STATUTORY INSTRUMENTS

1984 No. 1301

AGRICULTURE

The Agricultural Land Tribunals (Succession to Agricultural Tenancies) Order 1984

Made - - - -	*26th July* 1984
Laid before Parliament	*16th August* 1984
Coming into Operation	*12th September* 1984

The Lord Chancellor, in exercise of the powers conferred on him by sections 73(3) and (4) and 108(3) of the Agriculture Act 1947(**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 Land Tribunals (Succession to Agricultural Tenancies) Order 1984 and shall come into operation on 12th September 1984.

Rules of procedure

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 after the commencement of this Order under Part II of the Agriculture (Miscellaneous Provisions) Act 1976(**c**) or under Schedule 2 to the Agricultural Holdings Act 1984(**d**).

Variation of the Agricultural Land Tribunals (Rules) Order 1978

3. The Agricultural Land Tribunals (Rules) Order 1978(**e**) shall be varied by inserting at the end of article 2 thereof (rules of procedure) the words "or under Schedule 2 to the Agricultural Holdings Act 1984".

(**a**) 1947 c.48; section 73(3) and (4) was amended by the Agriculture Act 1958 (c.71), Schedule 1, paragraph 3.
(**b**) 1971 c.62.
(**c**) 1976 c.55; Part II of the Act was amended by the Agricultural Holdings Act 1984 (c.41), section 3 and Schedule 1.
(**d**) 1984 c.41.
(**e**) S.I. 1978/259.

Revocation

4. The Agricultural Land Tribunals (Succession to Agricultural Tenancies) Order 1976(**a**) is hereby revoked except to such extent as may be necessary for the disposal of an application pending at the commencement of this Order.

Hailsham of St. Marylebone, C.

Dated 26th July 1984.

(**a**) S.I. 1976/2183, amended by S.I. 1978/259.

SCHEDULE Article 2

RULES OF PROCEDURE FOR AGRICULTURAL LAND TRIBUNALS UNDER PART II OF THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1976 AND SCHEDULE 2 TO THE AGRICULTURAL HOLDINGS ACT 1984

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27. Service of documents by secretary.
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29. Date and place of hearing.
30. Application of principal rules relating to preparation for hearing and to hearing.

FURTHER PROVISIONS RELATING TO HEARINGS

31. Sanctions for failure to reply.
32. Procedure at hearing.
33. Application of principal rules relating to evidence, decisions, etc.
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APPENDIX
FORMS

PART I

PRELIMINARY

Citation and interpretation

1.— (1) These rules may be cited as the Agricultural Land Tribunals (Succession) Rules 1984.

(2) In these rules "the principal rules" means the Agricultural Land Tribunals Rules 1978(**a**) and expressions defined in the principal rules have the same meaning in these rules.

(3) Unless the context otherwise requires, any reference in these rules—

(a) to a numbered rule shall be construed as a reference to the rule bearing that number in these rules; or

(b) to a numbered form shall be construed as a reference to the form bearing that number in the Appendix to these rules, or a form substantially to the like effect with such variations as the circumstances may require.

PART II

APPLICATION FOR SUCCESSION ON DEATH OF TENANT UNDER PART II OF THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1976

Interpretation of Part II

2.— (1) In this Part of these rules, unless the context otherwise requires—

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

"applicant" means a person who has made an application under rule 3 (1);

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

"holding" means a holding in respect of which an application under rule 3(1) is made;

"landlord" means the landlord of the holding;

"the relevant period" means the period of three months beginning with the day after the date of death.

(2) Other 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) and (7), 20(10), 22(6) and 23(2)) have the same meaning in this Part of these rules.

(**a**) S.I. 1978/259.
(**b**) 1976 c.55; Part II of the Act was amended by the Agricultural Holdings Act 1984 (c.41), section 3 and Schedule 1.

FORMS OF APPLICATION AND REPLY

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

3.— (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) An application to the tribunal under section 21 of the 1976 Act for a determination that the applicant is to be treated as an eligible person shall be made in Form 1 and if the applicant also makes an application under section 20 of that Act, both applications shall be made at the same time 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

4.— (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 receives notice of an application under rule 3(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 3(1) in respect of the holding is pending, any application by the landlord shall be made within four months after a copy of the application under rule 3(1) is served on him.

