
Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, SCHEDULE 12. (See end of Document for details)

SCHEDULES

SCHEDULE 12

Sections 65, 70, 76, 77, 78, 98.

MODIFICATIONS APPLICABLE TO OLD TENANCIES AND OTHER SIMILAR CASES

General

- 1 Section 2 of this Act shall not apply to an agreement made before 1st March 1948.
- 2 Section 3 of this Act shall not apply to a tenancy granted or agreed to be granted before 1st January 1921.

Right to remove fixtures

- 3 A tenant shall not be entitled by virtue of section 10(1) or 79 of this Act (or the said section 79 as applied by paragraph 10 below) to remove a fixture or building acquired by him before 1st January 1901.

Notices to quit

- 4 (1) Where a tenancy of an agricultural holding subsists under an agreement entered into before 25th March 1947, section 25(1) of this Act does not apply—
 - (a) to a notice given by or on behalf of the Secretary of State under the provisions of any agreement of tenancy, where possession of the land is required for naval, military or air force purposes, or
 - (b) to a notice given by a corporation carrying on a railway, dock, canal, water or other undertaking in respect of land acquired by the corporation for the purposes of their undertaking or by a government department or local authority, where possession of the land is required by the corporation, government department or authority for the purpose (not being the use of the land for agriculture) for which it was acquired by the corporation, department or authority or appropriated under any statutory provision.
- (2) In the application of sub-paragraph (1)(b) above to a Board, the reference to land acquired by the corporation for the purposes of their undertaking shall be construed as including a reference to land transferred to that Board by section 31 of the ^{M1}Transport Act 1962 or, in the case of [^{F1}Transport for London, transferred to the London Transport Executive], by section 16 of the ^{M2}Transport (London) Act 1969, being land—
 - (a) acquired, for the purpose of an undertaking vested in the British Transport Commission by Part II of the ^{M3}Transport Act 1947, by the body carrying on that undertaking, or
 - (b) acquired by a body carrying on an undertaking vested in any such undertaking as is mentioned in paragraph (a) above by virtue of an amalgamation or absorption scheme under the ^{M4}Railways Act 1921, being a scheme that came into operation on or after 7th July 1923,

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and the reference to the purpose for which the land was acquired or appropriated by the corporation shall be construed accordingly.

- (3) In sub-paragraph (2) above “a Board” means any of the following, namely—
Associated British Ports,
the British Railways Board,
the British Waterways Board, and
^[F2]Transport for London].
- ^[F3](4) Sub-paragraph (2) above shall have effect in relation to a company which is a subsidiary (within the meaning of the Greater London Authority Act 1999) of Transport for London as it has effect in relation to Transport for London, so far as relates to land transferred to the London Transport Executive as there mentioned and subsequently transferred to the company (whether before or after it became a subsidiary of Transport for London).]
- (5) Where by a scheme under section 7 of the ^{M5}Transport Act 1968 relevant land has been transferred by the British Railways Board to another body, sub-paragraph (2) above shall (so far as relates to relevant land so transferred) have effect in relation to that body as it has effect in relation to the British Railways Board; and in this sub-paragraph “relevant land” means land falling within paragraph (a) or (b) of sub-paragraph (2) above and transferred to the British Railways Board as there mentioned.
- ^[F4](5A) Where by a scheme under section 24 of the Public Bodies Act 2011 relevant land has been transferred by the British Waterways Board to Canal & River Trust or any subsidiary of Canal & River Trust, sub-paragraph (2) shall (so far as relates to relevant land so transferred) have effect in relation to Canal & River Trust or, as the case may be, that subsidiary as it had effect in relation to the British Waterways Board immediately before that land was transferred under that scheme.
- (5B) In sub-paragraph (5A)—
- (a) “relevant land” means land falling within paragraph (a) or (b) of sub-paragraph (2) and transferred to the British Waterways Board as there mentioned;
 - (b) “subsidiary” means a company which is a subsidiary within the meaning of the Companies Act 2006.]
- (6) Where, by virtue of an Act (whether public, general or local) passed, or an instrument having effect under an Act made, after 7th July 1923 and before 30th July 1948, any right of a corporation carrying on a water undertaking or of a local authority to avail itself of the benefit conferred by section 25(2)(b) of the ^{M6}Agricultural Holdings Act 1923 was transferred to some other person, that other person shall have the same right to avail himself of the benefit conferred by sub-paragraph (1)(b) above as the corporation or authority would have had if the Act or instrument by virtue of which the transfer was effected had not been passed or made.

