

*Status: Point in time view as at 11/11/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Part I. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### CASES WHERE CONSENT OF TRIBUNAL TO OPERATION OF NOTICE TO QUIT IS NOT REQUIRED

##### PART I

##### THE CASES

##### CASE A

The holding is let as a smallholding by a smallholdings authority or the Minister in pursuance of Part III of the <sup>M1</sup>Agriculture Act 1970 and was so let on or after 12th September 1984, and

- (a) the tenant has attained [<sup>F1</sup>the age of sixty-five][<sup>F1</sup>the tenant's pensionable age (as specified from time to time in Part 1 of Schedule 4 to the Pensions Act 1995)], and
- (b) if the result of the notice to quit taking effect would be to deprive the tenant of living accommodation occupied by him under the tenancy, suitable alternative accommodation is available for him, or will be available for him when the notice takes effect, and
- (c) the instrument under which the tenancy was granted contains an acknowledgment signed by the tenant that the tenancy is subject to the provisions of this Case (or to those of Case I in section 2(3) of the <sup>M2</sup>Agricultural Holdings (Notices to Quit) Act 1977),

and it is stated in the notice to quit that it is given by reason of the said matter.

##### Textual Amendments

- F1** Words in Sch. 3 Pt. 1 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. 9](#)

##### Marginal Citations

- M1** [1970 c. 40.](#)  
**M2** [1977 c. 12.](#)

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**M2** 1977 c. 12.

## [<sup>F2</sup> CASE B

### Textual Amendments

**F2** Sch. 3 Pt. 1 Case B substituted by [Agricultural Holdings \(Amendment\) Act 1990 \(c. 15, SIF 2:3\)](#), **ss. 1(1)(2), 2**

The notice to quit is given on the ground that the land is required for a use, other than for agriculture—

- (a) for which permission has been granted on an application made under the enactments relating to town and country planning,
- (b) for which permission under those enactments is granted by a general development order by reason only of the fact that the use is authorised by—
  - (i) a private or local Act,
  - (ii) an order approved by both Houses of Parliament, or
  - (iii) an order made under section 14 or 16 of the Harbours Act 1964,
- (c) for which any provision that—
  - (i) is contained in an Act, but
  - (ii) does not form part of the enactments relating to town and country planning,
 deems permission under those enactments to have been granted,
- (d) which any such provision deems not to constitute development for the purposes of those enactments, or
- (e) for which permission is not required under the enactments relating to town and country planning by reason only of Crown immunity,

and that fact is stated in the notice.]

## CASE C

Not more than six months before the giving of the notice to quit, the Tribunal granted a certificate under paragraph 9 of Part II of this Schedule that the tenant of the holding was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and that fact is stated in the notice.

## CASE D

At the date of the giving of the notice to quit the tenant had failed to comply with a notice in writing served on him by the landlord, being either—

- (a) a notice requiring him within two months from the service of the notice to pay any rent due in respect of the agricultural holding to which the notice to quit relates, or
- (b) a notice requiring him within a reasonable period specified in the notice to remedy any breach by the tenant that was capable of being remedied of any term or condition of

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his tenancy which was not inconsistent with his responsibilities to farm in accordance with the rules of good husbandry,  
and it is stated in the notice to quit that it is given by reason of the said matter.

#### CASE E

At the date of the giving of the notice to quit the interest of the landlord in the agricultural holding had been materially prejudiced by the commission by the tenant of a breach, which was not capable of being remedied, of any term or condition of the tenancy that was not inconsistent with the tenant's responsibilities to farm in accordance with the rules of good husbandry, and it is stated in the notice that it is given by reason of the said matter.

#### CASE F

At the date of the giving of the notice to quit the tenant was a person who had become insolvent, and it is stated in the notice that it is given by reason of the said matter.

#### CASE G

The notice to quit is given—

- (a) following the death of a person who immediately before his death was the sole (or sole surviving) tenant under the contract of tenancy, and
- (b) not later than the end of the period of three months beginning with the date of any relevant notice,

and it is stated in the notice to quit that it is given by reason of that person's death.

#### CASE H

The notice to quit is given by the Minister and—

- (a) the Minister certifies in writing that the notice to quit is given in order to enable him to use or dispose of the land for the purpose of effecting any amalgamation (within the meaning of section 26(1) of the <sup>M3</sup>Agriculture Act 1967) or the reshaping of any agricultural unit, and
- (b) the instrument under which the tenancy was granted contains an acknowledgement signed by the tenant that the tenancy is subject to the provisions of this Case (or to those of Case H in section 2(3) of the <sup>M4</sup>Agricultural Holdings (Notices to Quit) Act 1977 or of section 29 of the <sup>M5</sup>Agriculture Act 1967).

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#### Marginal Citations

**M3** 1967 c. 22.

**M4** 1977 c. 12.

**M5** 1967 c. 22.

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