



Agriculture (Miscellaneous Provisions) Act 1968

1968 CHAPTER 34

[^{F1}PART II

ADDITIONAL PAYMENTS TO TENANT FARMERS

Textual Amendments

- F1** Part II (ss. 9-17) repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(2), 89(2), **Sch. 13 Pt.I** (with s. 45(3), Sch. 12 paras. 1, 3)

F2F3⁹

Textual Amendments

- F2** S. 9 repealed (S.)(25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(2), 89(2), **Sch. 13**, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)
- F3** Ss. 9, 10 repealed (E.W.) by [Agricultural Holdings Act 1984](#) (c.41), s. 10, **Sch. 4** and by [Agricultural Holdings Act 1986](#) (c.5, SIF 2:3), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. I**

F4F5¹⁰

Textual Amendments

- F4** Ss. 9, 10 repealed (E.W.) by [Agricultural Holdings Act 1984](#) (c.41), s. 10, **Sch. 4** and by [Agricultural Holdings Act 1986](#) (c.5, SIF 2:3), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. I**
- F5** S. 10 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(2), 89(2), **Sch. 13**, Pt. I (with s. 45(3), Sch. 12 paras. 1, 3)

*Changes to legislation: There are currently no known outstanding effects for the
 Agriculture (Miscellaneous Provisions) Act 1968, Part II. (See end of Document for details)*

^{F6}11

Textual Amendments

F6 S. 11 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt. I (with s. 45(3), [Sch. 12](#) paras. 1, 3)

^{F7}12 **Additional payments in consequence of compulsory acquisition etc. of agricultural holdings.**

(1) Where in pursuance of any enactment providing for the acquisition or taking of possession of land compulsorily by any person (hereafter in this Part of this Act referred to as an “acquiring authority”), an acquiring authority acquire the interest in an agricultural holding or any part of it of the tenant of the holding or take possession of such a holding or any part of it, then, subject to the provisions of this Part of this Act, [^{F8}subsection (2)(b) of section 60 of the Agricultural Holdings Act 1986 (additional compensation to tenant for disturbance) shall apply as if the acquiring authority were the landlord of the holding and on the date of the acquisition or taking of possession the tenancy of the holding or part of it had terminated, and the tenant had quitted the holding or part of it, in consequence of such a notice or counter-notice as is mentioned in subsection (1) of that section; and section 61 of that Act (exceptions to section 60) shall not apply in such a case]].

^{F9}[No sum shall be payable by virtue of subsection (1) of this section in respect of any (1A) land comprised in a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.]

(2) No sum shall be payable by virtue of subsection (1) of this section in respect of any agricultural holding held on a tenancy for a term of two years or upwards except in a case where the amount of compensation payable to the tenant of the holding by the acquiring authority in consequence of the acquisition or taking of possession in question is exceeded by the aggregate of the amounts which, if the tenancy had been from year to year, would have been so payable by way of compensation and by virtue of that subsection; and in any such case the sum payable by virtue of that subsection in consequence of the acquisition or taking of possession in question shall, subject to sections 13(3) and 14(3) of this Act, be of an amount equal to the excess.

(3) No sum shall be payable to the tenant of an agricultural holding by virtue of subsection (1) of this section in consequence of such an acquiring of an interest or taking of possession as is there mentioned unless the date on which the acquisition or taking of possession occurs is later than the date of the passing of this Act and—

- (a) in the case of such an acquisition, unless the date on which notice to treat in respect of the interest to be acquired is served or treated as served on the tenant by the acquiring authority is after the initial date; and
- (b) where in the case of such a taking of possession prior notice of the taking of possession is by virtue of any enactment required to be served on the tenant by the acquiring authority, unless the date on which the notice is so served is after the initial date.]

[^{F10}(4) If a person is entitled in respect of the same interest in land to a payment both—

- (a) by virtue of subsection (1), and

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(b) under section 33B of the Land Compensation Act 1973 (additional loss payment for agricultural land),
section 33H of that Act (only one payment to be made if a person has dual entitlement applies.]

Textual Amendments

- F7** S. 12 repealed (S.)(25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), **ss. 88(2), 89(2)** Sch. 13, Pt. I (with s. 45(3), Sch. 12 paras. 1, 3)
- F8** Words substituted (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 44**
- F9** S. 12(1A) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 23** (with s. 37).
- F10** S. 12(4) inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **Sch. 7 para. 4** (with s. 111); S.I. 2004/2593, art. 2(d)

Modifications etc. (not altering text)

- C1** S. 12 amended by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), **s. 48(5)** and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), **s. 44(4)**
- C2** S. 12 modified by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), **ss. 59(2)(a)**, 61(3) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), **ss. 55(2)(a)**, 56(8), 57(3), 58(3)(6), Sch. 1

13 Provisions supplementary to s. 12 in England and Wales.

- (1) For the purposes of subsection (1) of section 12 of this Act, a tenant of an agricultural holding shall be treated as not being a tenant of it in so far as, immediately before the acquiring of the interest or taking of possession mentioned in that subsection, he was neither in possession nor entitled to take possession of any land comprised in the holding; and in determining for those purposes whether a tenant was so entitled, any such agreement as is mentioned in ^{[^{F11}}section 2(2) of the Agricultural Holdings Act 1986]which relates to the land and has not taken effect as an agreement for the letting of the land for a tenancy from year to year shall be disregarded.
- (2) Section 12(1) of this Act shall not apply where the acquiring authority require the land comprised in the holding or part in question for the purposes of agricultural research or experiment or of demonstrating agricultural methods or for the purposes of the enactments relating to smallholdings, nor where the Minister acquires the land under section 84(1)(c) of the ^{M1}Agriculture Act 1947; but where an acquiring authority exercise in relation to any land any power to acquire or take possession of land compulsorily which is conferred on the authority by virtue of ^{[^{F12}}section 226 or 230 of the Town and Country Planning Act 1990]^{[^{F13}}section 10 of the New Towns Act 1981]. . . , the authority shall be deemed for the purposes of this subsection not to require the land for any of the purposes aforesaid.
- (3) The provisions of Schedule 3 to this Act shall have effect for the purposes of section 12 of this Act in its application to England and Wales.