(4) Where, at the expiry of the relevant period, more than one application under rule 3(1) in respect of the holding is pending, any application by the landlord shall be made—

(a) within four months after a copy of the first application under rule 3(1) is served on him, or

(b) within one month after the date on which the number of applications under rule 3(1) which are pending is reduced to one or within one month after such earlier date as the tribunal may direct,

whichever of those periods expires last.

(5) The secretary shall forthwith inform the landlord of the start of any period of four months under paragraph (3) or paragraph (4) and any period of one month under paragraph (4).

Notice of application

5.— (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 3(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

6. A landlord who intends to oppose the whole or any part of an application under rule 3(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

7. An applicant who intends to oppose an application to the tribunal under rule 4 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 3(1)

8.— (1) An applicant who intends to oppose any application under rule 3(1) by any other person shall, within one month after the expiry of the relevant period, reply to that application 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

9. Subject to the following provision of these rules, all applications under rule 3(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 proceedings 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

10.— (1) As soon as possible after receiving from any person any document under rule 3, 4, 6, 7 or 8 the secretary shall serve one copy thereof on every other person who, in accordance with rule 9, is a party to the proceedings on that application.

(2) As soon as possible after any fresh application under rule 3(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 to 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 5(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

11.— (1) Rules 16 (except for paragraph (5)) and 18 (except for paragraph (2)) of the principal rules shall apply to applications and replies under this Part of these rules.

(2) Rule 15(2) of the principal rules shall apply in the case of an application by the landlord under this Part of these rules.

(3) Rule 18(2) of the principal rules shall apply to a reply under rule 7 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

12. As soon as practicable the chairman shall fix a date, time and place for the hearing of all applications made in the proceedings under this Part of these rules.

Duty to adjourn part of hearing

13.— (1) Where on the date of the hearing the landlord has not made an application under rule 4(3) but the time allowed for him to do so has not expired, 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 7 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 preparation for hearing and to hearing

14. Rules 19, 20, 23(3) and (4), 24, 25, 26(2) and (3) and 27 of the principal rules shall apply with the necessary modifications to applications under this Part of these rules.

Further Provisions Relating to Hearings

Sanctions for failure to reply

15.— (1) If no reply to an application under rule 3(1) is received from the landlord by the secretary within the time allowed by rule 6, 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 4.

(2) Where pursuant to rule 15(2) or 18(2) of the principal rules (as applied by rule 11(2) and (3) of these rules), the tribunal decide to make an order in the terms of the application by the landlord without a formal hearing, any application under rule 3(1) in respect of the holding shall be dismissed.

(3) If no reply to an application under rule 3(1) is received from an applicant by the secretary within the time allowed by rule 8(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

16. Where on the date of the hearing only one application under rule 3(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

17.— (1) Where any applicant under rule 3(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 3(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 dismiss all other applications under rule 3(1), and

(b) shall, subject to rule 13, 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 3(1) in accordance with rules 13 and 16 (or, in the case of two or more such applications, under rule 18) 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 18 shall apply.

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

18.— (1) Where the tribunal have to hear more than one application under rule 3(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) any question arising under section 20(9A) of the 1976 Act;

(vii) subject to rule 13, 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 8(2) or at the hearing shall be treated as if it were an application.

(2) Where, under paragraph (1)(a)(iii), 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 (vii) in such a way that any particular application can no longer succeed, that application shall be dismissed.

Further provisions relating to notice to quit

19. Where the proceedings are adjourned under rule 13(1) and the landlord then fails to make an application under rule 4 within the time allowed by that rule, the tribunal may, without a formal hearing, give a direction under section 20(5) or 20(6) of the 1976 Act (as the case may be) entitling the suitable applicant to a tenancy of the holding.

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

20.— (1) Rules 28 to 31 and 33 to 38 of the principal rules shall apply with the necessary modifications to proceedings under this Part of these rules as they apply to other proceedings before the tribunal.

(2) For the purposes of rules 31, 33 and 34 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.

Postponement of operation of notice to quit or direction

21.— (1) Where the tribunal give their consent to the operation of a notice to quit under section 22 of the 1976 Act within the period of three months ending with the original operative date or at any time after that date, any application by the tenant under subsection (6) of that section for the notice to have effect from a later date shall be made in writing to the secretary before the hearing or verbally at the hearing.

