



Agricultural Tenancies Act 1995

1995 CHAPTER 8

PART I

GENERAL PROVISIONS

Exclusion of Agricultural Holdings Act 1986

4 Agricultural Holdings Act 1986 not to apply in relation to new tenancies except in special cases

- (1) The Agricultural Holdings Act 1986 (in this section referred to as “the 1986 Act”) shall not apply in relation to any tenancy beginning on or after 1st September 1995 (including any agreement to which section 2 of that Act would otherwise apply beginning on or after that date), except any tenancy of an agricultural holding which—
- (a) is granted by a written contract of tenancy entered into before 1st September 1995 and indicating (in whatever terms) that the 1986 Act is to apply in relation to the tenancy,
 - (b) is obtained by virtue of a direction of an Agricultural Land Tribunal under section 39 or 53 of the 1986 Act,
 - (c) is granted (following a direction under section 39 of that Act) in circumstances falling within section 45(6) of that Act,
 - (d) is granted on an agreed succession by a written contract of tenancy indicating (in whatever terms) that Part IV of the 1986 Act is to apply in relation to the tenancy,
 - (e) is created by the acceptance of a tenant, in accordance with the provisions as to compensation known as the “Evesham custom” and set out in subsections (3) to (5) of section 80 of the 1986 Act, on the terms and conditions of the previous tenancy, or
 - (f) is granted to a person who, immediately before the grant of the tenancy, was the tenant of the holding, or of any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding, under a tenancy in relation to which the 1986 Act applied (“the previous tenancy”) and is so granted merely because a purported variation of the previous tenancy

Status: This is the original version (as it was originally enacted).

(not being an agreement expressed to take effect as a new tenancy between the parties) has effect as an implied surrender followed by the grant of the tenancy.

(2) For the purposes of subsection (1)(d) above, a tenancy (“the current tenancy”) is granted on an agreed succession if, and only if,—

(a) the previous tenancy of the holding or a related holding was a tenancy in relation to which Part IV of the 1986 Act applied, and

(b) the current tenancy is granted otherwise than as mentioned in paragraph (b) or (c) of subsection (1) above but in such circumstances that if—

(i) Part IV of the 1986 Act applied in relation to the current tenancy, and

(ii) a sole (or sole surviving) tenant under the current tenancy were to die and be survived by a close relative of his,

the occasion on which the current tenancy is granted would for the purposes of subsection (1) of section 37 of the 1986 Act be taken to be an occasion falling within paragraph (a) or (b) of that subsection.

(3) In this section—

(a) “agricultural holding” and “contract of tenancy” have the same meaning as in the 1986 Act, and

(b) “close relative” and “related holding” have the meaning given by section 35(2) of that Act.