STATUTORY INSTRUMENTS

1976 No. 2183

AGRICULTURE

The Agricultural Land Tribunals (Succession to Agricultural Tenancies) Order 1976

Made - - -	*17th December* 1976
Laid before Parliament	*31st December* 1976
Coming into Operation	*4th January* 1977

The Lord Chancellor, in exercise of the powers conferred on him by section 73(3) of the Agriculture Act 1947(**a**), as amended(**b**), and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(**c**), hereby makes the following Order:—

1.—(1) This Order may be cited as the Agricultural Land Tribunals (Succession to Agricultural Tenancies) Order 1976 and shall come into operation on 4th January 1977.

(2) The Interpretation Act 1889(**d**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The rules set out in the Schedule to this Order shall apply to any proceedings before Agricultural Land Tribunals arising from any application made under Part II of the Agriculture (Miscellaneous Provisions) Act 1976(**e**) and, accordingly, article 5 of the Agricultural Land Tribunals and Notices to Quit Order 1959(**f**), as amended(**g**), (which applies the general rules in that Order to the conduct of proceedings before Agricultural Land Tribunals) shall have effect subject to this Article.

Dated 17th December 1976.

Elwyn-Jones, C.

(**a**) 1947 c. 48.
(**b**) By section 8(1) of and paragraph 3 of Schedule 1 to the Agriculture Act 1958 (c. 71).
(**c**) 1971 c. 62. (**d**) 1889 c. 63. (**e**) 1976 c. 55. (**f**) S.I. 1959/81 (1959 I, p. 91).
(**g**) S.I. 1959/359, 1961/1755, 1972/1207, 1974/67 (1959 I, p. 118; 1961 III, p. 3402; 1972 II, p. 3582; 1974 I, p. 216).

SCHEDULE

RULES OF PROCEDURE FOR AGRICULTURAL LAND TRIBUNALS UNDER PART II OF THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1976

ARRANGEMENT OF RULES

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Citation and interpretation

1.—(1) These Rules may be cited as the Agricultural Land Tribunals (Succession) Rules 1976.

(2) In these Rules, unless the context otherwise requires—

"the 1976 Act" means the Agriculture (Miscellaneous Provisions) Act 1976;

"applicant" means a person who has made an application under rule 2(1);

"designated applicant" means an applicant who has been validly designated by the deceased in accordance with section 20(10) of the 1976 Act;

"holding" means a holding in respect of which an application under rule 2(1) is made;

"landlord" means the landlord of the holding;

"the relevant period" means—

(*a*) where the deceased died on or after 1st January 1977, the period of three months beginning with the day after the date of death;

(*b*) where the deceased died after 14th November 1976 but before the end of 1976, the period of three months beginning with 1st January 1977;

"the principal rules" means the Agricultural Land Tribunals Rules 1959;

expressions defined by the principal rules have the same meanings as in the principal rules;

expressions defined for the purposes of, or of any provision in, sections 18 to 23 of the 1976 Act (notably in sections 18(1), (2) (other than the expression "the relevant period") and (7), 20(10) and 23(2)) have the same meanings as for the purposes of any such section or provision; any reference to any rule or enactment shall be construed as a reference to that rule or enactment as amended, extended or applied by any other rule or enactment.

(3) A rule referred to by number means the rule so numbered in these Rules and a form referred to by number means the form so numbered in the Appendix to these Rules, or a form substantially to the like effect with such variations as the circumstances may require.

FORMS OF APPLICATION AND REPLY

Application by eligible person or by person wishing to be treated as eligible person

2.—(1) An application to the tribunal under section 20 of the 1976 Act for a direction entitling the applicant to a tenancy of an agricultural holding shall be made in Form 1.

(2) Any person who wishes to apply to the tribunal under section 21 of the 1976 Act for a determination that he is to be treated as an eligible person must make his application at the same time as he makes an application under section 20 of the 1976 Act, and in the same Form.

(3) An application made under this rule shall not be entertained by the tribunal if it is not made within the relevant period.

Landlord's application for consent to operation of notice to quit

3.—(1) An application by the landlord under section 22 of the 1976 Act for the tribunal's consent to the operation of a notice to quit shall be in Form 2 and, subject to paragraphs (3) and (4), may be made at any time after the landlord has received notice of an application under rule 2(1).

(2) Where the landlord bases his application under section 22 of the 1976 Act on the ground of hardship to a person or persons other than himself, he shall give particulars in his application of that person or those persons and of the hardship on which he relies.

(3) Where, at the expiry of the relevant period, only one application under rule 2(1) in respect of the holding is pending, any application by the landlord must be made within one month after the expiry of the relevant period.

