works of irrigation" shall be omitted; and

(*b*) the following paragraph shall be inserted after paragraph 7—

"7A. Provision of underground tanks."

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(2) In Part II of that Schedule (new improvements for which compensation is payable if consent of landlord or approval of Tribunal is obtained for their execution)—

(*a*) the following paragraph shall be inserted after paragraph 8—

"8A. The erection or construction of loading platforms, ramps, hard standings for vehicles or other similar facilities.";

(*b*) in paragraph 13, for the words from "for the supply" to the end there shall be substituted the words "of works for the supply, distribution or use of water for such purposes (including the erection or installation of any structures or equipment which form part of or are to be used for or in connection with operating any such works)";

(*c*) the following paragraph shall be substituted for paragraph 22—

"22. Provision of facilities for the storage or disposal of sewage or farm waste."; and

(*d*) the following paragraphs shall be substituted for paragraph 24—

"24. The grubbing up of orchards or fruit bushes.

25. Planting trees otherwise than as an orchard and bushes other than fruit bushes."

26. In Part II of Schedule 4 to that Act (matters for which compensation is payable without consent of landlord), the following words shall be added at the end of paragraph 9 "(including the growing of herbage crops for commercial seed production)".

27. The tenant of an agricultural holding shall not be entitled on quitting the holding to compensation—

(*a*) for any improvement specified in Part III of Schedule 2 to the 1948 Act; or

(*b*) in the case of a holding to which section 67(1) of that Act applies, for any improvement deemed by virtue of paragraph (*a*) of that provision to be included in that Part of that Schedule and not being such an improvement as is specified in paragraph 5 of Schedule 5 to that Act.

28.—(1) Schedule 6 to that Act (provisions as to arbitrations under the Act) shall be amended as follows.

(2) The following sub-paragraph shall be inserted after paragraph 1(1)—

"(1A) Any such appointment by the Minister shall be made by him as soon as possible after receiving the application; but where the application is referable to a demand for arbitration made under section 8 of this Act any such appointment shall in any event not be made by him earlier than four months before the next termination date following the date of the demand (as defined by section 8A(2) of this Act)."

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(3) The following paragraph shall be inserted after paragraph 2—

"2A. In relation to an arbitrator who is appointed in place of another arbitrator (whether under the foregoing paragraph or otherwise) the reference in section 8(2) of this Act to the date of the reference shall be construed as a reference to the date when the original arbitrator was appointed."

(4) At the end of paragraph 3 there shall be added the words "; and his appointment shall not be revoked by the death of either party."

(5) In paragraph 5(*b*), after the words "as may be" there shall be inserted the words "agreed upon by him and the parties or, in default of agreement,".

(6) In paragraph 6, for the word "twenty-eight" in both places where it occurs there shall be substituted the word "thirty-five".

(7) The following paragraphs shall be inserted after paragraph 20—

"*Reasons for award*

1971 c. 62.

20A. Section 12 of the Tribunals and Inquiries Act 1971 (reasons to be given for decisions of tribunals etc.) shall apply in relation to the award of an arbitrator appointed under this Schedule by agreement between the parties as it applies in relation to the award of an arbitrator appointed under this Schedule otherwise than by such agreement.

Interest on awards

20B. Any sum directed to be paid by the award shall, unless the award otherwise directs, carry interest as from the date of the award and at the same rate as a judgment debt."

(8) The following paragraph shall be substituted for paragraph 22—

"22. On the application of either party any such costs shall be taxable in the county court according to such of the scales prescribed by county court rules for proceedings in the county court as may be directed by the arbitrator under the foregoing paragraph, or, in the absence of any such direction, by the county court."

(9) The following paragraph shall be inserted after paragraph 25—

"25A.—(1) The county court may from time to time remit the award or any part of the award to the reconsideration of the arbitrator.

(2) In any case where it appears to the county court that there is an error of law on the face of the award the court may, instead of exercising its power of remission under the foregoing sub-paragraph, vary the award by substituting for so much of it as is affected by the error such award as the court considers that it would have been proper for the arbitrator to make in the circumstances; and the award shall thereupon have effect as so varied.

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(3) Where remission is ordered under that sub-paragraph, the arbitrator shall, unless the order otherwise directs, make and sign his award within thirty days after the date of the order.

(4) If the county court is satisfied that the time limited for making the said award is, for any good reason, insufficient, the court may extend or further extend that time for such period as it thinks proper."

