



Land Compensation Act 1973

1973 CHAPTER 26

PART IV

COMPULSORY PURCHASE

Miscellaneous

59 Notice to quit agricultural holding: right to opt for notice of entry compensation.

- (1) This section has effect where the person in occupation of an agricultural holding, being a person having no greater interest therein than as tenant for a year or from year to year, is served with a notice to quit the holding, and—
- (a) the notice is served after an acquiring authority have served notice to treat on the landlord of the holding or, being an authority possessing compulsory purchase powers, have agreed to acquire his interest in the holding; and
 - (b) either—
 - (i) [^{F1}section 26(1) of the Agricultural Holdings Act 1986] does not apply to the notice by virtue of [^{F1}Case B in Part I of Schedule 3 to that Act] (land required for non-agricultural use for which planning permission has been granted etc.); or
 - (ii) the [^{F2}appropriate tribunal] have consented to the operation of the notice and stated in the reasons for their decision that they are satisfied as to the matter mentioned in [^{F3}section 27(3)(f)] of that Act (land required for non-agricultural use not falling within [^{F4}the said Case B]).

[^{F5}(1A) For the purposes of subsection (1), “appropriate tribunal” means—

- (a) where the holding (or the greater part of the holding) is in England, the First-tier Tribunal; and
- (b) where the holding (or the greater part of the holding) is in Wales, the Agricultural Land Tribunal.]

Status: Point in time view as at 01/07/2013.

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- (2) If the person served with the notice to quit elects that this subsection shall apply to the notice and gives up possession of the holding to the acquiring authority on or before the date on which his tenancy terminates in accordance with the notice—
 - (a) section 20 of the ^{M1}Compulsory Purchase Act 1965 (compensation for tenants from year to year etc.) and section 12 of the ^{M2}Agriculture (Miscellaneous Provisions) Act 1968 shall have effect as if the notice to quit had not been served and the acquiring authority had taken possession of the holding in pursuance of a notice of entry under section 11(1) of the said Act of 1965 on the day before that on which the tenancy terminates in accordance with the notice to quit; and
 - (b) the provisions of the [^{F6}Agricultural Holdings Act 1986 relating to compensation to a tenant on the termination of his tenancy] shall not have effect in relation to the termination of the tenancy by reason of the notice to quit.
- (3) No election under subsection (2) above shall be made or, if already made, continue to have effect in relation to any land (whether the whole or part of the land to which the notice to quit relates) if, before the expiration of that notice, an acquiring authority take possession of that land in pursuance of an enactment providing for the taking of possession of land compulsorily.
- (4) Any election under subsection (2) above shall be made by notice in writing served on the acquiring authority not later than the date on which possession of the holding is given up.
- (5) This section shall have effect in relation to a notice to quit part of an agricultural holding as it has effect in relation to a notice to quit an entire holding and references to a holding and the termination of the tenancy shall be construed accordingly.
- (6) A person served with a notice to quit part of an agricultural holding shall not be entitled, in relation to that notice, both to make an election under this section and to give a counter-notice under [^{F7}section 32 of the Agricultural Holdings Act 1986] (tenant’s right to cause notice to quit part of holding to operate as notice to quit entire holding).
- (7) The reference in subsection (1)(a) above to a notice to treat served by an acquiring authority includes a reference to a notice to treat deemed to have been so served under any of the provisions mentioned in section 53(5) above [^{F8}and the reference in that subsection to an authority possessing compulsory purchase powers includes a person or body of persons who would be an authority possessing compulsory purchase powers if the landlord’s interest were not an interest in Crown land (as defined by section 293 of the Town and Country Planning Act 1990).].
- (8) ^{F9}

Textual Amendments

F1 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, [Sch. 14 para. 55\(2\)\(a\)](#)

F2 Words in s. 59(1)(b)(ii) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 201\(a\)](#) (with Sch. 3)

F3 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, [Sch. 14 para. 55\(2\)\(b\)](#)

F4 Words substituted by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), [Sch. 1 para. 6\(4\)\(d\)](#) except in relation to notices to quit given before 7.4.1978:and [Agricultural Holdings \(Notices to Quit\)](#)

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Act 1977 (c. 12 , s. 14 and continued by virtue of Agricultural Holdings Act 1986 (c. 5, SIF 2:3), s. 100, **Sch. 14 para. 55(2)**)

F5 S. 59(1A) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 201(b)** (with Sch. 3)

F6 Words substituted by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), s. 100, **Sch. 14 para. 55(3)**

F7 Words substituted by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), s. 100, **Sch. 14 para. 54(4)**

F8 Words in s. 59(7) inserted (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067, **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para.7** (with s. 84(5)); S.I. 1991/2067,art. 3.