(2) Where the tribunal give a direction under section 20(5), (6) or (9) of the 1976 Act within the period of three months ending with the relevant time apart from section 23 (2A) of that Act, any application by the tenant under that subsection for the direction to have effect from a later time shall be made in writing to the secretary before the hearing or verbally at the hearing.

PART III

APPLICATION FOR SUCCESSION BY PERSON NOMINATED BY RETIRING TENANT UNDER SCHEDULE 2 TO THE AGRICULTURAL HOLDINGS ACT 1984

Interpretation of Part III

22.— (1) In this Part of these rules "the 1984 Act" means the Agricultural Holdings Act 1984(**a**).

(2) Expressions defined for the purposes of, or of any provision in, paragraphs 1 to 6 of Schedule 2 to the 1984 Act (notably in paragraphs 1 (1) and (2) and 6 (7)) have the same meaning in this Part of these rules.

FORM OF APPLICATION AND REPLY

Application by nominated successor

23.— (1) An application by the nominated successor to the tribunal under paragraph 5 (1) of Schedule 2 to the 1984 Act for a direction entitling him to a tenancy of an agricultural holding shall be made in Form 5.

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

Notice of application

24. The nominated successor shall at the time of making his application serve notice of the application in Form 6 on the landlord.

Landlord's reply

25. A landlord who intends to oppose the whole or any part of an application under rule 23(1) shall, within one month after a copy of the application has been served on him, reply thereto in Form 5R (which is the form appended to the copy of the application served on him).

PARTIES

Parties

26. There shall be parties to the proceedings on an application by the nominated successor—

(a) the nominated successor,

(b) the landlord, and

(c) the retiring tenant or (in the case of a joint tenancy) all the retiring tenants.

(**a**) 1984 c.41.

GENERAL PROVISIONS AS TO APPLICATIONS AND REPLIES

Service of documents by secretary

27. As soon as possible after receiving from any person any document under rule 23 or 25 the secretary shall serve one copy thereof on every other person who, in accordance with rule 26, is a party to the proceedings on that application.

Application of principal rules relating to applications and replies

28. Rules 16 (except for paragraph (5)) and 18 (except for paragraph (2)) of the principal rules shall apply to applications and replies under this Part of these rules.

HEARINGS

Date and place of hearing

29. As soon as practicable the chairman shall fix a date, time and place for the hearing of an application made under this Part of these rules.

Application of principal rules relating to preparation for hearing and to hearing

30. Rules 19, 20, 23(3) and (4), 24, 25, 26(2) and (3) and 27 of the principal rules shall apply with the necessary modifications to applications under this Part of these rules.

FURTHER PROVISIONS RELATING TO HEARINGS

Sanctions for failure to reply

31. If no reply to an application under rule 23(1) is received from the landlord by the secretary within the time allowed by rule 25, then, subject to paragraph 5(5) of Schedule 2 to the 1984 Act, the landlord shall not be entitled to dispute any matter alleged in that application.

Procedure at hearing

32.— (1) Subject to paragraph (2), at the hearing the nominated successor shall begin and the other parties shall be heard in such order as the tribunal may determine.

(2) Where the retirement notice to which the nominated successor's application relates includes a statement in accordance with paragraph 2(3) of Schedule 2 to the 1984 Act that the notice is given on the grounds mentioned in that provision, the tribunal shall first consider whether the conditions specified in paragraph 5(3)(a) and (b) of that Schedule are satisfied and, if the tribunal determine that those conditions are not satisfied, they shall dismiss the nominated successor's application.

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

33.— (1) Rules 28 to 31 and 33 to 38 of the principal rules shall apply with the necessary modifications to proceedings under this Part of these rules as they apply to other proceedings before the tribunal.

(2) For the purposes of rules 31, 33 and 34 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.

Postponement of operation of direction

34. Where the tribunal give a direction under paragraph 5(6) of Schedule 2 to the 1984 Act within the period of three months ending with the retirement date, any application by the tenant under paragraph 6(7) of that Schedule for the direction to have effect from a later time shall be made in writing to the secretary before the hearing or verbally at the hearing.

APPENDIX Rule 1(3)(*b*)

FORMS

Form 1 (Succession on Death) Rule 3(1) and (2)

Ref. No. To be inserted by the secretary.

