

## SCHEDULES.

## SCHEDULE 1

Section 10(7).

## TRANSITIONAL PROVISIONS RELATING TO PAYMENTS UNDER S.9 IN ENGLAND AND WALES.

- 1 Where the relevant notice is served on the tenant after the initial date but not later than the commencement date and does not contain such a statement as is mentioned in section 24(2)(a) or (b) of the principal Act or section 10(1)(b) or (c) of this Act, then—
- (a) if an application for consent in respect of the relevant notice is made in pursuance of section 24(1) of the principal Act not later than the commencement date, any such statement as is mentioned in the said section 10(1)(b) which is included in the application shall be treated for the purposes of section 10 of this Act as included also in the relevant notice ; and
  - (b) if, in a case not falling within sub-paragraph (a) above, the landlord serves on the tenant, before or after the commencement date but before the expiration of the period of three months beginning with that date, a notice containing such a statement as is mentioned in the said section 10(1)(b) or (c) and indicating that the relevant notice is to be treated as having always included that statement, the relevant notice shall be so treated for the purposes of the said section 10.
- 2 Where either—
- (a) the relevant notice is served on the tenant not later than the commencement date and contains such a statement as is mentioned in the said section 10(1)(b) or (c); or
  - (b) a notice is served on the tenant under paragraph 1(b) of this Schedule,
- and in either case no counter-notice in respect of the relevant notice in question has been served in pursuance of section 24(1) of the principal Act and the period during which such a counter-notice may be served has expired, the tenant may, within the period of three months beginning with the commencement date or, where the notice under paragraph 1(b) of this Schedule is served on a later date, beginning with the later date, make an application to the tribunal for a determination that the tribunal are satisfied that the relevant notice was given in order that the land in question may be used otherwise than for agriculture.
- 3 Where the tribunal have, on or before the commencement date, given a decision consenting under section 24(1) of the principal Act to the operation of the relevant notice and either—
- (a) the reason given by the tribunal for their decision is that they are satisfied as to the matter mentioned in section 25(1)(b) of that Act; or
  - (b) the reasons so given include that reason but not the reason that they are satisfied as to the matter mentioned in section 25(1)(e) of that Act,
- the tenant may, at any time before the expiration of the period of three months beginning with the commencement date, make an application to the tribunal for a determination that the reasons for their decision would have included the reason

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that they were satisfied as to the matter mentioned in the said section 25(1)(e) if that matter had been specified in the application for consent.

4 Where the tribunal make a determination under paragraph 2 or paragraph 3 of this Schedule, section 10(1) of this Act shall not apply in relation to the relevant notice in question.

5 In this Schedule—

" the commencement date " means the date of the passing of this Act; and

" the relevant notice " and " the tribunal " have the same meanings as in section 10 of this Act.

## SCHEDULE 2

Section 11(9).

### TRANSITIONAL PROVISIONS RELATING TO PAYMENTS UNDER S.9 IN SCOTLAND.

1 Where the relevant notice (not being a notice given in pursuance of section 6(3) of the Agriculture Act 1958) is served on the tenant after the initial date but not later than the commencement date and does not contain such a statement as is mentioned in section 25(2)(c) of the principal Scottish Act or section 11(1)(a) or (b) of this Act, then—

(a) if an application for consent in respect of the relevant notice is made in pursuance of section 25(1) of the principal Scottish Act not later than the commencement date, any such statement as is mentioned in the said section 11(1)(a) which is included in the application shall be treated for the purposes of section 11 of this Act as included also in the relevant notice; and

(b) if, in a case not falling within sub-paragraph (a) above, the landlord serves on the tenant, before or after the commencement date but before the expiration of the period of three months beginning with that date, a notice containing such a statement as is mentioned in the said section 11(1)(a) or (b) and indicating that the relevant notice is to be treated as having always included that statement, the relevant notice shall be so treated for the purposes of the said section 11.

