STATUTORY INSTRUMENTS

1968 No. 1048

AGRICULTURE
LANDLORD AND TENANT

The Agricultural Land Tribunals (Transitional Provisions) Order 1968

Made - - -	3*rd July* 1968
Laid before Parliament	10*th July* 1968
Coming into Operation	11*th July* 1968

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 73 of the Agriculture Act 1947(**a**), as amended by sections 5 and 8 of, and the First Schedule to, the Agriculture Act 1958(**b**), and after consultation with the Council on Tribunals, do hereby make the following Order :—

1.—(1) This Order may be cited as the Agricultural Land Tribunals (Transitional Provisions) Order 1968 and shall come into operation on 11th July 1968.

(2) In this Order "the 1968 Act" means the Agriculture (Miscellaneous Provisions) Act 1968(**c**), and "the principal Rules" means the Agricultural Land Tribunal Rules 1959 which are set out in the Schedule to the Agricultural Land Tribunals and Notices to Quit Order 1959(**d**), as amended (**e**).

(3) The Interpretation Act 1889(**f**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. Subject to the provisions of this Order, the principal Rules shall apply to applications to the Agricultural Land Tribunals under section 10(7) of and Schedule 1 to the 1968 Act.

3. An application by a tenant under paragraph 2 of Schedule 1 to the 1968 Act for a determination by the tribunal that they are satisfied that a notice was given in order that the land in question may be used otherwise than for agriculture shall be substantially in accordance with Form A in the Schedule to this Order.

4.—(1) An application by a tenant under paragraph 3 of Schedule 1 to the 1968 Act for a determination by the tribunal as to the reasons for a decision already given by them shall be substantially in accordance with Form B in the Schedule to this Order.

(2) Paragraphs (2) to (4) of Rule 13 of the principal Rules shall not apply to any application under this article, or to any reply thereto, unless the chairman otherwise directs.

(**a**) 1947 c. 48. (**b**) 1958 c. 71. (**c**) 1968 c. 34. (**d**) S.I. 1959/81 (1959 I, p. 91).
(**e**) The relevant amending instrument is 1961/1755 (1961 III, p. 3402). (**f**) 1889 c. 63.

(3) Every application under this article and reply thereto shall be accompanied by two copies of any document which the party making the application or reply intends to adduce in support of his case, unless he has reason to believe that copies thereof are already in the possession of the tribunal and of the other party.

(4) Rule 14 of the principal Rules shall apply to every application, reply or other document received by the secretary under this article, as it applies to documents received under Rule 13 thereof.

Dated 3rd July 1968.

Gardiner, C.

SCHEDULE

Form A

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Determination as to Purpose of Notice to Quit

To the Secretary of the Agricultural Land Tribunal
for the ..... Area.

1. I, ...[*block capitals*]
of .....[*address*]
tenant of.....[*name or description of holding*],
hereby apply for the Tribunal's determination under paragraph 2 of Schedule 1 to the Agriculture (Miscellaneous Provisions) Act 1968 that the notice to quit (particulars of which are given below) was given in order that the land in question may be used otherwise than for agriculture.

2. My landlord is.....[*block capitals*]
of .....[*address*]

3. The holding consists of:—

(*a*) .....acres of arable land (including temporary grass)
(Ordnance Survey Field Nos.....);

(*b*) .....acres of permanent pasture (including rough grazing)
(Ordnance Survey Field Nos.....);

(*c*) .....acres of other land (including orchards)
(Ordnance Survey Field Nos.....);
Total.....acres.

4. The holding includes the following buildings [*give a general description*]:—

5. My landlord served me with notice to quit on.....19...., to have effect on.....19...., which contained the following statements as to the purpose of terminating the tenancy and the hardship likely to be caused by failure to terminate it [*if the notice contained no such statement, write "none"*]:—

†6. My landlord served a further notice on .....19...., under paragraph 1(*b*) of the aforesaid Schedule, which contained the following statements as to the purpose of terminating the tenancy and the hardship likely to be caused by failure to terminate it:— †Strike out if inapplicable.

7. My main reasons for saying that the notice to quit was given so that the land may be used otherwise than for agriculture are:—

8. I attach two(1) copies each of—

(*a*) a 6″(2) to one mile map of the holding;

†Strike out if inapplicable.

(*b*) the notice[s]† mentioned in paragraph 5 [and 6]†;

(*c*) the following other documents(3):—

Date..... Signed(4).....

