

Status: Point in time view as at 01/12/1991.

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SCHEDULES

F1 FIRST SCHEDULE

Textual Amendments

F1 Sch. 1 repealed by [Agriculture Act 1957 \(c. 57\)](#), [Sch. 4 Pt. I](#)

F1

SECOND SCHEDULE

Sections 15, 36, 95.

PROVISIONS WHERE PERMANENT PASTURE DIRECTED TO BE PLOUGHED UP OR OTHER CULTIVATIONS TO BE CARRIED OUT

- 1 Where the Minister gives to a person a direction under section . . . ^{F2} ninety-five of this Act requiring the ploughing-up of any land consisting of permanent pasture, compliance with the direction shall, notwithstanding the provisions of any contract of tenancy or instrument affecting the land, any custom or any rule of law relating to waste, not render the said person liable thereby to sow it again at his own expense, or to pay any sum by way of increased rent, damages or penalty or suffer any forfeiture by reason of the ploughing-up or of the failure to sow it again; and for the purposes of any provision of any such contract of tenancy or instrument as aforesaid, any custom, or [^{F3}section 14 of the Agricultural Holdings Act 1986], the land shall thereafter be deemed to be arable land and to have been arable land at all material times.

Textual Amendments

F2 Words repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

F3 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, [Sch. 13 para. 3](#), [Sch. 14 para. 19\(a\)](#)

- 2 Where, in the case of an occupier who is a tenant, the Minister gives such a direction as aforesaid, . . . ^{F4} he may, after affording to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, order that the contract of tenancy shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave—
- (a) as permanent pasture, or
 - (b) as temporary pasture sown with a seeds mixture of such kind as may be specified in the order,

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such area of land (in addition to the land required by the contract of tenancy, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the contract of tenancy to be maintained as permanent pasture has been reduced by virtue of the direction.

Textual Amendments

F4 Words repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98-100, [Sch. 8](#)

- 3 (1) Notwithstanding anything in the provisions of [^{F5}the ^{M1}Agricultural Holdings Act 1986] or any custom or agreement—
- (a) no compensation shall be payable to the tenant in respect of anything done in pursuance of an order under the last foregoing paragraph;
 - (b) in assessing compensation to an outgoing tenant of [^{F5}an agricultural holding within the meaning of the ^{M2}Agricultural Holdings Act 1986] where land has been ploughed up in pursuance of any such direction as aforesaid, the value per [^{F6}hectare] of any tenant's pasture comprised in the holding shall be taken not to exceed the average value per [^{F6}hectare] of the whole of the tenant's pasture comprised in the holding on the termination of the tenancy.
- (2) In this paragraph the expression “tenant's pasture” means pasture laid down at the expense of the tenant or paid for by the tenant on entering on the holding.

Textual Amendments

F5 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 19\(b\)](#)

F6 Word substituted by [S.I. 1978/446](#), [reg. 2\(2\)](#)

Marginal Citations

M1 [1986 c.5. \(2:3\)](#).

M2 [1986 c.5. \(2:3\)](#).

- 4 ^{F7} paragraph 1 of this Schedule shall have effect as if references to the ploughing-up of permanent pasture included references to the carrying out, on land which apart from the direction the occupier is under an obligation to cultivate in a particular way, of any other act of cultivation specified in the direction, and references to the sowing of land again and to arable land shall be construed accordingly.

Textual Amendments

F7 Words repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98-100, [Sch. 8](#)

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- 5 Where the ploughing-up of permanent pasture or the carrying out of any other act of cultivation is reasonably necessary in consequence of the giving of a direction, this Schedule shall apply as if the ploughing-up or other act of cultivation were required by the direction and specified therein . . . ^{F8} and subsection (5) of section ninety-five of this Act shall be construed accordingly.

Textual Amendments

F8 Words repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

^{F9}**F9** **THIRD TO
SEVENTH SCHEDULES**

Textual Amendments

F9 [Schs. 3–7](#) repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98–100, [Sch. 8](#)

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EIGHTH SCHEDULE

Section 67.

PROVISIONS OF SMALL HOLDINGS AND ALLOTMENTS ACTS APPLIED OR SAVED

^{F10}**F10** **PART I**

Textual Amendments

F10 [Sch. 8 Pt. I](#) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 113(3), [Sch. 5 Pt. III](#)

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PART II

PROVISIONS SAVED

Enactment saved

Extent of saving

In the Smallholdings and Allotments Act 1926 (16 & 17 Geo. 5. c. 52):—

Section two (power of Minister to contribute towards losses).

