

SCHEDULES

SCHEDULE 9

Sections 64 and 79.

COMPENSATION TO TENANT FOR IMPROVEMENTS BEGUN BEFORE 1ST MARCH 1948

PART I

TENANT'S RIGHT TO COMPENSATION FOR OLD IMPROVEMENTS

- 1 (1) The tenant of an agricultural holding shall, subject to the provisions of this Act, be entitled on the termination of the tenancy, on quitting the holding, to obtain from his landlord compensation for an improvement specified in Part II of this Schedule carried out on the holding by the tenant, being an improvement begun before 1st March 1948.
- (2) Improvements falling within sub-paragraph (1) above are in this Schedule referred to as “old improvements”.
- (3) The tenant of an agricultural holding shall not be entitled to compensation under this Schedule 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.
- (4) Nothing in this Schedule shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom or agreement, or otherwise, in lieu of any compensation provided by this Schedule.
- (5) The tenant of an agricultural holding shall not be entitled to compensation under this Schedule for an old improvement made on land which, at the time when the improvement was begun, was not a holding within the meaning of the ^{M1}Agricultural Holdings Act 1923, as originally enacted, and would not have fallen to be treated as such a holding by virtue of section 33 of that Act.

Marginal Citations

M1 1923 c. 9.

- 2 (1) The amount of any compensation under this Schedule for an old improvement shall be an amount equal to the increase attributable to the improvement in the value of the agricultural holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry.
- (2) In the ascertainment of the amount of the compensation payable under this Schedule to the tenant of an agricultural holding in respect of an old improvement, there shall be taken into account any benefit which the landlord has given or allowed to the tenant in consideration of the tenant's executing the improvement, whether expressly stated in the contract of tenancy to be so given or allowed or not.

*Changes to legislation: There are currently no known outstanding effects for the
Agricultural Holdings Act 1986, SCHEDULE 9. (See end of Document for details)*

- 3 (1) Compensation under this Schedule shall not be payable for an old improvement specified in any of paragraphs 1 to 15 of Part II of this Schedule unless, before the execution of the improvement, the landlord consented in writing (whether unconditionally or upon terms as to compensation or otherwise agreed between him and the tenant) to the execution of the improvement.
- (2) Where the consent was given upon agreed terms as to compensation, compensation payable under the agreement shall be substituted for compensation under this Schedule.
- 4 (1) Compensation under this Schedule shall not be payable for an old improvement consisting of that specified in paragraph 16 of Part II of this Schedule unless the tenant gave to the landlord, not more than three nor less than two months before beginning to execute the improvement, notice in writing under section 3 of the ^{M2}Agricultural Holdings Act 1923 of his intention to execute the improvement and of the manner in which he proposed to execute it, and—
- (a) the landlord and tenant agreed on the terms on which the improvement was to be executed, or
- (b) in a case where no agreement was reached and the tenant did not withdraw the notice, the landlord failed to exercise the right conferred on him by that section to execute the improvement himself within a reasonable time.
- (2) Subsection (1) above shall not have effect if the landlord and tenant agreed, by the contract of tenancy or otherwise, to dispense with notice under the said section 3.
- (3) If the landlord and tenant agreed (whether after notice was given under the said section 3 or by an agreement to dispense with notice under that section) upon terms as to compensation upon which the improvement was to be executed, compensation payable under the agreement shall be substituted for compensation under this Schedule.

Marginal Citations

M2 1923 c. 9.

- 5 (1) Where the tenant of an agricultural holding has remained in the holding [^{F1}, or in any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding,] during two or more tenancies, he shall not be deprived of his right to compensation under this Schedule in respect of old improvements by reason only that the improvements were made during a tenancy other than the one at the termination of which he quits the holding.
- [^{F2}(1A) Where this Act applies in relation to any tenancy referred to in subsection (1) above by virtue of section 4(1)(g) of the Agricultural Tenancies Act 1995, the reference in that subsection to a substantial part of the land comprised in the holding means a substantial part determined by reference to either area or value.]
- (2) Where, on entering into occupation of an agricultural holding, the tenant, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Schedule (or the ^{M3}Agricultural Holdings Act 1948 or the ^{M4}Agricultural Holdings Act 1923) in respect of the whole or part of an old improvement, he shall be entitled, on quitting the holding, to claim compensation for the improvement or part in the same manner, if at all, as the outgoing tenant

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, SCHEDULE 9. (See end of Document for details)

would have been entitled if the outgoing tenant had remained tenant of the holding and quitted it at the time at which the tenant quits it.

Textual Amendments

- F1** Words in Sch. 9 para. 5(1) inserted (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), [art. 6\(6\)](#) (with arts. 6(8), 10)
- F2** Sch. 9 para. 5(1A) inserted (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), [art. 6\(7\)](#) (with arts. 6(8), 10)

Marginal Citations

- M3** 1948 c. 63.
- M4** 1923 c. 9.

PART II

OLD IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE

- 1 Erection, alteration or enlargement of buildings.
- 2 Formation of silos.
- 3 Making and planting of osier beds.
- 4 Making of water meadows or works of irrigation.
- 5 Making of gardens.
- 6 Making or improvement of roads or bridges.
- 7 Making or improvement of watercourses, ponds, wells or reservoirs or of works for the application of water power or for supply of water for agricultural or domestic purposes.
- 8 Making or removal of permanent fences.
- 9 Planting of hops.
- 10 Planting of orchards or fruit bushes.
- 11 Reclaiming of waste land.
- 12 Warping or weiring of land.
- 13 Embankments and sluices against floods.
- 14 Erection of wirework in hop gardens.
- 15 Provision of permanent sheep-dipping accommodation.
- 16 Drainage.

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings Act 1986, SCHEDULE 9.