2 Where the relevant notice is given in pursuance of section 6(3) of the Agriculture Act 1958, is served on the tenant after the initial date but not later than the commencement date and does not contain such a statement as is mentioned in section 11(7)(b) of this Act, then,

if the landlord serves on the tenant, before or after the commencement date but before the expiration of the period of three months beginning with that date, a notice containing such a statement as is mentioned in the said section 11(7)(6) and indicating that the relevant notice is to be treated as having always included that statement, the relevant notice shall be so treated for the purposes of section 11 of this Act:

Provided that this paragraph shall not have effect where the relevant notice is a notice to which, apart from the provisions of section 19 of this Act, the said section 6(3) would apply.

3 Where the relevant notice is a notice to which, apart from the provisions of the said section 19, the said section 6(3) would apply, and the landlord in a notification to the tenant under section 19(2) of this Act specifies a matter set out in section 26(1) of the principal Scottish Act, then—

- (a) in the case of a matter set out in paragraph (a), (b) or (c) of the said section 26(1), the relevant notice shall be treated for the purposes of section 11(1)(a) of this Act as if it had always contained a statement of that matter as a ground on which the carrying out of the purposes for which the landlord proposes to terminate the tenancy is desirable;
  - (b) in the case of the matter set out in paragraph (d) of the said section 26(1), the relevant notice shall be treated for the purposes of section 11(1)(b) of this Act as if it had always contained a statement that the landlord would suffer hardship unless the notice had effect.
- 4 Where either—
  - (a) the relevant notice is served on the tenant not later than the commencement date and contains such a statement as is mentioned in the said section 11(1) (a) or (b); or
  - (b) a notice is served on the tenant under paragraph 1(b) of this Schedule,and in either case no counter-notice in respect of the relevant notice in question has been served in pursuance of section 25(1) of the principal Scottish Act and the period during which such a counter-notice may be served has expired, the tenant may, within the period of three months beginning with the commencement date or, where the notice under paragraph 1(b) of this Schedule is served on a later date, beginning with the later date, make an application to the court for a determination that the court are satisfied that the relevant notice was given in order that the land in question may be used otherwise than for agriculture.
- 5 Where the court have, on or before the commencement date, given a decision consenting under section 25(1) of the principal Scottish Act to the operation of the relevant notice and either—
  - (a) the reason given by the court for their decision is that they are satisfied as to the matter mentioned in section 26(1)(b) of that Act; or
  - (b) the reasons so given include that reason but not the reason that they are satisfied as to the matter mentioned in section 26(1)(e) of that Act,the tenant may, at any time before the expiration of the period of three months beginning with the commencement date, make an application to the court for a determination that the reasons for their decision would have included the reason that they were satisfied as to the matter mentioned in the said section 26(1)(e) if that matter had been specified in the application for consent.
- 6 Where the court make a determination under paragraph 4 or paragraph 5 of this Schedule, section 11(1) of this Act shall not apply in relation to the relevant notice in question.
- 7 In this Schedule—
  - " the commencement date " means the date of the passing of this Act; and
  - " the court " and " the relevant notice " have the same meanings as in section 11 of this Act.

### SCHEDULE 3

Section 13(3).