(4) Where, at the expiry of the relevant period, more than one application under rule 2(1) in respect of the holding is pending, any application by the landlord must be made within one month after the date on which the number of such applications which are pending is reduced to one or within one month after such earlier date as the tribunal may direct.

(5) The secretary shall forthwith inform the landlord of the start of any period of one month under this rule.

Notice of application

4.—(1) An applicant shall at the time of making his application serve notice of the application in Form 3 on the landlord and on any person who, to the knowledge of the applicant, has made or may be able to make an application under rule 2(1), and shall inform the tribunal in his application of the name and address of every person to be notified by him.

(2) The applicant shall also inform the tribunal in his application of the name and address of—

(*a*) the personal representatives of the deceased, or, if a grant of probate or of letters of administration has not been made, any person who appears to be responsible for the management of the holding on behalf of the deceased's estate;

(*b*) any other person who to the knowledge of the applicant may be interested in the outcome of the application,

and in each case shall give the tribunal an indication of the nature of that person's interest in the outcome of the application.

Landlord's reply

5. A landlord who intends to oppose the whole or any part of an application under rule 2(1) shall, within one month after a copy of the application has been served on him, reply thereto in Form 1R (which is the form appended to the copy of the application served on him).

Applicant's reply to landlord's application

6. An applicant who intends to oppose an application to the tribunal under rule 3 shall, within one month after a copy of the application has been served on him, reply thereto in Form 2R (which is the form appended to the copy of the application served on him).

Applicant's reply to other applications under rule 2(1)

7.—(1) An applicant who intends to oppose any application under rule 2(1) by any other person shall, within one month after the expiry of the relevant period, reply to that or those applications in Form 4.

(2) Any request by two, three or four applicants for the consent of the landlord to a direction entitling them to a joint tenancy of the holding under section 20(9) of the 1976 Act may be made in the reply of each of them under this rule.

PARTIES, ETC.

Applications to be heard together, and parties

8. Subject to the following provision of these Rules, all applications under rule 2(1) or (2) in respect of any particular holding which are made within the relevant period, and any applications in respect thereof by the landlord, shall be heard and determined together as if each of them other than the first had been made by a party in the course of the proceedings on the first of them to be made, and, accordingly, there shall be parties to the proceeding on each application by an applicant—

(*a*) that applicant,

(*b*) the landlord, and

(*c*) any other applicant whose application was made within the relevant period and is still pending.

GENERAL PROVISIONS AS TO APPLICATIONS AND REPLIES

Service of documents by secretary

9.—(1) As soon as possible after receiving from any person any document under rule 2, 3, 5, 6 or 7 the secretary shall serve one copy thereof on every other person who, in accordance with rule 8, is a party to the proceedings on that application.

(2) As soon as possible after any fresh application under rule 2(1) is made in respect of a holding, the secretary shall serve on the fresh applicant one copy of every document which has not already been served on him but which would have been served on him had he been a party from the outset of the proceedings.

(3) As soon as possible after the expiry of the relevant period, the secretary shall serve on all those persons whose names and addresses were supplied under rule 4(2) by any applicant notice of the existence of the proceedings in respect of the holding and of the names and addresses of the parties thereto, and shall inform each of those persons that, if he so requests in writing, a copy of the eventual decision of the tribunal will be sent to him by the secretary.

Application of principal rules relating to applications and replies

10.—(1) Rules 13 (except for paragraph (5)), 15, 16, 17 (except for paragraph (2)) and 18 of the principal rules shall apply with the necessary modifications to applications and replies under these Rules.

(2) Rule 17(2) of the principal rules shall apply to a reply under rule 6 of these Rules if the relevant period has expired and, following the withdrawal of the reply, there is no other outstanding reply to the application by the landlord.

HEARINGS

Date and place of hearing

11. As soon as practicable after the expiration of one month from the end of the relevant period, the chairman shall fix a date, time and place for the hearing of all applications made in the proceedings.

Duty to adjourn part of hearing

12.—(1) Where on the date of the hearing the landlord has not made an application under rule 3(3) but the time allowed for him to do so has not expired, or has not started to run, the tribunal shall not proceed to give a direction under section 20 of the 1976 Act except with the consent of the landlord.

(2) Where on the date of the hearing the time allowed for a reply under rule 6 has not expired, or has not started to run, the tribunal shall not proceed to hear the application of the landlord except with the consent of every applicant who has not yet replied thereto.

(3) Where under this rule consent is required but is not given the tribunal shall adjourn the proceedings and the chairman shall give such directions as he thinks fit for the further hearing of the proceedings.