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 current year of the tenancy of the holding expires on

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

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

6. The application arises on the death of
formerly the tenant of the holding referred to in paragraph 2, who died on[1]

His/her tenancy was—

*(a) granted before 12th July 1984.

*(b) obtained on or after 12th July 1984 by virtue of a direction of the Agricultural Land Tribunal under section 20 of the 1976 Act.

*(c) granted on or after 12th July 1984 following a direction of the Agricultural

Land Tribunal under section 20 of the 1976 Act but commenced before the relevant time for the purposes of section 23 of that Act.

*(d) granted on or after 12th July 1984 by a written contract of tenancy indicating that the succession provisions in Part II of the 1976 Act should apply.

*(e) granted on or after 12th July 1984 to a person who, immediately before that date, was a tenant of the holding or of any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding.

7. The landlord of the holding is
of [*address*].

†8. 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].

9. †(a) I am the *wife/*husband/*brother/*sister/*child of the deceased tenant[3].

†(b) 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*].

†10. (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—

*(i) my agricultural work on the holding, or on an agricultural unit of which the holding forms a part;

*(ii) his/his and my agricultural work on the holding, or on 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 10(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 10(a) I had no other source of livelihood.

†11. 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.*][5], [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*]:—

†12. (a) The following agricultural land is occupied by me, my spouse or a company under my control, the control of my spouse or our joint control as owner-occupier/tenant/licensee, whether alone or jointly with others [*give particulars of any land occupied, including area and any land occupied jointly with others*][7]:—

†(b) The following agricultural land is occupied by a person under a licence or such a tenancy as is mentioned in paragraph 2(1)(a) to (d) of Schedule 3A to the 1976 Act[8] granted by *me and/or *my spouse and/or *a company controlled by me and/or my spouse †together with one or more other persons, being at the time it was granted a person or persons entitled to occupy the land otherwise than under a tenancy, or in a capacity, falling within paragraph 2(1)(a) to (f) of that Schedule[8] [*give particulars of any land occupied, including area*]:—

†(c) I apply under paragraph 4(2) of Schedule 3A to the 1976 Act for the net annual income from the following agricultural land which is—

*(i) jointly occupied;

*(ii) deemed by virtue of paragraph 6(2) of that Schedule to be jointly occupied;

by me and one or more other persons (not being only my spouse or a company under my control, the control of my spouse or our joint control) to be treated as limited to my appropriate share of that net annual income [*give particulars of any land in joint occupation or deemed joint occupation*][9]:—

13. I was born on

14. I claim to be a suitable person to receive the tenancy of this holding because [10]:—

PART B—To be completed if you think that you may not fully satisfy the requirements of paragraph 10(a)

15. 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 1976 Act for a determination that I am to be treated as an eligible person for the purposes of Part II of that Act[11].

16. (a) During the seven years ending with the date of death of the deceased tenant my livelihood was derived from—

*(i) my agricultural work on the holding referred to in paragraph 2, or on an agricultural unit of which the holding forms a part;

*(ii) his/his and my agricultural work on the holding referred to in paragraph 2, or on 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*][12]:—

†(b) During the period(s) specified in paragraph 16(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 16(a) I had no other source of livelihood.

†17. 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*]:—

†18. 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 1976 Act for a direction entitling me to a tenancy of the holding referred to in paragraph 2[13]:—

PART C—To be completed by all applicants

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

(a) two[14] copies of a 6″ to one mile or 1/10,000[15] map of the holding described in paragraph 2 above (and of the other land referred to in paragraph 5);

(b) two[14] copies of[16]:—

20. The persons whom I shall notify of this application/these applications are[17]:—

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

(b)

(c)

(d)

21. (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[18]:—

Name(s) ....

Address(es) ....

....

....

(b) The following person(s) is/are or may be interested in the outcome of this application[18]:—

Name(s) ....

Address(es) ....

....

....

Nature of ....

interest ....

Date ..... Signed[19]..... .....

*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 an eligible person or 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 9(b) following.

[4] Paragraph 9(b) 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 paragraph 10(a)(i) the applicant should have derived his only or principal source of livelihood from his agricultural work on the holding (or on 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. Paragraph 10(a)(ii) is available only to a widow 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 11 and note [6] in deciding whether the requirements of this paragraph can be satisfied.

