STATUTORY INSTRUMENTS

1972 No. 1207

AGRICULTURE

The Agriculture (Notices to Quit) (Miscellaneous Provisions) Order 1972

Made - - - -	31*st July* 1972
Laid before Parliament	14*th August* 1972
Coming into Operation	6*th September* 1972

The Lord Chancellor, in exercise of the powers conferred on him by section 73 of the Agriculture Act 1947(**a**), as amended(**b**), section 26 of the Agricultural Holdings Act 1948(**c**), as amended(**d**), section 21(6) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**e**), as amended (**d**), section 19(2) of the Agriculture (Miscellaneous Provisions) Act 1963(**f**) and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(**g**), hereby makes the following Order:—

1. This Order may be cited as the Agriculture (Notices to Quit) (Miscellaneous Provisions) Order 1972 and shall come into operation on 6th September 1972.

2. In this Order—

"the 1948 Act" means the Agricultural Holdings Act 1948 as amended;

"the 1951 Act" means the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 as amended;

"the 1959 Order" means the Agricultural Land Tribunals and Notices to Quit Order 1959(**h**) as amended(**i**);

"the 1964 Order" means the Agriculture (Notices to Remedy and Notices to Quit) Order 1964(**j**);

"tribunal" means an Agricultural Land Tribunal.

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

(**a**) 1947 c. 48.
(**b**) By sections 5 and 8 of, and Schedules 1 and 2 to the Agriculture Act 1958 (c. 71).
(**c**) 1948 c. 63. (**d**) By section 8 of, and Schedule 1 to the Agriculture Act 1958.
(**e**) 1951 c. 65. (**f**) 1963 c. 11. (**g**) 1971 c. 62.
(**h**) S.I. 1959/81 (1959 I, p. 91). (**i**) The relevant amending instrument is the 1964 Order.
(**j**) S.I. 1964/706 (1964 II, p. 1358). (**k**) 1889 c. 63.

4. The 1959 Order shall be amended as follows:—

(1) For rule 11 in the Schedule there shall be substituted the following rule:

"Where a tenant makes an application to postpone the termination of his tenancy under Article 12 of the Agriculture (Notices to Remedy and Notices to Quit) Order 1964, other than at the arbitration or at the hearing before the tribunal, his application shall be made substantially in accordance with Form 11."

(2) Form 11 in the Appendix shall be amended—

(*a*) by substituting for the words "Article 9 of the Agricultural Land Tribunals and Notices to Quit Order 1959" the words "Article 12 of the Agriculture (Notices to Remedy and Notices to Quit) Order 1964", and

(*b*) by adding at the end of footnote (1) the words "A written notice is required (by Article 12(2) of the 1964 Order referred to above) to be given at the same time to the landlord.".

5. The 1964 Order shall be amended as follows:—

(1) In Article 5(2) the words "the grounds on which and" shall be omitted;

(2) For Article 10 there shall be substituted the following Article:—

"10. Where there has been an arbitration under Article 9 above in respect of a notice to quit which is capable of taking effect as a notice to quit to which sub-section (1) of section 24 of the 1948 Act applies and, in consequence of the arbitration, the notice to quit takes effect accordingly, the time within which a counter-notice may be served by the tenant on the landlord under that sub-section shall be one month from the termination of the arbitration."

6.—(1) The Agriculture (Control of Notices to Quit) (Service Men) Order 1959**(a)** is hereby revoked.

(2) In any case to which, notwithstanding the existence of any such circumstances as are mentioned in sub-section (2) of section 24 of the 1948 Act, sub-section (1) thereof applies by virtue of the modification of that section by section 21 of the 1951 Act, paragraph (3) of this Article shall have effect, the 1959 Order shall have effect subject to the modifications specified in paragraph 1 of the Schedule hereto, and the 1964 Order as amended by this Order shall have effect subject to the modifications specified in paragraphs 2 and 3 of that Schedule.

(3) Where, on an application by the landlord for the consent of the tribunal to the operation of a notice to quit, it appears to the tribunal that the notice to quit was given for one or more of the reasons specified in paragraphs (*b*), (*d*) and (*e*) of section 24(2) of the 1948 Act, and that it is expedient that any question arising out of those reasons should be determined by arbitration between the landlord and tenant under the 1948 Act before the tribunal consider whether to grant or withhold consent to the operation of the notice to quit, they may require that the question be determined accordingly.

(4) This article shall not apply in relation to proceedings arising from a notice to quit served before the coming into operation of this Order.

Dated 31st July 1972.

Hailsham of St. Marylebone, C.

(a) S.I. 1959/82 (1959 I, p. 121).

SCHEDULE

Article 6(2)

MODIFICATIONS TO THE 1959 AND 1964 ORDERS

1. Where a notice to quit has been given for one or more of the reasons specified in paragraphs (*b*), (*d*) and (*e*) of section 24(2) of the 1948 Act, and the tenant has duly served a counter-notice under section 24(1) thereof, the form of application by the landlord for the tribunal's consent to the operation of the notice to quit prescribed by paragraph (3) of Rule 2 of the Schedule to the 1959 Order, and numbered Form 1, shall be deemed to include a requirement to state, as far as practicable, for which of the reasons notice to quit was given, and, if any question arising out of them has been determined by arbitration, the determination.

2. At the end of Article 9 of the 1964 Order there shall be added the following words:—

"so however that the tenant's failure to serve such a notice shall not affect his right to contest the reason in proceedings before an Agricultural Land Tribunal consequent upon the service of a counter-notice under section 24(1) of that Act or in any arbitration by which the tribunal may require any question arising out of the reason to be determined."

3. For Article 10 of the 1964 Order there shall be substituted the following Article:—

"10. Where a tenant requires a question to be determined by arbitration in pursuance of Article 9 above, the time within which a counter-notice under section 24(1) of the 1948 Act may be served by the tenant on the landlord under that sub-section shall be one month from the termination of the arbitration."

EXPLANATORY NOTE

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

This Order makes a number of amendments and modifications to instruments relating to notices to quit agricultural holdings. Article 4 corrects two references in the Agricultural Land Tribunals and Notices to Quit Order 1959 to provisions revoked in 1964, and makes provision for reminding the tenant of the obligation introduced in 1964 to serve a notice on the landlord. Article 5 amends the Agriculture (Notices to Remedy and Notices to Quit) Order 1964—

(*a*) by making it unnecessary for a tenant requiring arbitration on an issue of liability to do work to specify the grounds of objection as well as the items objected to, and

(*b*) by making more plain the effect of Article 10.

Article 6, with the schedule, revokes and re-enacts, with drafting amendments, the Agriculture (Control of Notices to Quit) (Service Men) Order 1959.

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