F9 S. 59(8) repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

Marginal Citations

M1 1965 c. 56.

M2 1968 c. 34.

60 **F10**

Textual Amendments

F10 Ss. 48(7), 49, 51(7), 52(13), 54(9), 55(5), 56(5), 57(4)–(6), 58(3), 59(8), 60, 61(6), 62, 63(2), 65–67 repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

61 Notice to quit part of agricultural holding: right to claim notice of entry compensation for remainder of holding.

- (1) Where a notice to quit in respect of which a person is entitled to make an election under section 59 above relates to part only of an agricultural holding and that person makes such an election within the period of two months beginning with the date of service of that notice, or, if later, the decision of the [^{F11}appropriate tribunal referred to in subsection (1)(b)(ii) of that section], he may also within that period serve a notice on the acquiring authority claiming that the remainder of the holding is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit.
- (2) If the acquiring authority do not within the period of two months beginning with the date of service of a notice under subsection (1) above agree in writing to accept the notice as valid, the claimant or the authority may, within two months after the end of that period, refer it to the [^{F12}Upper Tribunal], and on any such reference the Tribunal shall determine whether the claim in the notice is justified and declare the notice valid or invalid in accordance with its determination of that question.
- (3) Where a notice under subsection (1) above is accepted as, or declared to be, valid under subsection (2) above then, if before the end of twelve months after it has been so accepted or declared the claimant has given up to the acquiring authority possession of the part of the holding to which the notice relates, section 20 of the ^{M3}Compulsory Purchase Act 1965 and section 12 of the ^{M4}Agriculture (Miscellaneous Provisions) Act 1968 shall have effect as if the acquiring authority had taken possession of that part in pursuance of a notice of entry under section 11(1) of the said Act of 1965 on the day before the expiration of the year of the tenancy which is current when the notice is so accepted or declared.

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(4) Subsections (2) to (4) of section 55 and subsection (3) of section 56 above shall apply in relation to subsections (1) to (3) above and to a notice under subsection (1) above as they apply in relation to those sections and a counter-notice under subsection (1) of section 55, and shall so apply with the necessary modifications and as if any reference to the notice of entry were a reference to the notice to quit.

(5) Where an election under section 59 above ceases to have effect in relation to any land by virtue of subsection (3) of that section any notice served by virtue of this section shall also cease to have effect in relation thereto.

(6) F13

Textual Amendments

- F11 Words in s. 61(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 202** (with Sch. 3)
- F12 Words in s. 61(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 112** (with Sch. 5)
- F13 Ss. 48(7), 49, 51(7), 52(13), 54(9), 55(5), 56(5), 57(4)–(6), 58(3), 59(8), 60, 61(6), 62, 63(2), 65–67 repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), **Sch. 2 Pt. I**

Marginal Citations

- M3 1965 c. 56.
- M4 1968 c. 34.

62 F14

Textual Amendments

- F14 Ss. 48(7), 49, 51(7), 52(13), 54(9), 55(5), 56(5), 57(4)–(6), 58(3), 59(8), 60, 61(6), 62, 63(2), 65–67 repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), **Sch. 2 Pt. I**

63 Interest on compensation for injurious affection where no land taken.

(1) Compensation under section 68 of the ^{M5}Lands Clauses Consolidation Act 1845 or section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection where no land taken) shall carry interest, at the rate for the time being prescribed under section 32 of the ^{M6}Land Compensation Act 1961, from the date of the claim until payment.

(2) F15

Textual Amendments

- F15 Ss. 48(7), 49, 51(7), 52(13), 54(9), 55(5), 56(5), 57(4)–(6), 58(3), 59(8), 60, 61(6), 62, 63(2), 65–67 repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), **Sch. 2 Pt. I**

Marginal Citations

- M5 1845 c. 18.

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M6 1961 c. 33.

64 Extension of grounds for challenging validity of compulsory purchase order.

F16

Textual Amendments

F16 S. 64 repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), **Sch. 6 Pt. I**

65 F17
67.

Textual Amendments

F17 Ss. 48(7), 49, 51(7), 52(13), 54(9), 55(5), 56(5), 57(4)–(6), 58(3), 59(8), 60, 61(6), 62, 63(2), 65–67 repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

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