Application of principal rules relating to hearings

13.—(1) Rules 19(3), (4) and (5), 20, 21, 22(2) and 23 of the principal rules shall apply with the necessary modifications to applications under these Rules.

(2) Rule 19(6) of the principal rules shall apply in the case of an application by the landlord.

FURTHER PROVISIONS RELATING TO HEARINGS

Sanctions for failure to reply

14.—(1) If no reply to an application under rule 2(1) is received from the landlord by the secretary within the time allowed by rule 5, then, subject to section 20(7) of the 1976 Act, the landlord shall not be entitled to dispute any matter alleged in that application, but this paragraph does not affect any right of the landlord to rely upon his own application under rule 3.

(2) Where, pursuant to rule 17(2) or 19(6) of the principal rules (as applied by rules 10(2) and 13(2) of these Rules), the tribunal make an order in the terms of the application by the landlord without a formal hearing, any application under rule 2(1) in respect of the holding shall be dismissed.

(3) If no reply to an application under rule 2(1) is received from an applicant by the secretary within the time allowed by rule 7(1), the applicant who has not replied shall not be entitled to dispute any matter alleged in the application, but this paragraph does not affect the right of that applicant to claim before the tribunal that he is more suitable than the other applicant.

Procedure at hearing in case of sole applicant

15. Where on the date of the hearing only one application under rule 2(1) is pending before the tribunal, the applicant shall begin, and the order of proceedings shall be the same as in civil proceedings in the High Court as if the application were an action begun by writ and as if any application by the landlord were a counterclaim.

Procedure at hearing in case of multiple applicants where designation is claimed

16.—(1) Where any applicant under rule 2(1) claims to be a designated applicant the tribunal shall first hear him as to the validity of his claim to be a designated applicant (and if more than one applicant so claims, the tribunal

shall hear them on those respective claims in the order determined by the tribunal), and shall then afford any other applicant (including any applicant who himself so claims) an opportunity to reply to that claim.

(2) The tribunal shall thereupon determine the validity of each claim to be a designated applicant.

(3) If the tribunal determine that an applicant under rule 2(1) is a designated applicant, they shall then hear that person's application as if he were the only applicant.

(4) If under paragraph (3) the tribunal determine that the designated applicant is a suitable person to become the tenant of the holding, they—

(*a*) shall then dismiss all other applications under rule 2(1), and

(*b*) shall, subject to rule 12, hear any application by the landlord.

(5) If under paragraph (3) the tribunal determine that the designated applicant is not a suitable person to become the tenant of the holding, they—

(*a*) shall dismiss his application, and

(*b*) shall, unless there is any remaining issue to be determined under paragraph (2) above, hear the remaining applications under rule 2(1) in accordance with rules 12 and 15 (or, in the case of two or more such applications, under rule 17) as if no applicant had claimed to be a designated applicant.

(6) If, under paragraphs (1) and (2), the tribunal determine that there is no designated applicant, rule 17 shall apply.

Procedure at hearing in case of multiple applicants where designation is not claimed

17.—(1) Where the tribunal have to hear more than one application under rule 2(1) and no applicant claims or has been determined to be a designated applicant, then, subject to any direction by the chairman, the tribunal shall—

(*a*) dispose of the various matters before them in the following order, that is to say—

(i) any determination as to eligibility under section 21(3) of the 1976 Act;

(ii) any remaining issue as to eligibility under section 20(3) of the 1976 Act;

(iii) any determination as to suitability under section 20(3) of the 1976 Act;

(iv) any question of exercising the discretion conferred by section 20(9) of the 1976 Act;

(v) any determination as to relative suitability under section 20(6) of the 1976 Act;

(vi) subject to rule 12, any question arising on an application by the landlord under section 22 of the 1976 Act, and

(*b*) hear the person who is in the position of applicant in respect of any of the matters referred to in subparagraph (*a*) above and then the other parties in such order as the tribunal may determine, and, for the purpose of this subparagraph, any request for the landlord's consent made under rule 7(2) or at the hearing shall be treated as if it were an application.

(2) Where under paragraph (1)(*a*)(iii) above, two or more applicants are determined to be suitable persons to become the tenant of the holding, then—

(*a*) the tribunal shall ask the landlord if he will consent to the giving of a direction in accordance with section 20(9) of the 1976 Act specifying any two, any three, or any four of the suitable applicants and entitling them to a joint tenancy of the holding, and if the landlord then consents the tribunal may (after hearing such of the suitable applicants as wish to be heard) give a direction specifying the applicants in respect of whom the landlord's consent is given, and entitling them to a joint tenancy of the holding;

(*b*) the tribunal may give the landlord an opportunity to consent within such time as they may allow, and may regard his consent as refused if not given within that time.

