

2015 No. 2082

LANDLORD AND TENANT, ENGLAND

**The Agricultural Holdings Act 1986 (Variation of Schedule 8)
(England) Order 2015**

Approved by both Houses of Parliament

Made - - - - 24th November 2015

Laid before Parliament 2nd December 2015

Coming into force - - 6th April 2016

The Secretary of State makes this Order in exercise of the powers conferred by section 91(1) of the Agricultural Holdings Act 1986(a).

In accordance with that provision, the Secretary of State has consulted such bodies of persons as appear to the Secretary of State to represent the interests of landlords and tenants of agricultural holdings.

Citation and commencement

1. This Order may be cited as the Agricultural Holdings Act 1986 (Variation of Schedule 8) (England) Order 2015 and comes into force on 6th April 2016.

Amendment of Schedule 8

2.—(1) Part 1 of Schedule 8 to the Agricultural Holdings Act 1986 (short-term improvements for which compensation is payable) is amended as follows.

(2) After paragraph 4 insert—

“4A. Application to land in England of manure, fertiliser, soil improvers and digestate.”.

(3) In paragraph 5 after “land” insert “in Wales”.

(4) After paragraph 5 insert—

“5A.—(1) In relation to England, production of manure arising from the consumption on the holding of relevant feedingstuff by livestock and equidae where the manure is held in storage on the holding.

(2) In this paragraph “relevant feedingstuff” means—

- (a) corn (whether produced on the holding or not), or
- (b) cake or other feedingstuff not produced on the holding.”.

(a) 1986 c.5. Section 96(1) defines “the Minister” in relation to England as the Secretary of State. That definition was amended by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, Schedule 1, paragraph 27 (S.I. 2002/794).

(5) In paragraph 6 for “Consumption” substitute “In relation to Wales, consumption”.

24th November 2015

George Eustice
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 1 of Schedule 8 to the Agricultural Holdings Act 1986 as it applies to England.

Section 64 of the Agricultural Holdings Act 1986 entitles the tenant of an agricultural holding, on termination of the tenancy and quitting of the holding, to compensation from the landlord for an improvement specified in Part 1 of Schedule 8 which the tenant has carried out on the holding.

Article 2 of this Order inserts new paragraphs into Schedule 8 to provide for compensation to be paid for improvements resulting from the application to the land of soil improvers, digestate, manure and fertiliser (with no limitation as to how those substances were acquired); and for improvements resulting from manure which is held in storage and has arisen from the consumption of corn (produced on the holding or not) or other feedingstuff not produced on the holding by livestock and members of the horse family on the holding.

Article 2 also amends existing paragraphs to make it clear that they now apply to Wales only.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from Sustainable and Competitive Farming Strategy, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London, SW1P 3JR and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

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