(10) The following paragraph shall be added after paragraph 28—

"29. For the purposes of this Schedule an arbitrator appointed by the Minister shall be taken to have been so appointed at the time when the Minister executed the instrument of appointment; and in the case of any such arbitrator the periods mentioned in paragraphs 6 and 13 of this Schedule shall accordingly run from that time."

The Opencast Coal Act 1958 (*c.* 69)

29. In section 24(6) of the Opencast Coal Act 1958 (tenant's right to compensation for improvements etc.), in proviso (*b*), for each of the words "four" and "five" there shall be substituted the word "eight".

The Agriculture Act 1958 (*c.* 71)

30. In section 4 of the Agriculture Act 1958 (rights of tenants as to provision of fixed equipment necessary to comply with statutory requirements), in the proviso to subsection (1), after the word "holding" (where it first occurs) there shall be inserted the word "continuously".

The Agriculture (Miscellaneous Provisions) Act 1968 (*c.* 34)

31. In section 9 of the Agriculture (Miscellaneous Provisions) Act 1968 (additional payments to tenants quitting agricultural holdings), the following subsection shall be inserted after subsection (1)—

"(1A) This section applies where compensation for disturbance in respect of part of an agricultural holding becomes payable under that Act by a person entitled to a severed part of the reversionary estate in the holding to the tenant of the holding as it applies where such compensation becomes so payable by the landlord of an agricultural holding."

32.—(1) In section 10(1) of that Act (cases where tenant quitting an agricultural holding is not entitled to an additional payment of compensation)—

(*a*) in paragraph (*b*), for the words "the said section 3(3)" there shall be substituted the words "section 3(3) of the Agricultural Holdings (Notices to Quit) Act 1977"; and 1977 c. 12

(*b*) the following words shall be added at the end "; or

(*e*) the said section 2(1) does not apply to the relevant notice by virtue of Case I in the said section 2(3) (which relates to notices to quit smallholdings given where the tenant is over 65)."

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(2) In section 10(8) of that Act (construction, etc.), for the words "paragraphs (*a*) and" there shall be substituted the word "paragraph".

33. In section 17(2) of that Act (interpretation of references to the termination of the tenancy of part of an agricultural holding), for the words from "by the landlord" to "holding" there shall be substituted the words "of possession of that part of the holding by the landlord or (as the case may be) by a person entitled to a severed part of the reversionary estate in the holding".

The Agriculture (Miscellaneous Provisions) Act 1976 (*c.* 55)

34. In section 18(4) of the 1976 Act (cases where provisions for statutory succession to agricultural holdings do not apply), in paragraph (*b*), for "Case A, C" there shall be substituted "Case C".

35. In section 24 of that Act (arbitration on terms of new tenancy), the following subsection shall be substituted for subsection (6)—

"(6) For the purposes of this section the rent properly payable in respect of the holding shall be the rent at which the holding might reasonably be expected to be let by a prudent and willing landlord to a prudent and willing tenant, taking into account all relevant factors, including (in every case) the terms of the tenancy or prospective tenancy (including those relating to rent) and any such other matters as are specifically referred to in subsection (3) of section 8 of the 1948 Act (read with subsections (4) and (5) of that section)."

The Agricultural Holdings (Notices to Quit) Act 1977 (*c.* 12)

36. In section 1(2) of the 1977 Act (cases where 12 months' notice to quit is not needed to end tenancy of agricultural holding), the following paragraph shall be submitted for paragraph (*a*)—

"(*a*) where the tenant is insolvent;".

37. In section 2(3) of that Act (cases where consent of Tribunal to operation of notice to quit is not required), in Case F, for the words "bankrupt or compounded with his creditors" there shall be substituted the word "insolvent".

38. In section 5(1) of that Act (power of Lord Chancellor to provide by order for questions to be determined by arbitration, etc.)—

(*a*) in paragraph (*a*)(i), after the words "section 2(2) and (3) above" there shall be inserted the words "(including any question arising under Schedule 1A to this Act)";

(*b*) in paragraph (*a*)(ii), for the words from "any proceedings" to "taken" there shall be substituted the words "within which an arbitrator may be appointed by agreement between the parties, or (in default of such agreement) an application may be made under paragraph 1 of Schedule 6 to that Act for the appointment of an arbitrator, for the purposes of any such arbitration"; and

(*c*) in paragraph (*b*), after the word "quit" there shall be inserted the words "until the expiry of any time fixed is pursuance of paragraph (*a*)(ii) above for the making of any such appointment by agreement or application as is there mentioned or, where any such appointment or application has been duly made,".