(3) Where the tribunal dispose of any matter under paragraph (1)(*a*)(i), (ii), (iii) (v) or (vi) in such a way that any particular application can no longer succeed, that application shall be dismissed.

Further provisions relating to notice to quit

18. Where the proceedings are adjourned under rule 12(1) and the landlord then fails to make an application under rule 3 within the time allowed by that rule, the tribunal may, without a formal hearing, give a direction under section 20(5) or 20(6) (as the case may be) entitling the suitable applicant to a tenancy of the holding.

Application of principal rules relating to evidence, decisions, etc.

19.—(1) Rules 24 to 31, 33 and 34 of the principal rules shall apply with the necessary modifications to proceedings under these Rules as they apply to other proceedings before the tribunal.

(2) For the purposes of rules 29 to 31 of the principal rules, any dismissal of an application under these Rules shall be a decision, and all such decisions, and the reasons for them, may be given in a single document at the conclusion of the proceedings unless the chairman otherwise decides.

APPENDIX

Rule 2(1), (2)

FORMS

Form 1 (Succession)

Ref. No. To be inserted the Secretar

AGRICULTURAL LAND TRIBUNAL

Application for Direction giving Entitlement to Tenancy of Agricultural Holding

Application for Determination that Applicant be Treated as an Eligible Person

[*In completing this form it is important to refer to the notes*]

Part A—To be completed by all applicants

To the Secretary of the Agricultural Land Tribunal

for the Area.

1. I, [*block capitals*]

of [*address*]

hereby apply under section 20(1) of the Agriculture (Miscellaneous Provisions) Act 1976 for a direction entitling me to a tenancy of the holding specified in paragraph 2 below.

2. The holding in respect of which the application is made is known as and consists of:—

(*a*)	hectares of arable land (including temporary grass) (Ordnance Survey Field Nos.	);
(*b*)	hectares of permanent pasture (Ordnance Survey Field Nos.	);
(*c*)	hectares of rough grazing (Ordnance Survey Field Nos.	);
(*d*)	hectares of other land (including orchards) (Ordnance Survey Field Nos.	);
TOTAL	hectares	ANNUAL RENT £ .

3. The holding includes the following buildings [*give a general description*]:—

†4. The holding forms part of a larger agricultural unit known as and consisting of [*give a general description*]:—

5. The application arises on the death of
formerly the tenant of the holding referred to in paragraph 2, who died on (1)

6. The landlord of the holding is
of .

†7. I am the sole person validly designated by the deceased tenant of the holding in his will as the person he wished to succeed him as tenant of the holding. A copy of the relevant part of the will in which I am designated is attached [*attach a copy of or extract from the will marking the relevant passage*](2).

8. †(i) I am the *wife/*husband/*brother/*sister/*child of the deceased tenant(3).
†(ii) I was treated by the deceased tenant as a child of the family in relation to his marriage to (4)
on [*give date of marriage*].

9. (*a*) During the seven years ending with the date of death of the deceased tenant my only or my principal source of livelihood was derived from my agricultural work on the holding, or from an agricultural unit of which the holding forms a part, during the following period(s) and in the following manner [*give details of the way livelihood derived from agricultural work on the holding*](5):—

*(*b*) During the period(s) specified in paragraph 9(*a*) I had the following source(s) of livelihood other than those derived from the holding or from an agricultural unit of which the holding forms a part [*give details of other sources of livelihood*]:—

*(*c*) During the period(s) specified in paragraph 9(*a*) I had no other source of livelihood.

†10. During the seven years ending with the date of death of the deceased tenant I attended a full-time course at

[*name of university, college or other establishment of further education*], during the following period(s) [*give details of time spent at university etc.*](6):—

During this period/these periods I studied the following subjects, and obtained the following qualifications [*give details of subjects studied and any qualifications obtained*]:—

11. *(*a*) I occupy as owner-occupier/tenant/licensee the following agricultural land [*give particulars of land occupied, including area*]:—

*(*b*) I do not occupy any other agricultural land.

12. I was born on .

13. I claim to be a suitable person to receive the tenancy of this holding because(7):—

Part B—To be completed only if you do not fully satisfy requirements of paragraph 9(*a*)

14. Further to the application set out in the preceding paragraphs of this Form, I, [*block capitals*] of the above address also apply under section 21(2) of the Agriculture (Miscellaneous Provisions) Act 1976 for a determination that I am to be treated as an eligible person for the purposes of Part II of the said Act(8).