(1) Two copies of the application and of any map and document must be sent to the Secretary, and if there are more than two parties (e.g. if the holding is held under a sub-tenancy), an additional copy of the application etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(3) Mention any other documents which are attached to the application.

(4) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form AR

To be inserted by the Secretary.

Ref. No.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Determination as to Purpose of Notice to Quit

To the Secretary of the Agricultural Land Tribunal
for the ..... Area.

I, ... [*block capitals*]
of .....[*address*]
landlord of ..... [*name or description of holding*],
having received a copy of the application (bearing the above reference number) for the Tribunal's determination as to the purpose of the notice to quit therein mentioned, reply as follows:—

1. The facts stated in the first 6 paragraphs of the application are correct except that:—

2. My main reasons for resisting the application are:—

3. I attach copies of the following relevant documents(1):—

Date..... Signed(2).....

(1) (*a*) Two copies of the reply and of any document which you wish to submit to the Tribunal must be sent to the Secretary and, if there are more than two parties (e.g. if the holding is sub-let) an additional copy of each must be supplied for each additional party.

(*b*) If you disagree with any map or plan attached to the application your reply should be accompanied by two copies of a 6″ to one mile (or larger) map or plan showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(2) If signed by any person other than the landlord himself he should state in what capacity or by what authority he signs.

Form B

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Determination as to Reasons for Previous Decision

To the Secretary of the Agricultural Land Tribunal
for the ..... Area.

1. I, ...[*block capitals*]
of .....[*address*]
tenant of.....[*name or description of holding*],
hereby apply for the Tribunal's determination under paragraph 3 of Schedule 1 to the Agriculture (Miscellaneous Provisions) Act 1968 that the reasons for their decision (particulars of which are given below) would have included the reason that they are satisfied as to the matter mentioned in section 25(1)(*e*) of the Agricultural Holdings Act 1948, (as amended by the Agriculture Act 1958) if that matter had been specified in the application upon which that decision was given.

2. My landlord is.....[*block capitals*]
of .....[*address*]

3. My landlord served me on .....19.... with notice to quit the holding, and applied for the consent of the Tribunal to the operation of the notice on .....19..... The Reference Number of his application was.....

4. The Tribunal gave its decision in writing, dated.....19...., and consented to the operation of the notice to quit for the following reasons:

(*i*) that they were satisfied as to the matter mentioned in section 25(1)(*b*) of the said Act of 1948 (as amended), and

†(*ii*) that they were satisfied as to the matters mentioned in paragraphs †(*a*), †(*c*) and †(*d*) of that section. †Strike out if inapplicable.

5. The landlord's application did not specify any matter mentioned in the aforesaid section 25(1)(*e*), and my main reasons for saying that if it had specified such matter, that would have been included in the reasons for the Tribunal's decision, are:—

6. I will refer at the hearing to the following documents—

(*a*) copies of which I believe to be already in the possession of the Tribunal and the landlord:—

(*b*) copies of which are attached(1):—

Date..... Signed(2).....

(1) Two copies of the application and of any document which you wish to submit to the Tribunal must be sent to the Secretary, and if there are more than two parties (e.g. if the holding is held under a sub-tenancy), an additional copy of the application etc., must be supplied for, and the Secretary must be informed of, the name and address of, each additional party.

(2) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form BR

To be inserted by the Secretary. Ref. No.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Determination as to Reasons for Previous Decision

To the Secretary of the Agricultural Land Tribunal
for the ..... Area.

I, ... [*block capitals*]
of .....[*address*]
landlord of ..... [*name or description of holding*], having received a copy of the application (bearing above reference number) for the Tribunal's determination as to the reasons for their decision given on my application, reference number..... reply as follows:—

1. The facts stated in the first four paragraphs of the application are correct except that:—

2. My main reasons for resisting the application are:—

3. I will refer at the hearing to the following documents—

(*a*) copies of which I believe to be already in the possession of the Tribunal and the applicant:—

(*b*) copies of which are attached(1):—

Date..... Signed(2).....

(1) Two copies of the reply and of any document which you wish to submit to the Tribunal must be sent to the Secretary and, if there are more than two parties (e.g. if the holding is sub-let) an additional copy of each must be supplied for each additional party.

(2) If signed by any person other than the landlord himself he should state in what capacity or by what authority he signs.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes the procedure to be followed on applications to Agricultural Land Tribunals under the transitional provisions of section 10 of and Schedule 1 to the Agriculture (Miscellaneous Provisions) Act 1968. The Agricultural Land Tribunals Rules 1959 are applied subject to certain modifications.