

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, SCHEDULE 8. (See end of Document for details)

SCHEDULES

SCHEDULE 8

Sections 64, 65, etc.

SHORT-TERM IMPROVEMENTS BEGUN ON OR AFTER 1ST MARCH 1948, AND OTHER MATTERS, FOR WHICH COMPENSATION IS PAYABLE

PART I

IMPROVEMENTS (TO WHICH NO CONSENT REQUIRED)

- 1 Mole drainage and works carried out to secure its efficient functioning.
- 2 Protection of fruit trees against animals.
- 3 Clay burning.
- 4 Liming (including chalking) of land.
- [^{F1}4A. Application to land in England of manure, fertiliser, soil improvers and digestate.]

Textual Amendments

F1 Sch. 8 para. 4A inserted (6.4.2016) by [The Agricultural Holdings Act 1986 \(Variation of Schedule 8\) \(England\) Order 2015 \(S.I. 2015/2082\)](#), arts. 1, **2(2)**

- [^{F2}4B. Application to land in Wales of manure, fertiliser, soil improvers and digestate.]

Textual Amendments

F2 Sch. 8 para. 4B inserted (1.11.2019) by [The Agricultural Holdings Act 1986 \(Variation of Schedule 8\) \(Wales\) Order 2019 \(S.I. 2019/1404\)](#), arts. 1(3), **2(2)**

- ^{F3}5

Textual Amendments

F3 Sch. 8 para. 5 omitted (1.11.2019) by virtue of [The Agricultural Holdings Act 1986 \(Variation of Schedule 8\) \(Wales\) Order 2019 \(S.I. 2019/1404\)](#), arts. 1(3), **2(3)**

- [^{F4}5A. (1) In relation to England, production of manure arising from the consumption on the holding of relevant feedingstuff by livestock and equidae where the manure is held in storage on the holding.
- (2) In this paragraph “relevant feedingstuff” means—
 - (a) corn (whether produced on the holding or not), or
 - (b) cake or other feedingstuff not produced on the holding.]

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Textual Amendments

F4 Sch. 8 para. 5A inserted (6.4.2016) by [The Agricultural Holdings Act 1986 \(Variation of Schedule 8\) \(England\) Order 2015 \(S.I. 2015/2082\)](#), arts. 1, **2(4)**

[^{F5}5B. (1) In relation to Wales, production of manure arising from the consumption on the holding of relevant feedingstuff by livestock and equidae where the manure is held in storage on the holding.

- (2) In this paragraph “relevant feedingstuff” means—
- (a) corn (whether produced on the holding or not), or
 - (b) cake or other feedingstuff not produced on the holding.]

Textual Amendments

F5 Sch. 8 para. 5B inserted (1.11.2019) by [The Agricultural Holdings Act 1986 \(Variation of Schedule 8\) \(Wales\) Order 2019 \(S.I. 2019/1404\)](#), arts. 1(3), **2(4)**

^{F6}6

Textual Amendments

F6 Sch. 8 para. 6 omitted (1.11.2019) by virtue of [The Agricultural Holdings Act 1986 \(Variation of Schedule 8\) \(Wales\) Order 2019 \(S.I. 2019/1404\)](#), arts. 1(3), **2(5)**

PART II

TENANT-RIGHT MATTERS

- 7 Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the holding in the last year of tenancy, but not including crops or produce which the tenant has a right to sell or remove from the holding.
- 8 Seeds sown and cultivations, fallows and acts of husbandry performed on the holding at the expense of the tenant (including the growing of herbage crops for commercial seed production).
- 9 Pasture laid down with clover, grass, lucerne, sainfoin or other seeds, being either—
 - (a) pasture laid down at the expense of the tenant otherwise than in compliance with an obligation imposed on him by an agreement in writing to lay it down to replace temporary pasture comprised in the holding when the tenant entered on the holding which was not paid for by him, or
 - (b) pasture paid for by the tenant on entering on the holding.
- 10 (1) Acclimatisation, hefting or settlement of hill sheep on hill land.
 (2) In this paragraph—
 “hill sheep” means sheep which—
 - (a) have been reared and managed on a particular hill or mountain,
 - (b) have developed an instinct not to stray from the hill or mountain,

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- (c) are able to withstand the climatic conditions typical of the hill or mountain, and
- (d) have developed resistance to diseases which are likely to occur in the area in which the hill or mountain is situated;

“hill land” means any hill or mountain where only hill sheep are likely to thrive throughout the year.

- 11 (1) In areas of the country where arable crops can be grown in an unbroken series of not less than six years and it is reasonable that they should be grown on the holding or part of it, the residual fertility value of the sod of the excess qualifying leys on the holding, if any.
- (2) For the purposes of this paragraph—
- (a) the growing of an arable crop includes the growing of clover, grass, lucerne, sainfoin or other seeds grown for a period of less than one year but does not include the laying down of a ley continuously maintained as such for more than one year,
 - (b) the qualifying leys comprising the excess qualifying leys shall be those indicated to be such by the tenant, and
 - (c) qualifying leys laid down at the expense of the landlord without reimbursement by the tenant or any previous tenant of the holding or laid down by and at the expense of the tenant pursuant to agreement by him with the landlord for the establishment of a specified area of leys on the holding as a condition of the landlord giving consent to the ploughing or other destruction of permanent pasture or pursuant to a direction given by an arbitrator on a reference under section 14(2) of this Act, shall not be included in the excess qualifying leys.
- (3) In this paragraph—
- “leys” means land laid down with clover, grass, lucerne, sainfoin or other seeds, but does not include permanent pasture;
- “qualifying leys” means—
- (a) leys continuously maintained as such for a period of three or more growing seasons since being laid down excluding, if the leys were undersown or autumn-sown, the calendar year in which the sowing took place, and
 - (b) arable land which within the three growing seasons immediately preceding the termination of the tenancy was ley continuously maintained as aforesaid before being destroyed by ploughing or some other means for the production of a tillage crop or crops;

and for the purpose of paragraph (a) above the destruction of a ley (by ploughing or some other means) followed as soon as practicable by re-seeding to a ley without sowing a crop in the interval between such destruction and such re-seeding shall be treated as not constituting a break in the continuity of the maintenance of the ley;

“the excess qualifying leys” means the area of qualifying leys on the holding at the termination of the tenancy which is equal to the area (if any) by which one-third of the aggregate of the areas of leys on the holding on the following dates, namely,

- (a) at the termination of the tenancy,
 - (b) on the date one year prior to such termination, and
 - (c) on the date two years prior to such termination,
- exceeds the accepted proportion at the termination of the tenancy;

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“the accepted proportion” means the area which represents the proportion which the total area of the leys on the holding would, taking into account the capability of the holding, be expected to bear to the area of the holding, excluding the permanent pasture on the holding, or, if a greater proportion is provided for by or under the terms of the tenancy, that proportion.

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