An applicant who cannot satisfy the requirements of paragraph 10(a) fully but who believes he can satisfy them to a material extent should not complete paragraphs 10 and 11 but should complete instead paragraph 15, together with paragraphs 16, 17 (if relevant) and 18 in Part B of the Form. The Notes to those paragraphs should also be consulted. Where an applicant is in any doubt as to whether or not he can satisfy the requirements of paragraph 10 fully, he is advised to complete paragraphs 10 and 11 (if relevant) and Part B of the Form.

[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] Land occupied by the applicant's spouse or by a company controlled by that person or jointly by that person and the applicant should not be included in paragraph 12 where either of the parties has obtained a decree of judicial separation or a decree nisi of divorce or of nullity of marriage and in each case that decree remains unrescinded. In addition, land should not be included in paragraph 12 if it is occupied by the applicant, his spouse or a controlled company—

(a) under a tenancy approved under section 2(1) of the Agricultural Holdings Act 1948 or under such a tenancy relating to the use of land for grazing or mowing as is referred to in the proviso to that provision;
(b) under a tenancy for more than one year but less than two years;
(c) under a tenancy not falling within (a) or (b) above and not having effect as a contract of tenancy;
(d) under a tenancy to which section 3 of the 1948 Act does not apply by virtue of section 3B of that Act;
(e) as a licensee; or
(f) as an executor, administrator, trustee in bankruptcy or person otherwise deriving title from another person by operation of law.

However, where the applicant occupies land in accordance with (a) to (e) above under a licence or tenancy granted to him by his spouse or by a body corporate controlled by him, that land should be included in paragraph 12.

[8] Paragraph 2(1)(a) to (f) of Schedule 3A to the Agriculture (Miscellaneous Provisions) Act 1976 is set out in note [7].

[9] If the applicant occupies land jointly with one or more other persons (not being only his spouse or a company under the control of the applicant or his spouse or under their joint control), or if the applicant is deemed to occupy land jointly with one or more such persons, he may in either case complete the application set out in paragraph 12(c) of the Form for the net annual income which the land in question was capable of producing to be treated as limited to his appropriate share.

[10] 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, physical health, financial standing and any educational qualifications not already listed in paragraph 11 or 17.

[11] This paragraph should be completed (together with paragraphs 16, 17 (if relevant) and 18) 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(2) of the 1976 Act cannot fully satisfy the conditions as to deriving his principal or main source of livelihood from the holding contained in paragraph (b) of that subsection. (It is also necessary for the application set out in paragraph 1 of the Form to be completed in addition to completing this paragraph.) An applicant who fully satisfies the requirements of paragraph 10(a) need not complete this paragraph or paragraphs 16, 17 and 18.

[12] The applicant should state to what extent he has derived his livelihood from his agricultural work on the holding (or on 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. Paragraph 16(a)(ii) applies only to a widow 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 17 should also be completed where relevant.

(13) 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 1976 Act for a tenancy of the holding, though not fully satisfying the conditions specified in paragraph (b) of the definition of "eligible person" in section 18(2) 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 16) and any special circumstances which have prevented him from qualifying in full as an eligible person under paragraph (b) of the definition of "eligible person" should be given. (Note (5) describes the requirements needed to qualify fully under paragraph (b) of the definition.)

(14) By virtue of rule 11(1) of the Agricultural Land Tribunals (Succession) Rules 1984 two copies of the application and of any map and document must be sent to the secretary.

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

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

(17) 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 in Form 3 (Succession on Death) which is set out in the Appendix to the Agricultural Land Tribunals (Succession) Rules 1984. 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.

(18) This information is required by rule 5(2) of those Rules.

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

Form 1R (Succession on Death) Rule 6

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, 4 and 7 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 two 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, THEN, SUBJECT TO SECTION 20(7) OF THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1976, 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 9, 10, 11 and 12.

[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 15, 16, 17 and 18.

[3] By virtue of rule 11(1) of the Agricultural Land Tribunals (Succession) Rules 1984 two copies of this reply and of any document which you wish to submit to the tribunal must be sent to the secretary. 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 4(1) Form 2 (Succession on Death)

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*].
I was officially notified of his/her death by on

2. The notice to quit 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 1976 Act 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 3(3) of the Agricultural Holdings (Notices to Quit) Act 1977 as read with section 22(2) of the 1976 Act, as amended. [*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 referred to in paragraph 7(b)(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[3] 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 state 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;
(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);
(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 smallholdings or allotments;
(d) that greater hardship would be caused by withholding than by giving consent to the operation of the notice;
(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 Case B in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977.