15. (*a*) During the seven years ending with the date of death of the deceased tenant my livelihood was derived from my agricultural work on the holding referred to in paragraph 2, or from an agricultural unit of which the holding forms a part, to a material extent during the following period(s) and in the following manner [*give details of the extent to which livelihood was derived from agricultural work on the holding*](9):—

†(*b*) During the period(s) specified in paragraph 15(*a*) I had the following source(s) of livelihood other than those derived from the holding or from an agricultural unit of which the holding forms a part [*give details of other sources of livelihood*]:—

†(*c*) During the period(s) specified in paragraph 15(*a*) I had no other source of livelihood.

†16. During the seven years ending with the date of death of the deceased tenant I attended a full-time course at [*name of university, college or other establishment of further education*], during the following period(s) [*give details of time spent at university, etc.*](6):—

During this period/these periods I studied the following subjects, and obtained the following qualifications [*give details of subjects studied and any qualifications obtained*]:—

†17. I claim that, because of the following circumstances, it is fair and reasonable for me to be able to apply under section 20 of the Agriculture (Miscellaneous Provisions) Act 1976 for a direction entitling me to a tenancy of the holding referred to in paragraph 2(10):—

Part C—To be completed by all applicants

18. I attach the following documents which I intend to produce in support of my case:—

(*a*) two (11) copies of a 6″ to one mile or 1/10,000 (12) map of the holding described in paragraph 2 above (and of the other land referred to in paragraph 4);

(*b*) two (11) copies of (13):—

19. The persons whom I shall notify of this application/these applications are(14):—

(*a*) The landlord of the holding whose name and address are:—

(*b*)

(*c*)

(*d*)

20. (*a*) The following is [are] the personal representative[s] of the deceased tenant or (*if there are no personal representatives*) the person or persons responsible for the management of the holding on behalf of the deceased's estate (15):—

Name[s] ....

Address[es] ....

....

....

(*b*) The following person[s] is [are] or may be interested in the outcome of this application(15):—

Name[s] ....

Address[es] ....

....

....

Nature of interest ....

....

Date..... Signed(16)..... .....

*Strike out whichever is inapplicable.
†Strike out if inapplicable.

Notes:

(1) Formal proof of the date of death will be required at the hearing.

(2) This paragraph should be completed only if the applicant received a specific bequest of the deceased's tenancy under his will or is specifically named in the will as the person whom the deceased tenant wished to succeed him as tenant of the holding. It will be necessary for a grant of probate or administration to be obtained from the Family Division of the High Court in respect of the will before the tribunal can hear any claim to be a designated applicant. Where an applicant establishes that he is so designated under the deceased tenant's will, no other application will be considered unless the tribunal determine that the designated applicant is not a suitable person to become the tenant of the holding.

(3) Formal proof of the relationship to the deceased, *e.g.*, by production of marriage or birth certificates, may be required at the hearing. Adopted children should complete this sub-paragraph, and not paragraph 8(ii) following.

(4) Paragraph 8(ii) may apply where the applicant was the step-child or foster child of the deceased or was otherwise treated by him as his child. An outline should be given of the circumstances relied on as establishing that the applicant was treated by the deceased as his child in relation to the marriage. Production of the relevant marriage certificate, and any relevant birth certificate may be required at the hearing.

(5) To qualify under 9(*a*) the applicant should have derived his only or principal source of livelihood from his agricultural work on the holding (or from a larger unit of which the holding forms part) during a total of five years of the seven years ending with the death of the deceased tenant. The total of five years may be made up of one continuous period, or one or more separate periods. A period of full-time education at a university etc., may, in the circumstances set out in note (6), count towards the five-year period of earning a livelihood from the holding, and reference should be made to paragraph 10 and note (6) in deciding whether the requirements of this paragraph can be satisfied.

An applicant who cannot satisfy the requirements of this paragraph fully, but who believes he can satisfy them to a material extent, should complete the additional application set out in paragraph 14, together with paragraphs 15, 16 (if relevant) and 17. The Notes to these paragraphs should also be consulted.

(6) Any period or periods (up to an aggregate total of three years) during the seven years ending with the date of death of the deceased tenant during which the applicant was attending a full-time course at a university, college or other establishment of further education will be treated as a period throughout which his only or principal source of livelihood was derived from his agricultural work on the holding. Any subject may have been studied.

(7) All matters relied on as supporting the claim to be a suitable person to become the tenant of the holding should be summarised. These should include details of the applicant's training and practical experience of agriculture, financial standing and any educational qualifications not already listed in paragraph 10.

