



# Agricultural Tenancies Act 1995

## 1995 CHAPTER 8

### PART I

#### GENERAL PROVISIONS

##### *Tenant's right to remove fixtures and buildings*

#### **[<sup>F1</sup>8A Reference of certain requests for consent or variation to arbitration: Wales**

- (1) This section applies to a farm business tenancy where the land comprised in the tenancy is in Wales.
- (2) A tenant may, by notice in writing given to the landlord, refer to arbitration under this Act a request made by the tenant to the landlord where—
  - (a) the request falls within subsection (3), and
  - (b) no agreement has been reached with the landlord on the request.
- (3) A request falls within this subsection if—
  - (a) it is a request for—
    - (i) the landlord's consent to a matter which under the terms of the tenancy requires such consent, or
    - (ii) a variation of the terms of the tenancy, and
  - (b) it is made for the purposes of—
    - (i) enabling the tenant to request or apply for relevant financial support, or
    - (ii) complying with a statutory duty applicable to the tenant.
- (4) Subsection (5) applies where the tenant has given notice under subsection (2) but an arbitrator has not been appointed by agreement before the end of the period of two months beginning with the day on which the notice was given.
- (5) The tenant or the landlord may apply to a professional authority for the appointment of an arbitrator by that authority, but once either party has made such an application the other may no longer do so.

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*Changes to legislation: There are currently no known outstanding effects for the Agricultural Tenancies Act 1995, Section 8A. (See end of Document for details)*

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- (6) An arbitrator, on a reference made under subsection (2), may—
- (a) determine that the landlord must comply with the request (either in full or in part),
  - (b) determine that the landlord may refuse to comply with the request, or
  - (c) make any other award or determination permitted by regulations.
- (7) The Welsh Ministers may by regulations make provision—
- (a) about conditions to be met before a reference may be made under subsection (2);
  - (b) about the awards or determinations that may be made by an arbitrator, which may include making an order for a variation in the rent payable under the tenancy or for the payment of compensation or costs;
  - (c) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
  - (d) restricting a tenant’s ability to make subsequent references to arbitration where a reference to arbitration has already been made under subsection (2) in relation to the same tenancy.
- (8) In this section—
- “relevant financial support” means financial support under—
- (a) section 8 of the Agriculture (Wales) Act 2023 (“the 2023 Act”) (Welsh Ministers’ power to provide support),
  - (b) a scheme of the sort mentioned in section 9(7) of the 2023 Act (meaning of “third party scheme” for purposes of power to provide support),
  - (c) the basic payment scheme, as defined in section 16 of the 2023 Act (power to modify legislation governing the basic payment scheme),
  - (d) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined in section 17 of the 2023 Act (power to modify legislation relating to the common agricultural policy),
  - (e) legislation relating to support for apiculture, as defined in section 18 of the 2023 Act (power to modify legislation relating to support for apiculture),
  - (f) legislation relating to support for rural development, as defined in section 19 of the 2023 Act (support for rural development), or
  - (g) section 22 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market conditions);
- “statutory duty” means a duty imposed by or under—
- (a) an Act of Parliament;
  - (b) an Act of Senedd Cymru or an Assembly Measure;
  - (c) retained direct EU legislation.]

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**Textual Amendments**

**F1** S. 8A inserted (15.7.2024) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 24(4), 56(4); S.I. 2024/789, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Tenancies Act 1995, Section 8A.