#### SUPPLEMENTARY PROVISIONS WITH RESPECT TO PAYMENTS UNDER S.12(1) IN ENGLAND AND WALES.

- 1 Subject to paragraph 4 of this Schedule, any dispute with respect to any sum which may be or become payable by virtue of section 12(1) of this Act shall be referred to and determined by the Lands Tribunal.
- 2 If in any case the sum to be paid by virtue of the said section 12(1) to the tenant of an agricultural holding by an acquiring authority would, apart from this paragraph and paragraph 3 of this Schedule, fall to be ascertained in pursuance of section 9(2) of this Act by reference to the rent of the holding at a rate which was not determined by arbitration under section 8 or section 9 of the principal Act and which the authority consider is unduly high, the authority may make an application to the Lands Tribunal for the rent to be considered by the tribunal.
- 3 Where, on an application under paragraph 2 above, the tribunal are satisfied that—
- (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question on a reference to arbitration duly made in pursuance of section 8 of the principal Act on the date of the application (hereafter in this paragraph referred to as " the appropriate rent " ) ; or
  - (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant contract of tenancy with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of the said section 12(1), in consequence of the compulsory acquisition or taking of possession of any land included in the holding,
- they shall dismiss the application ; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of the said section 12(1) shall be ascertained in pursuance of the said section 9(2) by reference to the appropriate rent instead of by reference to the rent to which the application relates.
- 4 The enactments mentioned in paragraph 5 of this Schedule shall, subject to any necessary modifications, have effect in their application to such an acquiring of an interest or taking of possession as is mentioned in subsection (1) of section 12 of this Act (hereafter in this paragraph referred to as " the relevant event " )—
- (a) in so far as those enactments make provision for the doing, before the relevant event, of any thing connected with compensation (including in particular provision for determining the amount of or the liability to pay compensation or for the payment of it into court or otherwise), as if references to compensation, except compensation for damage or injurious affection, included references to any sum which will become payable by virtue of the said subsection (1) in consequence of the relevant event; and
  - (b) subject to sub-paragraph (a) above, as if references to compensation (except as aforesaid) included references to sums payable or, as the context may require, to sums paid by virtue of the said subsection (1) in consequence of the relevant event.
- 5 The enactments aforesaid are—
- (a) Part I and section 32 of the Land Compensation Act 1961;

- (b) the following provisions of the Compulsory Purchase Act 1965, that is to say, sections 6, 9, 11, 12, 20(4) and (5), 22 (except subsection (4)) and 26; in Schedule 1, paragraphs 6 to 8 and 10 ; Schedule 2 and Schedule 3 ;
- (c) any provision of the Lands Clauses Acts or of any other enactment or any instrument having effect by virtue of an enactment, being a provision corresponding to a provision mentioned in sub-paragraph (b) of this paragraph.

## SCHEDULE 4

Section 14(3).

## SUPPLEMENTARY PROVISIONS WITH RESPECT TO PAYMENTS UNDER S.12(1) IN SCOTLAND.

- 1 Subject to paragraph 4 of this Schedule, any dispute with respect to any sum which may be or become payable by virtue of section 12(1) of this Act shall be referred to and determined by the Lands Tribunal for Scotland.
- 2 If in any case the sum to be paid by virtue of the said section 12(1) to the tenant of an agricultural holding by an acquiring authority would, apart from this paragraph and paragraph 3 of this Schedule, fall to be ascertained in pursuance of section 9(2) of this Act by reference to the rent of the holding at a rate which was not determined by arbitration under section 7 or section 8, or by the Scottish Land Court in pursuance of section 78, of the principal Scottish Act and which the authority consider is unduly high, the authority may make an application to the Lands Tribunal for Scotland for the rent to be considered by the tribunal.
- 3 Where, on an application under paragraph 2 above, the tribunal are satisfied that—
  - (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question on a reference to arbitration duly made in pursuance of section 7 of the principal Scottish Act (hereafter in this paragraph referred to as " the appropriate rent "); or
  - (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant lease with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of the said section 12(1), in consequence of the compulsory acquisition or taking of possession of any land included in the holding,
 they shall dismiss the application ; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of the said section 12(1) shall be ascertained in pursuance of the said section 9(2) by reference to the appropriate rent instead of by reference to the rent to which the application relates.  
  
 For the purposes of sub-paragraph (a) of this paragraph, section 7(1) of the principal Scottish Act shall have effect as if for the reference to the next ensuing day there mentioned there were substituted a reference to the date of the application mentioned in the said sub-paragraph (a).
- 4 The enactments mentioned in paragraph 5 of this Schedule shall, subject to any necessary modifications, have effect in their application to such an acquiring of an

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interest or taking of possession as is mentioned in subsection (1) of section 12 of this Act (hereafter in this paragraph referred to as " the relevant event ")—

- (a) in so far as those enactments make provision for the doing, before the relevant event, of any thing connected with compensation (including in particular provision for determining the amount of or the liability to pay compensation or for the deposit of it in a Scottish bank or otherwise), as if references to compensation, except compensation for damage or injurious affection, included references to any sum which will become payable by virtue of the said subsection (1) in consequence of the relevant event; and
- (b) subject to sub-paragraph (a) above, as if references to compensation (except as aforesaid) included references to sums payable or, as the context may require, to sums paid by virtue of the said subsection (1) in consequence of the relevant event.

