

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, SCHEDULE 13. (See end of Document for details)

SCHEDULES

SCHEDULE 13

Section 99

TRANSITIONAL PROVISIONS AND SAVINGS

Construction of references to old and new law

- 1 (1) Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 14 to this Act), to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the times, circumstances or purposes in relation to which the corresponding provision repealed by this Act has or had effect, a reference to, or as the case may be, to things done or falling to be done under or for the purposes of, that corresponding provision.
- (2) Any reference, whether express or implied, in any enactment, instrument or document (including the enactments repealed by this Act and enactments, instruments and documents passed or made after the passing of this Act) to, or to things done or falling to be done under or for the purposes of, any provision repealed by this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference to, or as the case may be, to things done or falling to be done under or for the purposes of, that corresponding provision.
- (3) In this paragraph references to any provision repealed by this Act include references to any earlier provision, corresponding to a provision so repealed, which was repealed by the ^{M1}Agricultural Holdings (Notices to Quit) Act 1977, the ^{M2}Agricultural Holdings Act 1948, the ^{M3}Agricultural Holdings Act 1923 or the ^{M4}Agricultural Holdings Act 1908.

Marginal Citations

- M1** 1977 c. 12.
M2 1948 c. 63.
M3 1923 c. 9.
M4 1908 c. 28.

- 2 References, in whatever terms, in any enactment to a holding within the meaning of the ^{M5}Agricultural Holdings Act 1923 shall be construed as references to an agricultural holding within the meaning of this Act.

Marginal Citations

- M5** 1923 c. 9.

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Continuation of old law for certain pending cases

- 3 (1) Nothing in this Act shall apply in relation to—
- (a) a notice to quit an agricultural holding or part of an agricultural holding—
 - (i) given before the commencement of this Act, or
 - (ii) in the case of a notice to quit given after that time which includes a statement that it is given by reason of the death of a former tenant, where the date of death was before that time,
 - (b) an agricultural holding—
 - (i) the tenancy of which terminated before the commencement of this Act, or
 - (ii) the tenant of which quitted the holding before the commencement of this Act or quitted after that time in consequence of a notice to quit falling within paragraph (a) above,
 - (c) an arbitration where the arbitrator was appointed under the ^{M6}Agricultural Holdings Act 1948 before the commencement of this Act,
 - (d) an application made before the commencement of this Act to the Tribunal under any of the enactments repealed by this Act, or
 - (e) an application made after the commencement of this Act to the Tribunal for a direction entitling the applicant to a tenancy of an agricultural holding on the death or retirement of the tenant where the date of death or the date of the giving of the retirement notice was before that time;

and accordingly the enactments repealed or amended by this Act shall in relation to any such notice to quit, agricultural holding, arbitration (including an award made in such an arbitration) or application (including any proceedings arising out of any such application or any direction given in any such proceedings) continue to have effect as if this Act had not been passed.

- (2) This paragraph shall have effect subject to paragraph 1 above and paragraph 11 below.

Marginal Citations

M6 1948 c. 63.

Periods of time

- 4 Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when the period began to run.

Transfer of functions

- 5 Any reference, whether express or implied, in this Act (or any enactment amended by Schedule 14 to this Act) to, or to anything done by, the Minister, the Tribunal, an arbitrator or the President of the Royal Institution of Chartered Surveyors shall where the relevant function has been transferred to that person be construed, in relation to any time before the transfer, as including a reference to, or to the corresponding thing done by, the person by whom the function was then exercisable.

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- 6 Section 22 of this Act shall have effect in relation to the appointment of a person in pursuance of an application made before 1st January 1986 under section 16(2) of the ^{M7}Agricultural Holdings Act 1948 as if for references to the President of the Royal Institution of Chartered Surveyors there were substituted references to the Minister and as if subsections (4) and (5) were omitted.

Marginal Citations

M7 1948 c. 63.

