

1990 No. 1472

LANDLORD AND TENANT

The Agricultural Holdings (Form of Award in Arbitration Proceedings) Order 1990

<i>Made - - - -</i>	<i>4th July 1990</i>
<i>Laid before Parliament</i>	<i>16th October 1990</i>
<i>Coming into force</i>	<i>19th July 1990</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 84(2) and (3)(c) of, and paragraph 15 of Schedule 13 to, the Agricultural Holdings Act 1986(a), after consultation with the Council on Tribunals as required by section 10 of the Tribunals and Inquiries Act 1971(b), hereby makes the following Order:-

Citation and commencement

1. This Order may be cited as the Agricultural Holdings (Form of Award in Arbitration Proceedings) Order 1990 and shall come into force on 19th July 1990.

Saving

2. Articles 3 and 4 below shall not apply in relation to an arbitration where the arbitrator was appointed under the Agricultural Holdings Act 1948(c) before 18th June 1986.

Form of award

3. An award in proceedings on an arbitration under the Agricultural Holdings Act 1986 shall be made in the form set out in the Schedule to this Order, or in a form to the like effect, with such omissions or modifications as the circumstances may require.

Revocation

4. The Agricultural Holdings (England and Wales) Rules 1948(d), the Agricultural Holdings (England and Wales) (Amendment) Rules 1978(e) and the Agricultural Holdings (England and Wales) Rules (Variation) Order 1985(f) are hereby revoked.

Dated 4th July 1990

Mackay of Clashfern, C.
Lord Chancellor

(a) 1986 c.5.
(b) 1971 c.62.
(c) 1948 c.63.
(d) S.R. & O. 1948/1943.
(e) S.I. 1978/444.
(f) S.I. 1985/1829.

THE SCHEDULE

Article 3

AGRICULTURAL HOLDINGS ACT 1986 (*Note 1*)

FORM OF AWARD

Arbitrator: [name and address]

Date of appointment:

Time for making award extended to:

Present landlord: [name and address]

Present tenant: [name and address]

Rent payable prior to arbitration:

Award of the Arbitrator

The claims or questions set out in the Schedule to this award have been referred to arbitration and, having considered the evidence and the submissions of the parties, I, the arbitrator, award as follows: (*Note 2*)

1. The landlord is to pay to the tenant in respect of the claims set out in Column 1 of Part I of the Schedule the sum(s) set out in Column 2 thereof.

2. The tenant is to pay to the landlord in respect of the claims set out in Column 1 of Part II of the Schedule the sum(s) set out in Column 2 thereof.

3. As from (the next day on which the tenancy could have been brought to an end by notice to quit given at the date of the notice demanding arbitration under section 12 of the Act) the rent previously payable [is [increased] [reduced] to £] [continues unchanged at £] being the rent properly payable in respect of the holding at the date of the reference to arbitration.

4. The notice to quit referred to in Part IV of the Schedule shall [not] have effect. [I postpone the termination of the tenancy until].

5. My award in respect of the claims set out in Column 1 of Part V of the Schedule is set out in Column 2 thereof.

6. The landlord must pay to the tenant the sum(s) awarded by me to the tenant on the day (*Note 3*) after delivery of this award, and the tenant must pay to the landlord the sum(s) awarded by me to the landlord on the same day.

7. The costs of and incidental to the arbitration and the award shall be dealt with as follows:

(a) My costs of the award amounting to £ must be paid by the [landlord] [tenant] [landlord and the tenant in the following proportions]:

(b) As respects the costs of and incidental to this arbitration [each party must bear his own costs] [the landlord must pay [% of] the costs of the tenant] [the tenant must pay [% of] the costs of the landlord] [to be taxed in the County Court] [according to Scale [] as prescribed by the County Court Rules] [[the landlord] [the tenant] must pay £ to the [tenant] [landlord] on account of his costs]:

(c) All costs ordered by me to be paid shall be paid on the day (*Note 3*) after delivery of this award.

Signed by the arbitrator in the presence of: (*Note 4*)

Date:

This award was delivered to the [landlord] [tenant] on [date].

THE SCHEDULE

Part I

Column 1
Claims made by the landlord

Column 2
Sum(s) awarded

Part II

Column 1
Claims made by the tenant

Column 2
Sum(s) awarded

Part III

Rent

Part IV

Question(s) arising out of a notice to quit

Part V

Column 1
Other claims

Column 2
Award

APPENDIX

Statement of reasons for award (*Note 5*)

Notes for the arbitrator

1. This form must be followed as closely as possible, with only such omissions or modifications as circumstances may require. Paragraphs 1 to 6 inclusive will not all be relevant in every case, and any which are not relevant should be omitted.

2. The arbitrator must state separately in the award the amounts awarded in respect of the several claims referred to him. If either party applies to him to specify the amount awarded in respect of any particular improvement or any particular matter, he must do so.

3. The day on which payment is to be made must not be later than one month after the delivery of the award. Paragraph 22 of Schedule 11 to the Act provides for interest to be payable on sums directed by the award to be paid.

4. The award must be endorsed with the date of delivery so that there is no doubt as to the date upon which payments are to be made under paragraphs 6 and 8, and upon the date from which interest runs.

5. The arbitrator must furnish a statement of his reasons for the award if the landlord or the tenant so requests "on or before the giving or notification of the decision" – see section 12 of the Tribunals and Inquiries Act 1971. The statement may deal with different matters under different headings as appropriate; for example–

the facts he found to be admitted or proved;

the submissions of the parties and his rulings on them;

the method of valuation he applied to the facts found so as to arrive at his determination;

the costs of, and incidental to, the arbitration and award.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to England and Wales only, prescribes the form in which awards are to be made in proceedings on arbitrations under the Agricultural Holdings Act 1986 (article 3 and Schedule) and revokes the Agricultural Holdings (England and Wales) Rules 1948, as varied ("the 1948 Rules") (article 4). The new form of award makes specific reference for the first time to rent cases, questions arising out of a notice to quit and the giving of reasons for the award, where appropriate. Arbitrators are required to omit or otherwise modify the items prescribed in the form only as far as circumstances require.

This Order does not prescribe forms of application for the appointment of arbitrators and for an extension of the time for making an award, which were prescribed in the 1948 Rules.

The prescribed forms in the 1948 Rules continue to apply where the arbitrator was appointed before 18th June 1986 (article 2).

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