

SCHEDULE 1

PART II

Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the holding in the last year of the tenancy, but not including crops or produce which the tenant has a right to sell or remove from the holding

8.—(1) Growing crops:—

- (a) The value of growing crops, except root and green crops of a kind normally grown on a holding held under an autumn tenancy, shall be the reasonable cost of seeds sown, and cultivations, fallows and acts of husbandry performed, calculated in accordance with the provisions of paragraph 9 below;
- (b) The value of growing root and green crops of a kind normally grown on a holding held under an autumn tenancy shall be the average market value on the holding of good quality crops, less the manorial value thereof calculated in accordance with Tables 5(a)–(j) above on the basis of ‘no crop off’:

Provided that if the value so calculated exceeds the actual value to an incoming tenant in any case where—

- (i) the crops are of inferior quality, or
- (ii) the quantity of any kind of crops exceeds the quantity reasonably required for the system of farming practised on the holding,

the value so calculated shall be reduced so as not to exceed such actual value;

(c) In the case of—

- (i) autumn-sown crops where the land was held under a spring tenancy, and
- (ii) grass and clover seeds sown on land held under a spring or autumn tenancy from which no crop has been taken before termination of the tenancy,

the value shall be increased by an additional amount representing the enhancement of the value to an incoming tenant of the growing crop, but such additional amount shall not in any case exceed the rental value, at the termination of the tenancy, of the land sown to the crop, such rental value to be calculated by reference to the same matters and criteria as are by section 8 of the Act required to be taken into consideration or applied for the determination of the rent of a holding pursuant to that enactment:

Provided that if the area of any such crop exceeds the area of such crop which would normally be grown on the holding, having regard to the character and type of the holding and the terms of the tenancy (hereinafter referred to as “the normal area”) the foregoing provisions of this sub-paragraph shall apply only to the normal area of such crop.

(2) For the purposes of sub-paragraph (1) above “spring tenancy” means a yearly tenancy the last yearly term of which commenced between 1st January and 30th June inclusive, and “autumn tenancy” means a yearly tenancy the last yearly term of which commenced between 1st September and 31st December inclusive.

(3) Served or harvested crops and produce:—

The value shall be the market value for consumption by agricultural livestock on the holding of hay, fodder crops, straw, roots and other crops or produce of good quality less the manorial value thereof calculated in accordance with Tables 5(a)–(j) above on the basis of ‘no crop off’:

Provided that if the value so calculated exceeds the actual value to an incoming tenant in any case where—

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- (a) the crops or produce are of inferior quality; or
- (b) the quantity of any kind of crops or produce exceeds the quantity reasonably required for the system of farming practised on the holding; or
- (c) the crops or produce are not left in convenient or proper places on the farm; or
- (d) any hay or straw is not properly stacked and thatched or otherwise protected,
the value so calculated shall be reduced so as not to exceed such actual value.