5 The enactments aforesaid are—

- (a) the following provisions of the Lands Clauses (Scotland) Act 1845, that is to say, sections 56 to 60, 62, 63 to 65, 67 to 70, 72, 74 to 79, 83 to 87, 114, 115 and 117;
- (b) paragraph 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
- (c) Parts I and II and section 40 of the Land Compensation (Scotland) Act 1963;
- (d) paragraph 4 of Schedule 6 to the New Towns (Scotland) Act 1968 ;
- (e) any provision in any local or private Act, in any instrument having effect by virtue of an enactment or in any order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure, corresponding to a provision mentioned in sub-paragraph (a), (b) or (d) of this paragraph.

6 Until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland, this Schedule shall have effect as if for any reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963 ; and sections 3 to 5 of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Schedule by an arbiter so appointed.

## SCHEDULE 5

Section 16.

### MODIFICATIONS OF PART II FOR STATUTORY SMALL TENANTS IN SCOTLAND.

- 1 In section 9(3), at the end there shall be added the words " and the reference to compensation for disturbance becoming payable to the tenant of an agricultural holding under the principal Scottish Act shall include a reference to the like compensation becoming payable to a statutory small tenant under section 13 of the Small Landholders and Agricultural Holdings (Scotland) Act 1931 ".
- 2 In section 11(5), after the words "Scottish Act ", there shall be inserted the words " and that Act as read with section 32 of the Act of 1911 " and for the words " that Act " there shall be substituted the words " the principal Scottish Act ".

- 3 In section 11(6), in paragraph (b) after the word " lease ", there shall be inserted the words " , or of the holding or part of the holding of a statutory small tenant on being so authorised by the Scottish Land Court under section 32(15) of the Act of 1911, ".
- 4 In section 15(1), at the end there shall be added the following subsection—
- “(1A) Except where compensation assessed in accordance with this subsection would be less than if this subsection were disregarded, in assessing the compensation payable by an acquiring authority to a statutory small tenant as defined in the Act of 1911 in connection with such an acquiring of an interest or taking of possession as is mentioned in section 12(1) of this Act, any authorisation of resumption of the holding or part thereof by the Scottish Land Court under section 32(15) of the Act of 1911 for any purpose (not being an agricultural purpose) specified therein shall—
- (a) in the case of an acquisition, be treated as if it became operative only on the expiration of twelve months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant; and
- (b) in the case of a taking of possession, be disregarded.”.
- 5 In section 15(3), after the word " section " there shall be inserted the words " or the landlord of the holding of a statutory small tenant resumes the holding or part thereof on being so authorised by the Scottish Land Court under section 32(15) of the Act of 1911 ".
- 6 In Schedule 4, in paragraph 2 after the words " Scottish Act ", there shall be inserted the words " or in the case of a statutory small tenant was not fixed by the Scottish Land Court in pursuance of subsections (7) and (8) of section 32 of the Act of 1911 ".
- 7 In Schedule 4, in paragraph 3(a) after the word " Act " there shall be inserted the words " or in the case of a statutory small tenancy, the equitable rent which in their opinion would be fixed by the Scottish Land Court in pursuance of the said subsections (7) and (8) ".
- 8 In this Schedule, " the Act of 1911 " means the Small Landholders (Scotland) Act 1911.

## SCHEDULE 6

Section 27(1).

## CONSEQUENTIAL MODIFICATIONS OF PART I OF LAND DRAINAGE ACT 1961.

- 1 The following provisions of the principal Act shall cease to have effect, that is to say, section 1(2) and (3), section 2, section 4(2) and (4), section 7, section 8(1)(c) (ii) and (2), in section 8(3) the words " or of the said subsection (2) ", section 9(4), in section 10(3) the words " section 7 or " and section 14.
- 2 For references to chargeable hereditaments in Part I of the principal Act, except section 12, there shall be substituted references to chargeable land, and for the references to a chargeable hereditament in that section and for other references to hereditaments in that Part there shall be substituted references to land.
- 3 Without prejudice to the operation of section 29(2) of this Act, the references to Part I of the principal Act in sections 3(1), 13 and 16 of that Act shall include references to the charges provisions.

