



# Agricultural Tenancies Act 1995

## 1995 CHAPTER 8

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Resolution of disputes*

#### **28 Resolution of disputes.**

- (1) Subject to subsections (4) and (5) below and to section 29 of this Act, any dispute between the landlord and the tenant under a farm business tenancy, being a dispute concerning their rights and obligations under this Act, under the terms of the tenancy or under any custom, shall be determined by arbitration.
- (2) Where such a dispute has arisen, the landlord or the tenant may give notice in writing to the other specifying the dispute and stating that, unless before the end of the period of two months beginning with the day on which the notice is given the parties have appointed an arbitrator by agreement, he proposes to apply to [<sup>F1</sup>a professional authority for the appointment of an arbitrator by that authority].
- (3) Where a notice has been given under subsection (2) above, but no arbitrator has been appointed by agreement, either party may, after the end of the period of two months referred to in that subsection, apply to [<sup>F2</sup>a professional authority for the appointment of an arbitrator by that authority].
- [<sup>F3</sup>(3A) A party may not make an application to a professional authority under subsection (3) above in relation to a dispute if the other party has already made an application to a professional authority under that subsection in relation to that dispute.]
- [<sup>F4</sup>(4) .....
- (5) Subsections (1) to (3) above do not apply in relation to—
  - (a) the determination of rent in pursuance of a statutory review notice (as defined in section 10(1) of this Act),
  - (b) any case falling within section 19(1) of this Act, <sup>F5</sup>...

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**Changes to legislation:** *Agricultural Tenancies Act 1995, Section 28 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) any claim for compensation under Part III of this Act <sup>F6</sup>, or
- (d) any dispute relating to rent review, in any case where Part II of this Act is excluded by virtue of section 9(c)(ii) of this Act.]

#### Textual Amendments

- F1** Words in s. 28(2) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 26(2)**
- F2** Words in s. 28(3) substituted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 26(3)**
- F3** S. 28(3A) inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), **Sch. 3 para. 26(4)**
- F4** S. 28(4) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4** (with s. 81(2)); S.I. 1996/3146, **art. 3**.
- F5** Word in s. 28(5)(b) repealed (19.10.2006) by [Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), arts. 1(1)(b), 14(2)(a), **Sch. 2** (with arts. 10, 14(3))
- F6** S. 28(5)(d) and word inserted (19.10.2006) by [Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), arts. 1(1)(b), **14(2)(b)** (with arts. 10, 14(3))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8A inserted by [2023 asc 4 s. 24\(4\)](#)
- s. 28(5)(za) inserted by [2023 asc 4 s. 24\(5\)](#)
- s. 36A inserted by [2023 asc 4 s. 24\(6\)](#)