39. In section 8(2) of that Act (notice to quit part of agricultural holding not invalid in certain cases), the following paragraphs shall be substituted for paragraphs (*a*) and (*b*)—

"(*a*) the erection of cottages or other houses for farm labourers, whether with or without gardens;

(*b*) the provision of gardens for cottages or other houses for farm labourers;".

40. In section 10 of that Act (reduction of rent where notice is given to quit part of holding)—

(*a*) in subsection (1), the words from "of an amount" to "Act" shall be omitted;

(*b*) the following subsection shall be inserted after subsection (1)—

"(1A) The amount of any reduction of rent under this section shall, in default of agreement made after the landlord resumes possession of the part of the holding concerned, be determined by arbitration under the 1948 Act."; and

(*c*) in subsection (2), after the word "above" there shall be inserted the words "that falls to be determined by arbitration under the 1948 Act".

41. In each of subsections (3) and (4)(*a*) of section 11 of that Act (notice to quit where tenant is a service man), for "Cases A to G" there shall be substituted "Cases B to G".

42. In section 12 of that Act (interpretation)—

(*a*) in subsection (1) for "" Case A ", " Case B "" there shall be substituted "" Case B ", " Case C "" ; and

(*b*) the following subsection shall be inserted after subsection (1)—

"(1A) For the purposes of this Act a tenant is insolvent if—

(*a*) he has become bankrupt or has made a composition or arrangement with his creditors or a receiving order is made against him; or

(*b*) where the tenant is a body corporate, a winding-up order has been made with respect to it or a resolution for voluntary winding-up has been passed with respect to it (other than a resolution passed solely for the purposes of its reconstruction or of its amalgamation with another body corporate)."

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43. The following Schedule shall be inserted before Schedule 1 to that Act—

"SCHEDULE 1A

SUITABLE ALTERNATIVE ACCOMMODATION FOR PURPOSES OF CASE I

1. For the purposes of paragraph (*b*) of Case I, a certificate of the housing authority for the district in which the living accommodation in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

2. Where no such certificate as is mentioned in paragraph 1 above has been issued, accommodation shall be deemed to be suitable for the purposes of paragraph (*b*) of Case I if it consists of either—

(*a*) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy (within the meaning of the Rent Act 1977) ; or

1977 c. 42.

(*b*) premises to be let as a separate dwelling on terms which will afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of that Act in the case of a protected tenancy ;

and the accommodation fulfils the conditions in paragraph 3 below.

3.—(1) The accommodation must be reasonably suitable to the needs of the tenant's family as regards proximity to place of work and either—

(*a*) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any housing authority for persons whose needs as regards extent are similar to those of the tenant and his family ; or

(*b*) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character.

(2) For the purposes of sub-paragraph (1)(*a*) above, a certificate of a housing authority stating—

(*a*) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate ; and

(*b*) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent ;

shall be conclusive evidence of the facts so stated.

(3) If any furniture was provided by the landlord for use

under the tenancy in question, furniture must be provided for use in the alternative accommodation which is either— SCH. 3

(*a*) similar to that so provided; or

(*b*) reasonably suitable to the needs of the tenant and his family.

4. Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Housing Act 1957. 1957 c. 56.

5. Any document purporting—

(*a*) to be a certificate of a housing authority named therein issued for the purposes of this Schedule; and

(*b*) to be signed by the proper officer of the authority;

shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

6.—(1) In this Schedule "housing authority" means a council which is a local authority for the purposes of Part V of the Housing Act 1957, and "district", in relation to such an authority, means the district for supplying the needs of which the authority has power under that Part of that Act.

(2) For the purposes of this Schedule a dwelling-house may be a house or part of a house."

SCHEDULE 4

Section 10(2).

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act 1948.	In section 1(2), the words from "of Agriculture" to "the Minister")". In section 9(1), in paragraph (*b*) the words from the beginning to "or", paragraph (*d*) and the word "or" immediately preceding it and the words from "or, where" to "that day". Section 9(3) and (5). Section 14(4). Section 40. Section 42. Section 62. Section 66. In section 70, in subsection (3) the words from "and the" onwards, and in subsection (4) the words from "and any extension" to "subsection". Section 74.

