



Land Compensation Act 1973

1973 CHAPTER 26

PART IV

COMPULSORY PURCHASE

Miscellaneous

59 Notice to quit agricultural holding: right to opt for notice of entry compensation.

- (1) This section has effect where the person in occupation of an agricultural holding, being a person having no greater interest therein than as tenant for a year or from year to year, is served with a notice to quit the holding, and—
- (a) the notice is served after an acquiring authority have served notice to treat on the landlord of the holding or, being an authority possessing compulsory purchase powers, have agreed to acquire his interest in the holding; and
 - (b) either—
 - (i) [^{F1}section 26(1) of the Agricultural Holdings Act 1986] does not apply to the notice by virtue of [^{F1}Case B in Part I of Schedule 3 to that Act] (land required for non-agricultural use for which planning permission has been granted etc.); or
 - (ii) the [^{F2}appropriate tribunal] have consented to the operation of the notice and stated in the reasons for their decision that they are satisfied as to the matter mentioned in [^{F3}section 27(3)(f)] of that Act (land required for non-agricultural use not falling within [^{F4}the said Case B]).

[^{F5}(1A) For the purposes of subsection (1), “appropriate tribunal” means—

- (a) where the holding (or the greater part of the holding) is in England, the First-tier Tribunal; and
- (b) where the holding (or the greater part of the holding) is in Wales, the Agricultural Land Tribunal.]

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- (2) If the person served with the notice to quit elects that this subsection shall apply to the notice and gives up possession of the holding to the acquiring authority on or before the date on which his tenancy terminates in accordance with the notice—
 - (a) section 20 of the ^{M1}Compulsory Purchase Act 1965 (compensation for tenants from year to year etc.) and section 12 of the ^{M2}Agriculture (Miscellaneous Provisions) Act 1968 shall have effect as if the notice to quit had not been served and the acquiring authority had taken possession of the holding in pursuance of a notice of entry under section 11(1) of the said Act of 1965 on the day before that on which the tenancy terminates in accordance with the notice to quit; and
 - (b) the provisions of the [^{F6}Agricultural Holdings Act 1986 relating to compensation to a tenant on the termination of his tenancy] shall not have effect in relation to the termination of the tenancy by reason of the notice to quit.
- (3) No election under subsection (2) above shall be made or, if already made, continue to have effect in relation to any land (whether the whole or part of the land to which the notice to quit relates) if, before the expiration of that notice, an acquiring authority take possession of that land in pursuance of an enactment providing for the taking of possession of land compulsorily.
- (4) Any election under subsection (2) above shall be made by notice in writing served on the acquiring authority not later than the date on which possession of the holding is given up.
- (5) This section shall have effect in relation to a notice to quit part of an agricultural holding as it has effect in relation to a notice to quit an entire holding and references to a holding and the termination of the tenancy shall be construed accordingly.
- (6) A person served with a notice to quit part of an agricultural holding shall not be entitled, in relation to that notice, both to make an election under this section and to give a counter-notice under [^{F7}section 32 of the Agricultural Holdings Act 1986] (tenant’s right to cause notice to quit part of holding to operate as notice to quit entire holding).
- (7) The reference in subsection (1)(a) above to a notice to treat served by an acquiring authority includes a reference to a notice to treat deemed to have been so served under any of the provisions mentioned in section 53(5) above [^{F8}and the reference in that subsection to an authority possessing compulsory purchase powers includes a person or body of persons who would be an authority possessing compulsory purchase powers if the landlord’s interest were not an interest in Crown land (as defined by section 293 of the Town and Country Planning Act 1990).].
- (8) ^{F9}

Textual Amendments

F1 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, [Sch. 14 para. 55\(2\)\(a\)](#)

F2 Words in s. 59(1)(b)(ii) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 201\(a\)](#) (with Sch. 3)

F3 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, [Sch. 14 para. 55\(2\)\(b\)](#)

F4 Words substituted by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), [Sch. 1 para. 6\(4\)\(d\)](#) except in relation to notices to quit given before 7.4.1978:and [Agricultural Holdings \(Notices to Quit\)](#)

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Act 1977 (c. 12 , s. 14 and continued by virtue of Agricultural Holdings Act 1986 (c. 5, SIF 2:3), s. 100, **Sch. 14 para. 55(2)**)

F5 S. 59(1A) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 201(b)** (with Sch. 3)

F6 Words substituted by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), s. 100, **Sch. 14 para. 55(3)**

F7 Words substituted by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), s. 100, **Sch. 14 para. 54(4)**

F8 Words in s. 59(7) inserted (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067, **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para.7** (with s. 84(5)); S.I. 1991/2067,art. 3.

F9 S. 59(8) repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

Marginal Citations

M1 1965 c. 56.

M2 1968 c. 34.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2024/174 Sch. 8 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/230 Sch. 9 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/360 Sch. 5 para. 13](#)
- Act applied (with modifications) by [S.I. 2024/393 Sch. 10 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/436 Sch. 9 para. 13](#)
- Act modified by [S.I. 2020/1297 Sch. 5 para. 3](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2021/51 Sch. 6 para. 3](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A(9)(b)(c) substituted for s. 12A(9)(b) by [2002 c. 15 Sch. 8 para. 1\(4\)](#)
- s. 52A(2B) inserted by [2016 c. 22 s. 196\(2\)\(b\)](#)
- s. 52A(2B) words substituted by [2017 c. 20 s. 39](#)