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- 4 In section 4(3) of the principal Act for references to section 4(2) of that Act there shall be substituted references to section 23(1) of this Act.
- 5 In section 16 of the principal Act for the definition of " chargeable hereditament " there shall be substituted the words " chargeable land' has the meaning assigned to it by section 29(1) of the Agriculture (Miscellaneous Provisions) Act 1968 ".
- 6 In this Schedule expressions defined by sections 21(2) and 29(1) of this Act have the same meanings as in those provisions.

## SCHEDULE 7

Section 43(2).

### MINOR AMENDMENTS OF PLANT VARIETIES AND SEEDS ACT 1964.

In section 1, in subsection (4), at the end there shall be added the words " or any decision preliminary to the determination of such an application as to the conditions laid down in section 2 of this Act ".

In section 20, subsection (5) shall be omitted.

In section 21, in subsection (1), the words " but which is not in the Index " shall be omitted, and at the end there shall be added the words " but is not given in that section of the Index or is not so given for that variety ".

In section 22, in subsection (6), after the words " for the purpose " there shall be inserted the words " of increasing the stock of the person who acquired it, or for the purpose ".

In section 23, for the words " any of the three last foregoing sections ", wherever those words occur, there shall be substituted the words section 21 or section 22 of this Act ".

After section 23, there shall be inserted the following section:—

#### **“23A Co-ordination of applications under section 20 and 22.**

The power of the Ministers to make regulations for the purposes of sections 20 and 22 of this Act shall include power to make such provision as they consider appropriate for requiring the making of applications under each of these sections in respect of any plant variety, for synchronising or co-ordinating such applications, and for regulating the commencement of trials pursuant thereto.”

In Schedule 1, in paragraph 1(3), for the words " the applicant from making " there shall be substituted the words " the making of " .

In Schedule 1, in paragraph 1(5), for the words " shall not give " there shall be substituted the words " may refuse " , and at the end there shall be added the words " or that the rule set out in paragraph 2 of Part II of Schedule 2 to this Act is not complied with in the case of the variety " .

In Schedule 1, in paragraph 3(2), at the end there shall be added the words " not being a decision given on the application of the applicant in whose favour the direction was made " . In Schedule 1, in paragraph 4, after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) An appeal shall lie to the Tribunal against a decision under this paragraph to terminate the period for which plant breeders' rights are exercisable.”

In Part II of Schedule 2, in paragraph 2(5), the words " which having been ", and the words from " has been found " to the end, shall be omitted.



## SCHEDULE 8

Section 52.

## REPEALS.

Chapter	Short title	Extent of repeal
1944 c. 28.	The Agriculture (Miscellaneous Provisions) Act 1944.	Section 5, except in its application to Scotland.
1958 c. 47.	The Agricultural Marketing Act 1958.	In section 53(2), the words from " as subserving " to " them ".
1961 c. 48.	The Land Drainage Act 1961.	Sections 1(2) and (3), 2 and 4(2) and (4). In section 6(2), the words from " affixed " to " and ". Section 7. In section 8, sub-paragraph (ii) of subsection (1)(c), subsection (2), and in subsection (3) the words " or of the said subsection (2) " and the words " owner and ". Section 9(4). In section 10(3), the words " section 7 or ". Section 14. Section 22(3).
1963 c. 25.	The Finance Act 1963.	In Schedule 12, sub-paragraphs (1) to (6) of paragraph 24.
1964 c. 14.	The Plant Varieties and Seeds Act 1964.	Section 20(5). In section 21(1), the words " but which is not in the Index ". In Part II of Schedule 2, in paragraph 2(5), the words " which having been " and the words from " has been found " onwards.