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Chapter	Short title	Extent of repeal
		In section 83(3) and (4), the words " subsection (1) of ".
		Section 91.
		In section 93, the word " seventy-four ".
		Sections 97 and 99.
		In section 100(2), the words " thirty " and " thirty-two ".
		In Schedule 1, paragraphs 6 and 7.
		In paragraph 2 of Schedule 3 the words " or works of irrigation ".
		In Schedule 6, paragraphs 15, 27 and 28.
14 & 15 Geo. 6. c. 18.	The Livestock Rearing Act 1951.	In section 1(2)(*b*), the words from " in paragraph " (where first occurring) to " 1948 ".
4 & 5 Eliz. 2. c. 49.	The Agriculture (Safety, Health and Welfare Provisions) Act 1956.	Section 3(10).
6 & 7 Eliz. 2. c. 71.	The Agriculture Act 1958.	Section 2.
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	In section 20, in paragraph (*a*) the words from " paragraph 6 " to " 1948 and ", and in paragraph (ii) the words " the said paragraph 6 or ".
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	Section 10(1)(*a*).
1976 c. 55.	The Agriculture (Miscellaneous Provisions) Act 1976.	In section 18, in subsection (2), in paragraph (*c*) of the definition of " eligible person " the words from " within " onwards, and in subsection (4) paragraph (*d*)(ii) and the word " or " immediately preceding it.
1977 c. 12.	The Agricultural Holdings (Notices to Quit) Act 1977.	In section 2(3), Case A, and in Case H the word " appropriate ", in the first two places where it occurs, and the words from " In this Case" onwards.
		Section 7.
		In section 10(1), the words from " of an amount " to "Act ".
		In Schedule 1, paragraphs 1(2) and (6) and 5(2), and in paragraph 5(3) the words from " for " section 25(1) " " to " and ".

SCHEDULE 5

Section 11(6).

TRANSITIONAL PROVISIONS AND SAVINGS

Arbitrations as to rent

1. In any case where—

(*a*) a demand has been made for arbitration under section 8(1) of the 1948 Act before the date on which this Act is passed, but

(*b*) an arbitrator has not been appointed before that date in pursuance of the demand,

the provisions substituted for section 8 by section 1 of this Act shall apply as if the demand had been made under section 8(1) as so substituted.

Succession to agricultural holdings

2.—(1) Nothing in the following provisions of this Act, namely section 3, Schedule 1 and the repeal in Schedule 4 which is consequential on that section, affects any application made under Part II of the 1976 Act before the commencement of this Act, and accordingly Part II of that Act shall have effect in relation to any such application, and sections 20 to 24 of that Act shall have effect in relation to any proceedings arising out of any such application or in relation to any direction given in any such proceedings, as if the said provisions of this Act had not been enacted.

(2) In section 18 of the 1976 Act, as amended by this Act—

(*a*) subsection (5) shall, in relation to any time before the commencement of this Act, have effect with the substitution for the words from "as a result" to "grant or assignment" of the words "the holding or a related holding became let under a new tenancy thereof granted by the landlord, with the agreement of the outgoing tenant, to a person who, if the outgoing tenant had died immediately before the grant,"; and

(*b*) subsection (5A) shall not apply in relation to any tenancy if—

(i) it was granted before the commencement of this Act;

(ii) it was obtained by virtue of any such direction as is mentioned in sub-paragraph (1) above; or

(iii) it was granted (following such a direction) in circumstances within section 23(6) of the 1976 Act.

Length of notices to quit and operation of such notices

3. In section 1 of the 1977 Act, as amended by section 5 of this Act—

(*a*) subsection (5) applies to notices to quit given after the commencement of this Act, whether the determination of the arbitrator was contained in an award made before or after that time;

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(*b*) subsection (6) does not apply to applications made under section 2(4) of the 1977 Act before the commencement of this Act.

4. In section 6 of this Act—

(*a*) subsection (3) and subsection (8), so far as relating to section 2(4A) of the 1977 Act, do not apply in relation to applications made as mentioned in paragraph 3(*b*) above;

(*b*) subsection (5) applies to notices to quit given after the commencement of this Act, whether the death occurred before or after that time;

(*c*) subsection (7) applies to notices to quit given after the commencement of that subsection, but does not affect any such notice which took effect before the date on which this Act is passed;

(*d*) subsection (8), so far as relating to section 2(4B) of that Act, does not apply in relation to any act or omission by the tenant occurring before the commencement of this Act.