(8) This paragraph should be completed (together with paragraphs 15, 16 (if relevant) and 17 in any case where the applicant, while otherwise meeting the conditions contained in paragraphs (*a*) and (*c*) of the definition of "eligible person" in section 18 of the Agriculture (Miscellaneous Provisions) Act 1976 cannot fully satisfy the conditions as to deriving his principal or main source of livelihood from the holding contained in paragraph (*b*) of that section. (It is also necessary for the application set out in paragraph 1 to be completed in addition to completing this paragraph.) An applicant who fully satisfies the requirements of paragraph 9(*a*) need not complete this paragraph or paragraphs 15, 16 and 17.

(9) The applicant should state to what extent he has derived his livelihood from his agricultural work on the holding (or from a larger unit of which the holding forms part) during a total of five years of the seven years ending with the death of the deceased tenant. The total of five years may be made up of one continuous period, or one or more separate periods. A period of full-time education at a university etc., may in certain circumstances count in relation to the five year period as a period in which a livelihood was derived from agricultural work on the holding, and paragraph 16 should also be completed where relevant.

(10) A summary should be given of matters relied on as establishing that it is fair and reasonable that the applicant should be entitled to apply under section 20 of the Agriculture (Miscellaneous Provisions) Act for a tenancy of the holding, though not fully qualified to do so under section 18(2)(*b*) of that Act. The length of time the applicant has lived on the holding, details of work done by him on the holding (apart from those already given in paragraph 15) and any special circumstances which have prevented him from qualifying in full as an eligible person under section 18(2)(*b*) of the Agriculture (Miscellaneous Provisions) Act 1976 should be given. (Note (5) describes the requirements needed to qualify fully under section 18(2)(*b*).)

(11) Two copies of the application and of any map and document must be sent to the Secretary.

(12) A large scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(13) Mention any other document which is attached to this application.

(14) The applicant is required to send to the landlord of the holding, and to every other person who to his knowledge has made or may be able to make an application for a tenancy of the holding, notice of this application. The applicant should enter the name and address of the landlord at (*a*) and the names and addresses of appropriate other persons (if any) respectively at (*b*), (*c*) and (*d*), etc.

(15) This information is required by rule 4(2) of the Agricultural Land Tribunals (Succession) Rules 1976.

(16) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Rule 5

Form 1R (Succession)

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Direction giving Entitlement to Tenancy of Agricultural Holding

Reply to Application for Determination that Applicant be Treated as an Eligible Person

To the Secretary of the Agricultural Land Tribunal

for the Area.

I, [*block capitals*]

of [*address*]

landlord of [*name or description of holding*]

having received a copy of the application bearing the above reference number reply as follows:—

1. The facts stated in paragraphs 1, 2, 3 and 6 of the application are, to the best of my knowledge, information and belief, correct† except that:—

†2. I dispute the claim of the applicant to be an eligible person(1) on the following grounds:—

†3. I dispute the claim of the applicant to be treated as an eligible person(2) on the following grounds:—

4. I have the following comments on the suitability of the applicant to become the tenant of the above holding.

5. I attach copies of the following relevant documents(3):—

6. I consider the application to be invalid by reason of(4):—

Date..... Signed(5).....

†Strike out if inapplicable.

TAKE NOTICE THAT IF YOU DO NOT REPLY IN THIS FORM WITHIN ONE MONTH OF THE DATE OF SERVICE ON YOU OF THE ATTACHED APPLICATION YOU WILL NOT BE ENTITLED AT THE HEARING OF THE APPLICATION TO DISPUTE ANY MATTER ALLEGED IN IT.

Notes:

(1) The paragraphs of the application which (where completed) will be relevant to the applicant's claim to be an eligible person are paragraphs 8, 9, 10 and 11.

(2) The paragraphs of the application which (where completed) will be relevant to the applicant's claim to be treated as an eligible person are paragraphs 14, 15, 16 and 17.

(3) (*a*) Two copies of this reply and of any document which you wish to submit to the tribunal must be sent to the Secretary.

(*b*) If you disagree with any map or plan attached to the application, your reply should be accompanied by two copies of a 6″ to one mile or 1/10,000 (or larger) map showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(4) If you consider that, for any reason, the applicant is not legally entitled to make his application, you should state succinctly the grounds on which you rely.

(5) If signed by any person other than the landlord himself, he should state in what capacity or by what authority he signs.

Rule 3(1)

Form 2 (Succession) Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Consent to Operation of Notice to Quit

To the Secretary of the Agricultural Land Tribunal

for the Area.