The section shall continue in operation in relation to proposals submitted before the commencement of Part IV of this Act, but

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Sections five to seven (provisions as to payment for sales of holdings by terminable annuities, as to conditions binding on holdings sold or let, and as to recovery of possession where condition broken.)

subject to ^{F11}any regulations made under section 52(2) of the Agriculture Act 1970].

(1) The sections shall, subject to the modification hereinafter provided, continue in operation in relation to smallholdings sold or let before the commencement of Part IV of this Act, except in so far as they provide for the sale of smallholdings or any other disposition thereof ^{F11}not authorised by Part III of the Agriculture Act 1970] and except in so far as subsection (1) of section six renders the consent of the Minister unnecessary where no contribution is payable by him.

(2) The requirement in paragraph (c) of subsection (1) of section six that the holding shall be cultivated in accordance with the rules of good husbandry as defined in the ^{M3}

Agricultural Holdings Act 1923, shall be construed as a requirement that the owner or occupier, as the case may be, shall fulfil his responsibilities to farm the holding in accordance with the rules of good husbandry, and section eleven of this Act shall apply accordingly.

Sections thirteen and fourteen (provisions as to loans for purchase and equipment of holdings).

The sections shall continue in operation in relation to loans made before the commencement of Part IV of this Act.

Textual Amendments

F11 Words substituted by [Agriculture Act 1970 \(c. 40\)](#), [Sch. 4](#)

Marginal Citations

M3 [1923 c. 9](#).

^{F12}

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Textual Amendments

F12 Sch. 9 paras. 1–6 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

F13

7—12.

Textual Amendments

F13 Sch. 9 paras. 7–12 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

Agricultural Land Tribunals

- [^{F14}13 (1) The Lord Chancellor shall appoint a chairman for each Agricultural Land Tribunal, who shall be a [^{F15}person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.]
- (2) The chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.
- (3) The chairman may resign his office by notice in writing to the Lord Chancellor.
- (4) If the Lord Chancellor is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or if the chairman is adjudged bankrupt or makes a composition or arrangement with his creditors, the Lord Chancellor may revoke the appointment of the chairman.]

Textual Amendments

F14 Sch. 9 paras. 13–16, 16A substituted for paras. 13–16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**

F15 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 6(1)**

- [^{F16}14 The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of deputy-chairmen, who shall be [^{F17}persons eligible for appointment under paragraph 13(1).]]

Textual Amendments

F16 Sch. 9 paras. 13–16, 16A substituted for paras. 13–16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**

F17 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 6(2)**

- [^{F18}15 (1) The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to represent the interests of

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farmers and a panel of persons appearing to him to represent the interests of owners of agricultural land.

- (2) Subject to the following sub-paragraph, the persons to be placed on either panel shall be selected by the Lord Chancellor from nominations made at his request by persons appearing to him to represent the interests of farmers or of owners of agricultural land, as the case may be.
- (3) The last foregoing sub-paragraph shall not prevent the Lord Chancellor from placing on either of the panels a person not nominated in accordance with that sub-paragraph, if the persons requested to make the nominations for that purpose do not make the required number of nominations, or the nominations they make do not include enough persons who appear to the Lord Chancellor to be suitable.]

Textual Amendments

F18 Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 5\(1\)\(2\)](#)

[^{F19}16 (1) For each hearing by an Agricultural Land Tribunal of an application or reference thereto the members of the Tribunal shall be—

- (a) the chairman, or a person nominated by the chairman either from the panel of deputy-chairmen (whether for that Tribunal or for any other Agricultural Land Tribunal) or from among the chairmen of other Agricultural Land Tribunals, and
- (b) one person nominated by the chairmen from each of the panels for that Tribunal drawn up under the last foregoing paragraph or from a corresponding panel for any other Agricultural Land Tribunal.

(2) The chairman may, if it appears to him expedient so to do, nominate two assessors to be added to the Tribunal for the hearing of an application or reference thereto in order to assist the Tribunal in the hearing.

(3) The assessors shall be selected by the chairman from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors.]

