
STATUTORY INSTRUMENTS

1987 No. 710

The Agricultural Holdings (Arbitration on Notices) Order 1987

PART II:

NOTICES TO DO WORK

notices requiring arbitration

Notice where arbitration is available at the notice to remedy stage only

3.—(1) Where a tenant on whom a notice to do work has been served wishes to have determined by arbitration under the 1986 Act any of the following questions, namely—

- (a) his liability under the terms or conditions of his tenancy to do any of the work specified in the notice,
- (b) the deletion from the notice of any item or part of an item of work on the ground that it is unnecessary or unjustified, or
- (c) the substitution, in the case of any item or part of an item of work, of a different method or material for the method or material which the notice would otherwise require to be followed or used,

he shall do so by service of a notice requiring the question or questions to be determined by arbitration under the 1986 Act.

(2) A notice under paragraph (1) above shall be in writing, and shall be served on the landlord within one month after the service on the tenant of the notice to do work.

(3) A notice under paragraph (1) above shall specify, as the case may be—

- (a) any items in respect of which the tenant denies liability,
- (b) any items or parts of items which the tenant claims to be unnecessary or unjustified, and
- (c) any method or material in respect of which the tenant desires a substitution to be made.

Notice on other questions or in other cases

4.—(1) Where the tenant on whom a notice to do work has been served wishes to have determined by arbitration under the 1986 Act in addition to a question specified in article 3(1) any other question arising under that notice which is not a question so specified, he shall do so by serving on the landlord within one month after the service of the notice to do work a notice in writing requiring the question to be so determined.

(2) Where the tenant on whom a notice to do work has been served does not wish any question specified in article 3(1) to be determined by arbitration under the 1986 Act but wishes to have determined by such arbitration any other question arising under that notice, he shall do so—

- (a) by serving on the landlord within one month after the service of the notice to do work a notice in writing requiring the question to be so determined, or

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(b) by serving a notice in accordance with article 9.

(3) Nothing in this article shall preclude a tenant who has required arbitration under this article and who has been found liable to comply with a notice to do work or with any part of it from subsequently requiring arbitration under article 9 on the ground that, in consequence of anything happening before the expiration of the time for doing the work as extended by the arbitrator in pursuance of article 6(2), it would have been unreasonable to require the tenant to do the work within that time.