- 7 ^{F1}

Textual Amendments

F1 Sch. 13 para. 7 repealed (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), art. 9(2), [Sch. 2](#) (with art. 10)

Compensation

- 8 Notwithstanding section 16 of the ^{M8}Interpretation Act 1978, rights to compensation conferred by this Act shall be in lieu of rights to compensation conferred by any enactment repealed by this Act.

Marginal Citations

M8 1978 c. 30.

Right to remove fixtures

- 9 Sections 13 and 67 of the Agricultural Holdings Act 1948 shall continue to have effect (to the exclusion of sections 10 and 79 of this Act) in relation to an agricultural holding in a case where the tenant gave notice under subsection (2)(b) of the said section 13 before 12th September 1984 as the said sections 13 and 67 had effect before that date.

Compensation for damage by game

- 10 Section 14 of the Agricultural Holdings Act 1948 shall continue to have effect (to the exclusion of section 20 of this Act) in relation to an agricultural holding in a case where a notice was given to the landlord under paragraph (a) of the proviso to subsection (1) of the said section 14 before 12th September 1984 as the said section 14 had effect before that date.

Succession on death or retirement

- 11 (1) Where Part IV of this Act has effect in relation to an application under that Part, references in that Part to notices to quit shall include references to notices to quit given before the commencement of this Act and, in particular, section 54 of this Act shall apply (to the exclusion of paragraph 4 of Schedule 2 to the ^{M9}Agricultural

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Holdings Act 1984) in relation to a notice to quit given before the commencement of this Act as it applies in relation to a notice to quit given after that time.

- (2) Where, by virtue of paragraph 3(1) above, Part II of the ^{M10}Agriculture (Miscellaneous Provisions) Act 1976 or Schedule 2 to the Agricultural Holdings Act 1984 has effect in relation to an application under the said Part II or, as the case may be, under the said Schedule 2, references in the said Part II or the said Schedule 2 to notices to quit shall include references to notices to quit given after the commencement of this Act and, in particular, paragraph 4 of the said Schedule 2 shall apply (to the exclusion of section 54 of this Act) in relation to a notice to quit given after the commencement of this Act as it applies in relation to a notice to quit given before that time.
- (3) This paragraph is without prejudice to the generality of paragraph 1 above.

Marginal Citations

M9 1984 c. 41.

M10 1976 c. 55.

- 12 Without prejudice to the generality of section 34(1)(b)(iii) of this Act, a written contract of tenancy which grants the tenancy of an agricultural holding and indicates (in whatever terms) that section 2(1) of the Agricultural Holdings Act 1984 is not to apply in relation to the tenancy shall be taken to be such a contract of tenancy as is mentioned in that section.

Record of condition of holding

- 13 (1) In section 70(2)(b) of this Act the reference to a record made under section 22 of this Act shall include a reference to a record made before 12th September 1984 under section 16 of the ^{M11}Agricultural Holdings Act 1948 as it had effect before that date.
- (2) Sub-paragraph (1) above is without prejudice to the generality of paragraph 1 above.

Marginal Citations

M11 1948 c. 63.

Insolvency

- 14 Sections 80(9) and 96(2) of this Act shall have effect—
- (a) until the date on which Part III of the ^{M12}Insolvency Act 1985 comes into force, and
 - (b) on or after that date, in any case in which a petition of bankruptcy was presented, or a receiving order or adjudication in bankruptcy was made, before that date.
- as if for paragraph (a) of section 96(2) there were substituted—
- “(a) he has become bankrupt or has made a composition or arrangement with his creditors or a receiving order is made against him”.

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Marginal Citations

M12 1985 c. 65.

Forms for arbitration

15 **F2**

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Textual Amendments

F2 Sch. 13 para. 15 repealed (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006](#) (S.I. 2006/2805), art. 9(2), **Sch. 2** (with art. 10)

Notices to quit

16 Paragraphs 10(1)(d) and 11(2) of Part II of Schedule 3 to this Act shall not apply in relation to any act or omission by a tenant which occurred before 12th September 1984.

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