



Agriculture Act 1970

1970 CHAPTER 40

PART VII

MISCELLANEOUS PROVISIONS

[^{F199} Agricultural tied cottages.

- (1) Section 33 of the ^{M1}Rent Act 1965 (which enables the court to suspend an order for possession of premises occupied by the tenant under a former tenancy within the meaning of Part III of that Act under the terms of his employment as a person employed in agriculture) shall have effect with the amendments specified in the subsequent provisions of this section; but section 36 of that Act (under which the said section 33 binds the Crown) shall not apply to the subsection added to the said section 33 by subsection (4) of this section.
- (2) After subsection (3) of the said section 33 there shall be inserted the following subsection:—
 - “(3A) Where the order for possession is made within the period of six months beginning with the date when the former tenancy came to an end, then, without prejudice to any powers of the court under the preceding provisions of this section or apart from this section to postpone the operation or suspend the execution of the order for a longer period, the court shall suspend the execution of the order (on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable) for the remainder of the period of six months aforesaid unless the court—
 - (a) is satisfied either—
 - (i) that other suitable accommodation is, or will within that period be made, available to the occupier; or
 - (ii) that the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises are available for

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Section 99. (See end of Document for details)

occupation by a person employed or to be employed by the owner; or

(iii) that greater hardship (being hardship in respect of matters other than the carrying on of such a business as aforesaid) would be caused by the suspension of the order until the end of that period than by its execution within that period; or

(iv) that the occupier, or any person residing or lodging with the occupier, has been causing damage to the premises or has been guilty of conduct which is a nuisance or annoyance to persons occupying other premises; and

(b) considers that it would be reasonable not to suspend the execution of the order for the remainder of that period;

but a decision of the court not to suspend the execution of the order under this subsection shall not prejudice any other power of the court to postpone the operation or suspend the execution of the order for the whole or part of the period of six months aforesaid.”

(3) In subsection (5) of the said section 33 (which sets out the matters to which the court is to have regard in considering whether or how to exercise its powers under that section) for the words “powers under this section” there shall be substituted the words “powers under subsection (3) of this section”.

(4) After subsection (6) of the said section 33 there shall be inserted the following subsection:—

“(6A) Where, in the case of an order for possession of the premises to which subsection (3A) of this section applies, the execution of the order is not suspended under that subsection or, the execution of the order having been so suspended, the suspension is terminated, then, if it is subsequently made to appear to the court that the failure to suspend the execution of the order or, as the case may be, the termination of the suspension was—

(a) attributable to the provisions of paragraph (a)(ii) of that subsection, and

(b) due to misrepresentation or concealment of material facts by the owner of the premises,

the court may order the owner to pay to the occupier such sum as appears sufficient as compensation for damage or loss sustained by the occupier as a result of that failure or termination.”]

Textual Amendments

F1 S. 99 repealed (E.W.) by Protection from Eviction Act 1977 (c. 43), Sch. 3

Modifications etc. (not altering text)

C1 The text of ss. 32(2)(3)(5), 99(2)–(4) and Schedules 2 and 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1965 c. 75.

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