Transfer of functions of Minister

5. Neither section 8 of this Act nor the repeal in Schedule 4 to this Act of paragraph 28 of Schedule 6 to the 1948 Act applies in relation to the appointment of a person under section 16(2) of, or Schedule 6 to, the 1948 Act in pursuance of an application made before the commencement of the said provisions of this Act; and Schedule 6 shall, in relation to any person appointed under that Schedule in pursuance of such an application, have effect as if the said provisions had not been enacted.

Rent increases reflecting improvements

6.—(1) Sub-paragraph (2)(*c*) of paragraph 5 of Schedule 3 does not apply in any case where a notice has been given by the landlord under section 9(1) of the 1948 Act before the commencement of this Act.

(2) Sub-paragraph (3) of that paragraph applies to agreements between landlord and tenant made on or after the date on which this Act is passed, whether the improvement was carried out before or after that date; but that sub-paragraph does not affect paragraph (ii) of the proviso to subsection (3) of section 8 of the 1948 Act as it applies in relation to an arbitration under that Act in a case where the arbitrator was appointed before that date in pursuance of a demand made under subsection (1) of that section.

Right to remove fixtures

7. Paragraphs 6 and 16 of Schedule 3 to this Act do not apply in relation to an agricultural holding in any case where, before the commencement of this Act—

(*a*) the tenancy has terminated; or

(*b*) the tenant has given a notice under section 13(2)(*b*) of the 1948 Act.

Compensation for damage by game

8. Nothing in paragraph 7 of that Schedule, and no repeal in Schedule 4 to this Act which is consequential on that paragraph, applies in relation to an agricultural holding in a case where before the commencement of this Act a notice has been given to the landlord under paragraph (*a*) of the proviso to section 14(1) of the 1948 Act.

Deductions in respect of grants

9. Paragraph 11 of Schedule 3 to this Act shall not affect any claim for compensation in respect of an improvement arising under the 1948 Act before the commencement of this Act.

Record of condition of holding

10. In paragraph (ii) of the proviso to section 56(1) of the 1948 Act the reference to a record made under section 16 of that Act shall include a reference to a record made under that section before the commencement of this Act.

Claims for dilapidations etc.

11. Paragraph 13 of Schedule 3 to this Act shall not affect any claim arising before the commencement of this Act under or in pursuance of any provision of section 57 of the 1948 Act.

Compensation on quitting part of holding

12. Paragraph 14(*b*) of that Schedule, so far as relating to section 60(2) of the 1948 Act, does not apply in relation to a notice to quit given before the commencement of this Act.

Settlement of claims

13. Nothing in paragraph 18 of that Schedule, and no repeal in Schedule 4 to this Act which is consequential on that paragraph, applies in relation to an agricultural holding in a case where the tenancy terminated before the commencement of this Act.

Forms for arbitrations

14. Any form specified in pursuance of paragraph 15 or 27 of Schedule 6 to the 1948 Act and in force immediately before the commencement of this Act shall have effect as if prescribed by an order under section 77 of that Act, as amended by paragraph 19 of Schedule 3 to this Act, and may be varied or revoked accordingly.

Arbitration procedure

15.—(1) In paragraph 1(1A) of Schedule 6 to the 1948 Act, as amended by paragraph 28(2) of Schedule 3 to this Act, the reference to an application which is referable to a demand for arbitra-

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tion made under section 8 of that Act shall not extend to an application made before the commencement of this Act.

(2) Sub-paragraphs (5) and (6) of paragraph 28 of Schedule 3 to this Act do not apply in relation to an arbitration under the 1948 Act in a case where the arbitrator has been appointed before the commencement of this Act, and sub-paragraph (10) of that paragraph does not affect the computation of any period of time for the purposes of any such arbitration.

Rights of tenant as to provision of fixed equipment

16. Paragraph 30 of that Schedule applies in relation to applications made under section 4 of the Agriculture Act 1958 before the commencement of this Act as well as to those made thereafter.

1958 c. 71.

Minor amendments etc. relating to notices to quit

17. Nothing in Schedule 3 to this Act, or in the repeals made by this Act, so far as relating (in either case) to the 1977 Act or to the Agriculture (Miscellaneous Provisions) Act 1968 affects the operation of or otherwise applies in relation to a notice to quit an agricultural holding, or part of an agricultural holding, given before the commencement of this Act.

1968 c. 34.

Arbitrations pursuant to s.24 of the 1976 Act

18. Paragraph 35 of that Schedule does not apply in relation to any arbitration under the 1948 Act in pursuance of a demand made under section 24(3) of the 1976 Act in any case where the arbitrator was appointed before the passing of this Act.