Textual Amendments

F19 Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 5\(1\)\(2\)](#)

Modifications etc. (not altering text)

C1 Sch. 9 para. 16(1) modified by [Land Drainage Act 1976 \(c. 70\)](#), [s. 42\(1\)](#)

C2 Sch. 9 para. 16(1)(b) excluded (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), [ss. 31\(2\), 76\(2\)](#) (with [ss. 67\(3\)\(5\)\(8\), 72\(6\), 74\(3\)\(4\)](#))

[^{F20}16A If the chairman of an Agricultural Land Tribunal is prevented by sickness or any other reason from making nominations under sub-paragraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-

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chairmen for that Tribunal by the chairman or, if the chairman is unable to make the appointment, by the Lord Chancellor]

Textual Amendments

F20 Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**

Modifications etc. (not altering text)

C3 Sch. 9 para. 16A extended by [Land Drainage Act 1976 \(c. 70\)](#), **s. 42(2)**

C4 Sch. 9 para. 16A applied (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), **ss. 31(3), 76(2)**, (with **ss. 67(3)(5)(8), 72(6), 74(3)(4)**)

- 17 (1) [^{F21}The Lord Chancellor] may by order direct that the foregoing provisions of this Schedule as to the nominated members of Agricultural Land Tribunals shall have effect subject to such modification of the number of such members, and such additions to the classes of persons referred to in paragraph 15 of this Schedule, as may be specified in the order.
- (2) Any order under this paragraph shall be of no effect unless approved by resolution of each House of Parliament.

Textual Amendments

F21 Words substituted by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(3)**

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Textual Amendments

F22 Sch. 9 para. 18 repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**

Disqualifications for appointment

- 19 (1) ^{F23}
- (2) A person shall be disqualified for being appointed or being a member of, or assessor to, an Agricultural Land Tribunal so long as he is a member of any other body mentioned in the last foregoing sub-paragraph.

Textual Amendments

F23 Sch. 9 para. 19(1) repealed by [House of Commons Disqualification Act 1957 \(c. 20\)](#), **Sch. 4 Pt. I**

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Validity of acts

- 20 (1) Any body mentioned in the last foregoing paragraph shall have power to act notwithstanding any vacancy among its members.
- (2) All acts done at any meeting of any such body shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment or disqualification of a person purporting to be a member thereof, be as valid as if that defect had not existed.
- (3) Nothing in sub-paragraph (1) of this paragraph shall affect any requirement as to the number of members necessary to constitute a meeting of any such body as aforesaid.

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Textual Amendments

F24 Sch. 9 para. 21 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

Officers and Servants

- 22 (1) F25
- (2) The Minister shall attach to . . . F26 Agricultural Land Tribunals such officers and servants of the Ministry as he may with the approval of [F27 the Minister for the Civil Service] determine to be required for providing the . . . F26 tribunals with the necessary officers and servants.
- (3) F25

Textual Amendments

F25 Sch. 9 para. 22(1)(3) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

F26 Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

F27 Words substituted by virtue of [S.I. 1971/2099](#), **arts. 2, 3, 6(5)**

Remuneration and Expenses

- 23 (1) The Minister may pay to members of . . . F28 Agricultural Land Tribunals such remuneration (whether by way of salaries or of fees) as he may with the approval of [F29 the Minister for the Civil Service] determine.
- (2) The Minister may pay to the members of any body mentioned in paragraph 19 of this Schedule and to the assessors to Agricultural Land Tribunals such allowances as he may with the approval of [F29 the Minister for the Civil Service] determine.

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- (3) The expenses of any body mentioned in paragraph 19 of this Schedule shall be defrayed by the Minister.

Textual Amendments

- F28** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), [Sch. Pt. I](#)
F29 Words substituted by virtue of [S.I. 1971/2099](#), [arts. 2, 3, 6\(5\)](#)

Proof of Instruments

- 24 Any document purporting to be a document duly executed or issued . . . ^{F30} on behalf of any such body as aforesaid shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

Textual Amendments

- F30** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), [Sch. Pt. I](#)

^{F31}TENTH SCHEDULE

Textual Amendments

- F31** [Sch. 10](#) repealed [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

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ELEVENTH SCHEDULE

Section 86.

APPLICATION IN RELATION TO MORTGAGES AND CHARGES OF SECTION 86 OF ACT

- 1 Notwithstanding anything in subsection (3) of section eighty-six of this Act—
- (a) the creation of a mortgage of or charge on land shall not be treated as a disposition thereof; but
 - (b) the exercise by a mortgagee or chargee of any right to take possession or to foreclose shall be treated as a major disposition of the land.
- 2 (1) Paragraph (a) of the said subsection (3) shall not apply to any disposition made in the exercise of the powers of a mortgagee or chargee.
- (2) No exercise of any such powers as aforesaid shall be a disposition to which the said section eighty-six applies if the mortgage or charge was made at a time when that

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section was not in force, or when the land to which the exercise relates was not comprised in an agricultural unit.

F32F32 TWELFTH SCHEDULE

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Textual Amendments

F32 Sch. 12 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

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F33F33 THIRTEENTH SCHEDULE

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Textual Amendments

F33 Sch. 13 repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 3**

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