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 (see note [5] below).

[3] By virtue of rule 11(1) of the Agricultural Land Tribunals (Succession) Rules 1984 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.

Rule 7 Form 2R (Succession on Death)

Ref. No. To be inserted by the secretary.

AGRICULTURAL LAND TRIBUNAL

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.

†Strike out 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] By virtue of rule 11(1) of the Agricultural Land Tribunals (Succession) Rules 1984 two copies of the reply and of any document which you wish to submit to the tribunal must be sent to the secretary.
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.

Form 3 (Succession on Death) Rule 5(1)

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 the landlord and any other applicants by the secretary to the tribunal.

Rule 8 Form 4 (Succession on Death)

Ref. No. To be inserted by the secretary.

AGRICULTURAL LAND TRIBUNAL

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 seven paragraphs of the application are correct †except that:—

2. *I accept the applicant's claim to be a designated applicant, as stated in paragraph 8 of the application.
OR
*I dispute the applicant's claim to be a designated applicant, as stated in paragraph 8 of the application, on the following grounds:—

3. I do not dispute any of the matters stated in paragraphs 9—13, 16, and 17 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.....
†Strike out if inapplicable.
*Strike out whichever is inapplicable.

Form 5 (Succession on Retirement) Rule 23(1)

Ref. No. To be inserted by the secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Direction giving Entitlement to Tenancy of Agricultural Holding

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

To the secretary of the Agricultural Land Tribunal for the Area.

1. I, [*block capitals*]
of [*address*]
hereby apply under paragraph 5(1) of Schedule 2 to the Agricultural Holdings Act 1984 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 current year of the tenancy of the holding expires on

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

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

6. The landlord of the holding is
of [*address*]
The tenant(s) of the holding is/are
of [*address(es)*].

7. This application arises as a result of a retirement notice given by the tenant(s) to the landlord on

8. I am the nominated successor.

9.†(a) I am the *wife/*husband/*brother/*sister/*child of the tenant [*where there is more than one tenant, specify which*][1].

†(b) I am treated by the tenant [*where there is more than one tenant, specify which*] as a child of the family in relation to his marriage to [2] on [*give date of marriage*].

10.(a) During the seven years ending with the date on which the tenant(s) gave the retirement notice to the landlord my only or principal source of livelihood was derived from—

*(i) my agricultural work on the holding, or on an agricultural unit of which the holding forms a part;

*(ii) the tenant's/the tenant's and my [*where there is more than one tenant, specify which*] agricultural work on the holding, or on 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*][3]:—

*(b) During the period(s) specified in paragraph 10(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 10(a) I had no other source of livelihood.

†11. During the seven years ending with the date on which the tenant(s) gave the retirement notice to the landlord 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.*][4]:—

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

†12.(a) The following agricultural land is occupied by me, my spouse or a company under my control, the control of my spouse or our joint control as owner-occupier/tenant/licensee, whether alone or jointly with others [*give particulars of any land occupied, including area and any land occupied jointly with others*][5]:—

†(b) The following agricultural land is occupied by a person under a licence or such a tenancy as is mentioned in paragraph 2(1)(a) to (d) of Schedule 3A to the Agriculture (Miscellaneous Provisions) Act 1976[6] granted by *me and/or *my spouse and/or *a company controlled by me and/or my spouse† together with one or more other persons, being at the time it was granted a person or persons entitled to occupy the land otherwise than under a tenancy, or in a capacity, falling within paragraph 2(1)(a) to (f) of that Schedule[6] [*give particulars of any land occupied including area*]:—

†(c) I apply under paragraph 4(2) of Schedule 3A to the 1976 Act, as applied by paragraph 1(4)(b) of Schedule 2 to the 1984 Act, for the net annual income from the following agricultural land which is—

*(i) jointly occupied;

*(ii) deemed by virtue of paragraph 6(2) of the said Schedule 3A, as applied by the said paragraph 1(4)(b), to be jointly occupied;

by me and one or more other persons (not being only my spouse or a company under my control, the control of my spouse or our joint control) to be treated as limited to my appropriate share of that net annual income [*give particulars of any land in joint occupation or deemed joint occupation*][7]:—

13. I was born on

14. I claim to be a suitable person to receive the tenancy of this holding because[8]:—

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

(a) two[9] copies of a 6″ to one mile or 1/10,000[10] map of the holding described in paragraph 2 above (and of the other land referred to in paragraph 5);

(b) two[9] copies of the retirement notice;

(c) two[9] copies of [11]:—

16. I shall notify the landlord of this application[12].

Date ..... Signed[13] .....
Signature of retiring tenant(s).....
.....
.....
.....