1. I, [*block capitals*]

of [*address*]

hereby apply under section 22(1) of the Agriculture (Miscellaneous Provisions) Act 1976 for the consent of the Tribunal to the operation of a notice to quit which I gave to

and

being the personal representative(s) of [*block capitals*]

deceased, formerly of

[*address*].

2. The notice was served on [*insert date*]

in respect of the holding known as .

3. An application (bearing reference number .....) to the tribunal under Part II of the Agriculture (Miscellaneous Provisions) Act 1976 for a tenancy of this holding was made on .

Full particulars of the holding are set out in that application †(as amended in my reply to that application dated).

4. I apply for the Tribunal's consent to the operation of the notice to quit in the event of an applicant under the application referred to in paragraph 3, or any other such applicant, being determined by the Tribunal to be a suitable person to become the tenant of the holding.

5. The grounds upon which I make this application are those provided in paragraph(s) of section 25(1) of the Agricultural Holdings Act 1948 (as amended by section 3(2) of the Agriculture Act 1958 and as read with section 22(2) of the Agriculture (Miscellaneous Provisions) Act 1976). [*It is important to refer to note* (1).]

6. The main facts on which I will base my case are:—

7. If I obtain possession of the land I intend:—

*(*a*) to farm it myself;

*(*b*) to let it to another tenant (*state name and address if known*).

*(*c*) (*State any other intention*)

8. The future tenant(2) at present farms other land consisting of:—

(*a*)	hectares of arable land (including temporary grass) (Ordnance Survey Field Nos.);
(*b*)	hectares of permanent pasture (Ordnance Survey Field Nos.);
(*c*)	hectares of rough grazing (Ordnance Survey Field Nos.);
(*d*)	hectares of other land (including orchards) (Ordnance Survey Field Nos.);
TOTAL	hectares.

9. I attach the following documents which I intend to produce in support of my case:—

(*a*) two copies(3) of a 6″ to one mile or 1/10,000(4) map of the land described in paragraph 8(5) above;

(*b*) two copies of(6):—

Date..... Signed(7) .....

*Strike out whichever is inapplicable.
†Strike out if inapplicable.

Notes:

(1) The applicant must state on which paragraph or paragraphs of the subsection he intends to rely. The five paragraphs, as amended, are as follows:—

(*a*) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of good husbandry as respects the land to which the notice relates, treated as a separate unit; or

(*b*) that the carrying out thereof is desirable in the interests of sound management of the estate of which the land to which the notice relates forms part or which that land constitutes (*see note* (5) *below*); or

(*c*) that the carrying out thereof is desirable for the purposes of agricultural research, education, experiment or demonstration, or for the purposes of the enactments relating to small-holdings; or

(*d*) that greater hardship would be caused by withholding than by giving consent to the operation of the notice; or

(*e*) that the landlord proposes to terminate the tenancy for the purpose of the land's being used for a use, other than for agriculture, not falling within paragraph (*b*) of subsection (2) of the last foregoing section (*i.e., section* 24(2)(*b*) *of the Agricultural Holdings Act* 1948).

If, under paragraph (*d*) above, the applicant intends to rely on hardship to a person or persons other than himself, he should set out in paragraph 6 the name of every person who will be so affected, and the relationship of that person to himself, and should state the nature of the hardship on which he relies.

(2) Paragraph 8 need not be completed if the name of the future tenant is unknown. Where land is described, a map should be provided (*note* (5) *below*).

(3) Two copies of the application and of any map and document must be sent to the Secretary.

(4) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(5) Where it is intended to give evidence about any land other than that which is the subject of the notice to quit, it must be shown either on the map produced or on a separate map of a scale of 6″ to one mile or 1/10,000 or larger.

(6) Mention any other document which is attached to this application.

(7) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Form 2R (Succession) Rule 6

Ref. No.

AGRICULTURAL LAND TRIBUNAL

To be inserted by the Secretary.

Reply to Application for Consent to Operation of Notice to Quit

To the Secretary of the Agricultural Land Tribunal

for the Area.

I, [*block capitals*]

of [*address*]

having applied to the Tribunal on for a direction entitling me to a tenancy of

and having received a copy of the application (bearing the above reference number) for the Tribunal's consent to the operation of a notice to quit, reply as follows:—

1. The facts stated in the first three paragraphs of the application are correct *except that:—

2. My main reasons for resisting the application are:—

3. The landlord is not acting fairly and reasonably because(1):—

4. I attach copies of the following relevant documents(2):—

Date..... Signed(3).....

