



Agricultural Holdings Act 1986

1986 CHAPTER 5

PART III

NOTICES TO QUIT

Notices to quit whole or part of agricultural holding

28 Additional restrictions on operation of notice to quit given under Case D.

- (1) This section applies where—
 - (a) notice to quit an agricultural holding or part of an agricultural holding is given to the tenant, and
 - (b) the notice includes a statement in accordance with Case D to the effect that it is given by reason of the tenant's failure to comply with a notice to do work.
- (2) If the tenant serves on the landlord a counter-notice in writing in accordance with subsection (3) or (4) below requiring that this subsection shall apply to the notice to quit, the notice to quit shall not have effect (whether as a notice to which section 26(1) above does or does not apply) unless, on an application by the landlord, the Tribunal consent to its operation.
- (3) Subject to subsection (4) below, a counter-notice under subsection (2) above shall be served not later than one month from the giving of the notice to quit.
- (4) Where the tenant not later than one month from the giving of the notice to quit serves on the landlord an effective notice requiring the validity of the reason stated in the notice to quit to be determined by arbitration under this Act—
 - (a) any counter-notice already served under subsection (2) above shall be of no effect, but
 - (b) if the notice to quit would, apart from this subsection, have effect in consequence of the arbitration, the tenant may serve a counter-notice under subsection (2) not later than one month from the date on which the arbitrator's award is delivered to him.

Changes to legislation: Agricultural Holdings Act 1986, Section 28 is up to date with all changes known to be in force on or before 01 August 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](#)

- (5) The Tribunal shall consent under subsection (2) above to the operation of the notice to quit unless it appears to them, having regard—
- (a) to the extent to which the tenant has failed to comply with the notice to do work,
 - (b) to the consequences of his failure to comply with it in any respect, and
 - (c) to the circumstances surrounding any such failure,
- that a fair and reasonable landlord would not insist on possession.
- (6) In this section “notice to do work” means a notice served on a tenant of an agricultural holding for the purposes of paragraph (b) of Case D, being a notice requiring the doing of any work of repair, maintenance or replacement.

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

- Act continued by [S.I. 2024/798 reg. 6\(2\)](#)