
STATUTORY INSTRUMENTS

1987 No. 710

The Agricultural Holdings (Arbitration on Notices) Order 1987

**PART III:
NOTICES TO QUIT**

supplementary

Notice to sub-tenants

16.—(1) Section 26(1) of the 1986 Act shall not apply where notice to quit an agricultural holding or part thereof is given to a sub-tenant by a tenant who has himself been given notice to quit that holding or part thereof and the fact that the tenant has been given such notice is stated in the notice given to the sub-tenant.

(2) Such a notice given to a sub-tenant shall have effect only if the notice to quit given to the tenant by the landlord itself has effect.

(3) Where a tenant accepts notice to quit part of a holding as notice to quit the whole under section 32 of the 1986 Act, then, for the purpose of this article, the notice given by him shall be deemed to be a notice to quit the entire holding.

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17.—(1) In any case to which, notwithstanding the existence of any such circumstances as are mentioned in Cases B to G, section 26(1) of the 1986 Act applies by virtue of the modification of that section by paragraph 3 of Schedule 5 to that Act, paragraphs (2) to (4) below shall have effect.

(2) Where, on an application by the landlord for the consent of the Tribunal to the operation of a notice to quit, it appears to the Tribunal that the notice to quit was given for one or more of the reasons specified in Case B, D or E, and that it is expedient that any question arising under the provisions of section 26(2) of, and Schedule 3 to, the 1986 Act relating to any of the reasons so stated should be determined by arbitration between the landlord and tenant under that Act before the Tribunal consider whether to grant or withhold consent to the operation of the notice to quit, they may require that the question be determined accordingly.

(3) Article 9 shall apply with the addition of the following words—

“so, however, that the tenant’s failure to serve such a notice shall not affect his right to contest the question in proceedings before the Tribunal consequent upon the service of a counter-notice under section 26(1) of the 1986 Act or in any arbitration by which the Tribunal may require any such question to be determined”.

(4) Article 11 shall not apply, but where a tenant requires a question to be determined by arbitration in pursuance of article 9, the time within which a counter-notice under section 26(1) of the 1986 Act may be served by the tenant on the landlord under that subsection shall be one month from the termination of the arbitration.