Textual Amendments

- F11** Words substituted (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 45**
- F12** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 19**

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F13 Words substituted by [New Towns Act 1981 \(c. 64\), s. 81, Sch. 12 para. 4](#)

Marginal Citations

M1 [1947 c. 48.](#)

F14 14

Textual Amendments

F14 [S. 14](#) repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt.I (with s. 45(3), [Sch. 12 paras. 1, 3](#))

[^{F15}15 Effect of early resumption clauses on compensation.

[Except where compensation assessed in accordance with this subsection would be less ^{F16}(1) than if this subsection were disregarded, in assessing the compensation payable by an acquiring authority to the tenant of an agricultural holding in connection with such an acquiring of an interest or taking of possession as is mentioned in section 12(1) of this Act, any provision in the contract of tenancy authorising the resumption of possession of the holding or part of it for some specified purpose other than the use of the land for agriculture shall—

- (a) in the case of an acquisition, be treated as if that provision authorised resumption of possession for the purpose in question on the expiration of twelve months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant; and
- (b) in the case of a taking of possession, be disregarded.]

^{F17}(2)

(3) Where the landlord of an agricultural holding in Scotland resumes land in pursuance of such a provision in the lease as is mentioned in subsection (1) of this section, compensation shall be payable by the landlord to the tenant, in addition to any other compensation so payable apart from this subsection in respect of the land, of an amount which is equal to the value of the additional benefit (if any) which would have accrued to the tenant if the land had, instead of being so resumed, been resumed at the expiration of twelve months from the end of the year of tenancy current at a date two months before the date of resumption.

(4) ^{F18} . . . subsections (4) to (6) of section 11 of this Act shall apply to compensation claimed or payable under subsection (3) of this section, as if for references to sums claimed or payable in pursuance of section 9 of this Act there were substituted references to compensation claimed or payable under the said ^{F18} . . . subsection (3), ^{F18} . . . ; and section 12(3) of this Act shall apply to any increase of compensation in pursuance of subsection (1) of this section as it applies to a sum payable by virtue of section 12(1) of this Act as if for references to the said section 12(1) there were substituted references to subsection (1) of this section.

(5) For the purposes of subsections (1) to (3) of this section, the current year of a tenancy for a term of two years or upwards is the year beginning with such day in the period of twelve months ending—

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- (a) for the purposes of subsection (1) ^{F18} . . . , with the date on which the notice mentioned in that subsection is served; and
- (b) for the purposes of subsection (3), with a date two months before the resumption mentioned in that subsection.

as corresponds to the day on which the term would expire by the effluxion of time.

- (6) In the application of this section to Scotland,—
 - (a) in subsection (1), for the words from “contract” to “agriculture” there shall be substituted the words “lease entitling the landlord to resume land for building, planting, feuing or other purposes (not being agricultural purposes)” and in paragraph (a) for the word “possession” there shall be substituted the word “land”; and
 - (b) subsection (2) shall be omitted.]

Textual Amendments

- F15** S. 15 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13**, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)
- F16** S. 15(1) repealed with saving by [Land Compensation Act 1973 \(c. 26\)](#), ss. 48(4)(6), 89(3), **Sch. 3** except in relation to compensation falling to be assessed by reference to prices current on a date before 23. 5. 1973 and except for the purposes of s. 48(6) of that Act
- F17** S. 15(2) repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 15 Pt. I**
- F18** Words repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 15 Pt. I**

Modifications etc. (not altering text)

- C3** S. 15(3) excluded by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), s. 55(2)(b)

^{F19} 16

Textual Amendments

- F19** S. 16 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13**, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)

[^{F20} 17 **Interpretation etc. of Part II.**

- (1) In this Part of this Act—
 - “acquiring authority” has the meaning assigned to it by section 12(1) of this Act;
 - “the initial date” means 1st November 1967;
 - “possession” means actual possession;
 - ^{F21}
 - “the principal Scottish Act” means the ^{M2}Agricultural Holdings (Scotland) Act 1949:

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and unless the context otherwise requires expressions used in this Part of this Act and the [^{F22}Agricultural Holdings Act 1986] or, as the case may be, the principal Scottish Act have the same meanings in this Part of this Act as in that Act.

- (2) In this Part of this Act . . . ^{F23} references to the acquisition of any property are references to the vesting of the property in the person acquiring it.
- (3) [^{F24}Section 95(1), (2) and (3) of the Agricultural Holdings Act 1986] and section 86(1) and (2) of the principal Scottish Act (Crown land) shall have effect as if references to that Act included references to this Part of this Act.
- (4) References in this section to this Part of this Act include references to Schedules 1 to 4 to this Act.
- (5) In the application of this section to Scotland, in subsection (2) the words from “references to the termination” to “and” shall be omitted.]

Textual Amendments

- F20** S. 17 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13, Pt. I](#) (with s. 45(3), [Sch. 12 paras. 1, 3](#))
- F21** Definition repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3, Sch. 15 Pt. I](#)
- F22** Words substituted (E. W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3, Sch. 14 para. 46\(1\)\(2\)](#)
- F23** Words repealed by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3, Sch. 15 Pt. I](#)
- F24** Words substituted (E.W.) by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3, Sch. 14 para. 46\(1\)\(3\)](#)

Marginal Citations

- M2** 1949 c. 75.

Changes to legislation:

There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1968, Part II.