Textual Amendments

- F1** Words in Sch. 12 para. 4(2) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), **Sch. 1 para. 13(2)**
- F2** Words in Sch. 12 para. 4(3) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), **Sch. 1 para. 13(3)**

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- F3** Sch. 12 para. 4(4) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), **Sch. 1 para. 13(4)**
- F4** Sch. 12 para. 4(5A)(5B) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 3 para. 8** (with arts. 4-6)

Marginal Citations

- M1** 1962 c. 46.
M2 1969 c. 35.
M3 1947 c. 49.
M4 1921 c. 55.
M5 1968 c. 73.
M6 1923 c. 9.

Compensation for improvements

- 5 The tenant of an agricultural holding shall not be entitled to compensation under section 64(1) of this Act for an improvement which he was required to carry out by the terms of his tenancy where the contract of tenancy was made before 1st January 1921.

Compensation for tenant-right matters

- 6 (1) Where the tenant of an agricultural holding entered into occupation of the holding before 1st March 1948, section 65(1) of this Act shall not apply to him as regards the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act, unless, before the termination of the tenancy, he gives notice in writing to the landlord stating that he elects that it is to apply to him as regards those matters.
- (2) Where the tenancy terminates by reason of a notice to quit and at any time while the notice to quit is current the landlord gives notice in writing to the tenant requiring him to elect whether section 65(1) of this Act is to apply to him as regards the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act, the tenant shall not be entitled to give a notice under sub-paragraph (1) above after the expiry of—
- (a) one month from the giving of the notice under this sub-paragraph, or
- (b) if the operation of the notice to quit depends upon any proceedings under section 26 or 27 of this Act (including any proceedings under Schedule 3 to this Act), one month from the termination of those proceedings.
- 7 (1) This paragraph applies where the tenant of an agricultural holding entered into occupation of the holding before 31st December 1951 and immediately before that date subsection (1) of section 47 of the ^{M7}Agricultural Holdings Act 1948 applied to him as regards the matters now specified in paragraphs 7 to 9 of Part II of Schedule 8 to this Act (whether by virtue of his having entered into occupation of the holding on or after 1st March 1948 or by virtue of a notice having been given under paragraph (c) of the proviso to subsection (1) of the said section 47).
- (2) Where this paragraph applies, section 65(1) of this Act shall not apply to the tenant as regards the matters specified in paragraph 10 of Part II of Schedule 8 to this Act unless, before the termination of the tenancy, he gives notice in writing to the landlord that it is to apply to him as regards those matters.
- (3) Paragraph 6(2) above shall have effect in relation to a notice under this paragraph as if in that provision there were substituted—

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- (a) for the reference to the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act a reference to the matters specified in paragraph 10 of Part II of that Schedule, and
- (b) for the reference to a notice under paragraph 6(1) above, a reference to a notice under this paragraph.

Marginal Citations

M7 1948 c. 63.

- 8 (1) In a case where, by virtue of paragraph 6 or 7 above, section 65(1) above does not apply to a tenant as regards all or any of the matters specified in paragraphs 7 to 10 of Part II of Schedule 8 to this Act—
- (a) sections 70(4) and (5) and 76(3) of this Act shall have effect with the omission of references to the excluded matters,
 - (b) section 77(1) of this Act shall not apply to compensation to the tenant for the excluded matters, and
 - (c) section 78(3) of this Act, in so far as it provides that a claim for compensation in a case for which the provisions of this Act do not provide for compensation shall not be enforceable except under an agreement in writing, shall not apply to a claim by a tenant for compensation for the excluded matters.
- (2) In this paragraph “the excluded matters” means, in relation to a case to which this paragraph applies, the matters as regards which section 65(1) does not apply to the tenant.
- 9 The Minister may revoke or vary the provisions of paragraphs 6 to 8 above so far as they relate to the matters specified in paragraph 10 of Part II of Schedule 8 to this Act as if those provisions were contained in an order made under section 91 of this Act.

Market gardens

- 10 (1) Except as provided by this paragraph, subsections (2) to (5) of section 79 of this Act shall not apply unless the agreement in writing mentioned in subsection (1) of that section was made on or after 1st January 1896.
- (2) Where—
- (a) under a contract of tenancy current on 1st January 1896 an agricultural holding was at that date in use or cultivation as a market garden with the knowledge of the landlord, and
 - (b) the tenant had then executed on the holding, without having received before the execution a written notice of dissent by the landlord, an improvement of a kind specified in Schedule 10 to this Act (other than one consisting of such an alteration of a building as did not constitute an enlargement of it),
- subsections (2) to (5) of section 79 (and section 81) of this Act shall apply in respect of the holding as if it had been agreed in writing after that date that the holding should be let or treated as a market garden.
- (3) The improvements in respect of which compensation is payable under subsection (2) to (5) of section 79 of this Act as applied by this paragraph shall include improvements executed before, as well as improvements executed after, 1st January 1896.

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- (4) Where the land used and cultivated as mentioned in sub-paragraph (2) above consists of part of an agricultural holding only, this paragraph shall apply as if that part were a separate holding.

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