STATUTORY INSTRUMENTS

1984 No. 1300

LANDLORD AND TENANT

The Agricultural Holdings (Arbitration on Notices) (Variation) Order 1984

Made - - - -	*26th July* 1984
Laid before Parliament	*16th August* 1984
Coming into Operation	*12th September* 1984

The Lord Chancellor, in exercise of the powers conferred on him by section 5 of the Agricultural Holdings (Notices to Quit) Act 1977(**a**), after consultation with the Council on Tribunals as required by section 10 of the Tribunals and Inquiries Act 1971(**b**), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Agricultural Holdings (Arbitration on Notices) (Variation) Order 1984 and shall come into operation on 12th September 1984.

Variation of the Agricultural Holdings (Arbitration on Notices) Order 1978

2. The Agricultural Holdings (Arbitration on Notices) Order 1978(**c**) shall be varied in accordance with the following articles of this Order.

3. In article 2(1) thereof (interpretation) there shall be substituted for the words " "Case B", "Case D" and "Case E" " the words " "Case B", "Case D", "Case E" and "Case I" ".

4. In article 9 thereof (notice requiring arbitration concerning notice to quit) there shall be substituted for the words "Case B, D or E" the words "Case B, D, E or I" and there shall be inserted after the words "reasons so stated" the words "or any question arising under Schedule 1A to the 1977 Act".

(**a**) 1977 c. 12; section 5(1) was amended by the Agricultural Holdings Act 1984 (c. 41), Schedule 3, paragraph 38; Case I was inserted into section 2(3) by section 6 of the 1984 Act; and Schedule 1A was inserted by paragraph 43 of Schedule 3 to that Act.
(**b**) 1971 c. 62.
(**c**) S.I. 1978/257.

5. There shall be inserted after article 9 thereof the following article—

"*Appointment of arbitrator*

9A. A notice under article 9 above requiring arbitration under the 1948 Act shall cease to be effective for the purposes of that article 3 months after the date of the service of that notice unless before the expiry of those 3 months—

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

(*b*) (in default of such an agreement) an application has been made by the tenant under paragraph 1 of Schedule 6 to that Act for the appointment of an arbitrator.".

6. In article 11 thereof (postponement of operation of notice to quit during arbitration) there shall be substituted for the words "until the termination of the arbitration" the words—

"until—

(*a*) the expiry of the time fixed in article 9A above for appointing an arbitrator or for making an application under paragraph 1 of Schedule 6 to the 1948 Act, or

(*b*) where any such appointment or application has been duly made, the termination of the arbitration".

7. In article 14(6) thereof (termination of tenancy following extension of time under notice to remedy after notice to quit) there shall be substituted for the words from "unless" to the end 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.".

Hailsham of St. Marylebone, C.

Dated 26th July 1984.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order varies the Agricultural Holdings (Arbitration on Notices) Order 1978 by—

(a) providing for the determination by arbitration of questions arising out of a notice to quit under Case I in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977, as amended (articles 3 and 4);

(b) imposing a time-limit of 3 months after service of a notice requiring arbitration on a notice to quit within which an arbitrator maybe appointed or application may be made under paragraph 1 of Schedule 6 to the Agricultural Holdings Act 1948 (c. 63) for an arbitrator to be appointed (article 5).

Article 6 of this Order amends article 11 of the 1978 Order (postponement of operation of notice to quit during arbitration) consequentially upon the amendment in article 5 of this Order, and article 7 of this Order amends article 14(6) of the 1978 Order (termination of tenancy following extension of time under notice to remedy after notice to quit) to accord with section 4(4) of the 1977 Act, as amended by section 7 of the Agricultural Holdings Act 1984.

By virtue of paragraph 17 of Schedule 5 to the 1984 Act the amendments made by the Order do not affect the operation of or otherwise apply in relation to a notice to quit given before the commencement of that Act.

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