TAKE NOTICE THAT, IF YOU DO NOT REPLY IN THIS FORM WITHIN ONE MONTH OF THE DATE OF SERVICE ON YOU OF THE ATTACHED APPLICATION BY THE LANDLORD OF THE HOLDING FOR THE TRIBUNAL'S CONSENT TO THE OPERATION OF THE LANDLORD'S NOTICE TO QUIT, THE TRIBUNAL MAY GIVE THAT CONSENT SUMMARILY AND SUMMARILY DISMISS YOUR OWN APPLICATION TO BE GRANTED A TENANCY OF THE HOLDING, **WITHOUT HEARING YOUR CASE.**

*Delete if inapplicable.

Notes:

(1) The tribunal must withhold consent if, in all the circumstances, it appears that a fair and reasonable landlord would not insist on possession. If you have any special reasons for saying the landlord is acting unfairly or unreasonably which do not appear under paragraph 2, you should state them under paragraph 3.

(2) (*a*) Two copies of the reply and of any document which you wish to submit to the Tribunal must be sent to the Secretary.

(*b*) If you disagree with any map or plan attached to the application, your reply should be accompanied by two copies of a 6″ to one mile or 1/10,000 (or larger) map showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(3) If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

Rule 4(1)

Form 3 (Succession)

Ref. No. **To be inserted by the Secretary.**

AGRICULTURAL LAND TRIBUNAL

Notice of Application for Entitlement to Tenancy under Part II of the Agriculture (Miscellaneous Provisions) Act 1976

To: [*name*]

of [*address*]

I, [*block capitals*]

of [*address*]

hereby give you notice that I applied on [*date of application*] under Part II of the above-named Act for a Direction entitling me to a tenancy of the agricultural holding known as

[*address or brief description of holding*] in succession to

[*name of deceased tenant of the holding*] who died on

Dated..... Signed.....

A copy of the full application will in due course be sent to you by the secretary to the Tribunal.

Rule 7

Form 4 (Succession)

AGRICULTURAL LAND TRIBUNAL

Ref. No. To be inserted by the Secretary.

Reply to Application for Direction giving Entitlement to Tenancy of Agricultural Holding

To the Secretary of the Agricultural Land Tribunal

for the Area.

I, [*block capitals*]

of [*address*]

having received a copy of the application of
(hereinafter called "the applicant") bearing the above reference number, reply as follows:—

1. The facts stated in the first six paragraphs of the application are correct *except that:—

2. †I accept the applicant's claim to be a designated applicant, as stated in paragraph 7 of the application.

OR

†I dispute the applicant's claim to be a designated applicant, as stated in paragraph 7 of the application, on the following grounds:—

3. I do not dispute any of the matters stated in paragraphs 8–12, 15 and 16 of the application *except that:—

4. I claim to be a more suitable person than the applicant to be granted a tenancy of the holding; and I base this claim on the following grounds:—

*5. The applicant and I *(and) have agreed to request the landlord's consent to a direction entitling us to a joint tenancy of the holding.

Date..... Signed.....

*Delete if inapplicable.

†Delete whichever is inapplicable.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

The Order prescribes rules of procedure for Agricultural Land Tribunals for the purpose of applications under Part II of the Agriculture (Miscellaneous Provisions) Act 1976.

The rules relate to applications made, following the death of a tenant of an agricultural holding, for the purpose of obtaining a direction from the tribunal entitling the applicant to a tenancy of the holding. The rules regulate the form of such applications (rule 2) and of any application by the landlord for consent to the operation of a notice to quit served following the death of the tenant (rule 3). Any applicant receives notice of any other application relating to the holding (rules 4 and 9) and should reply to it (rules 5, 6, 7 and 14).

All the applications are to be heard and determined together (rule 8), and the procedure to be adopted at the hearing will depend upon whether there are one, or more, applicants for a direction (rule 15) and, in the latter event, whether there is, or is not, a claim by an applicant to have his application considered first on the ground that he was "designated" by the deceased's will under section 20(4) of the 1976 Act (rule 16).

Provision is also made for adjournment where, because of the presence of multiple applications, the time for an application or reply has not started or has not expired at the date of the hearing (rule 12), as well as for the possibility of a joint tenancy to be considered in suitable cases (rule 17(2)). Any application for a direction is to be dismissed if the applicant is eliminated (rule 17(3)), and the decision concerning that application can be given at that time or later (rule 19(2)).

So far as material, the Agricultural Land Tribunals Rules 1959 are applied to proceedings under these rules (rules 10, 13 and 19(1)).

The rules come into operation on 4th January 1977 and apply to any application made under the 1976 Act in respect of a death after the date when that Act was passed.

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