



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART II

PROVISIONS AFFECTING TENANCY DURING ITS CONTINUANCE

Distress

16 No distress for rent due more than a year previously

- (1) Subject to subsection (2) below, the landlord of an agricultural holding shall not be entitled to distrain for rent which became due in respect of that holding more than one year before the making of the distress.
- (2) Where it appears that, according to the ordinary course of dealing between the landlord and the tenant of the holding, the payment of rent has been deferred until the expiry of a quarter or half-year after the date at which the rent legally became due, the rent shall, for the purposes of subsection (1) above, be deemed to have become due at the expiry of that quarter or half-year and not at the date at which it became legally due.

17 Compensation to be set off against rent for purposes of distress

Where the amount of any compensation due to the tenant of an agricultural holding, whether under this Act or under custom or agreement, has been ascertained before the landlord distrains for rent, that amount may be set off against the rent and the landlord shall not be entitled to distrain for more than the balance.

18 Restrictions on distraining on property of third party

- (1) Property belonging to a person other than the tenant of an agricultural holding shall not be distrained for rent if—
 - (a) the property is agricultural or other machinery and is on the holding under an agreement with the tenant for its hire or use in the conduct of his business, or
 - (b) the property is livestock and is on the holding solely for breeding purposes.

Status: This is the original version (as it was originally enacted).

- (2) Agisted livestock shall not be distrained by the landlord of an agricultural holding for rent where there is other sufficient distress to be found; and if such livestock is distrained by him by reason of other sufficient distress not being found, there shall not be recovered by that distress a sum exceeding the amount of the price agreed to be paid for the feeding, or any part of the price which remains unpaid.
- (3) The owner of the agisted livestock may, at any time before it is sold, redeem it by paying to the distrainer a sum equal to the amount mentioned in subsection (2) above, and payment of that sum to the distrainer shall be in full discharge as against the tenant of any sum of that amount which would otherwise be due from the owner of the livestock to the tenant in respect of the price of feeding.
- (4) Any portion of the agisted livestock shall, so long as it remains on the holding, continue liable to be distrained for the amount for which the whole of the livestock is distrainable.
- (5) In this section " livestock " includes any animal capable of being distrained; and " agisted livestock " means livestock belonging to another person which has been taken in by the tenant of an agricultural holding to be fed at a fair price.

19 Settlement of disputes as to distress

- (1) Where a dispute arises—
 - (a) in respect of any distress having been levied on an agricultural holding contrary to the provisions of this Act,
 - (h) as to the ownership of any livestock distrained or as to the price to be paid for the feeding of that stock, or
 - (c) as to any other matter or thing relating to a distress on an agricultural holding, the dispute may be determined by the county court or on complaint by a magistrates' court, and the court may make an order for restoration of any livestock or things unlawfully distrained, may declare the price agreed to be paid for feeding or may make any other order that justice requires.
- (2) Any person aggrieved by a decision of a magistrates' court under this section may appeal to the Crown Court.
- (3) In this section " livestock " includes any animal capable of being distrained.