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

Notes

[1] Formal proof of the relationship to the tenant, 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 9(b) following.

[2] Paragraph 9(b) may apply where the applicant is the step-child or foster child of the tenant or is otherwise treated by him as his child. An outline should be given of the circumstances relied on as establishing that the applicant is treated by the tenant 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.

[3] To qualify under paragraph 10(a)(i) the applicant should have derived his only or principal source of livelihood from his agricultural work on the holding (or on a larger unit of which the holding forms part) during a total of five years of the seven years ending with the date on which the tenant(s) gave the landlord the retirement notice. Paragraph 10(a)(ii) is available only to a tenant's wife. 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 [4], count towards the five-year period of earning a livelihood from the holding, and reference should be made to paragraph 11 and note [4] in deciding whether the requirements of this paragraph can be satisfied.

[4] Any period or periods (up to an aggregate total of three years) during the seven years ending with the date on which the tenant(s) gave the retirement notice to the landlord 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.

[5] Land occupied by the applicant's spouse or by a company controlled by that person or jointly by that person and the applicant should not be included in paragraph 12 where either of the parties has obtained a decree of judicial separation or a decree nisi of divorce or of nullity of marriage and in each case that decree remains unrescinded. In addition, land should not be included in paragraph 12 if it is occupied by the applicant, his spouse or a controlled company—

(a) under a tenancy approved under section 2(1) of the Agricultural Holdings Act 1948 or under such a tenancy relating to the use of land for grazing or mowing as is referred to in the proviso to that provision;
(b) under a tenancy for more than one year but less than two years;
(c) under a tenancy not falling within (a) or (b) above and not having effect as a contract of tenancy;
(d) under a tenancy to which section 3 of the 1948 Act does not apply by virtue of section 3B of that Act;
(e) as a licensee; or
(f) as an executor, administrator, trustee in bankruptcy or person otherwise deriving title from another person by operation of law.

However, where the applicant occupies land in accordance with (a) to (e) above under a licence or tenancy granted to him by his spouse or by a body corporate controlled by him, that land should be included in paragraph 12.

[6] Paragraph 2(1)(a) to (f) of Schedule 3A to the Agriculture (Miscellaneous Provisions) Act 1976 is set out in note[5].

[7] If the applicant occupies land jointly with one or more other persons (not being only his spouse or a company under the control of the applicant or his spouse or under

their joint control), or if the applicant is deemed to occupy land jointly with one or more such persons, he may in either case complete the application set out in paragraph 12(c) of the Form for the net annual income which the land is or was capable of producing to be treated as limited to his appropriate share.

(8) 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, physical health, financial standing and any educational qualifications not already listed in paragraph 11.

(9) By virtue of rule 28 of the Agricultural Land Tribunals (Succession) Rules 1984 two copies of the application and of any map and document must be sent to the secretary.

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

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

(12) The applicant is required to send to the landlord of the holding notice of this application in Form 6 (Succession on Retirement) which is set out in the Appendix to the Agricultural Land Tribunals (Succession) Rules 1984.

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

Form 5R (Succession on Retirement) Rule 25

Ref. No. To be inserted by the secretary.

AGRICULTURAL LAND TRIBUNAL

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*]
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, 4, 6 and 7 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 have the following comments on the suitability of the applicant to become the tenant of the above holding:—

†4. I claim that greater hardship would be caused by the tribunal giving the direction sought by the applicant than by refusing his application and my reasons for this claim are:—

†5. The tenancy is the subject of a notice to quit Case *B/*C/*D/*E/*F served on [*date*].

†[*For Case C only*] The notice to quit is founded on a certificate granted in accordance with an application made on [*date*].

†[*For Case D only*] The notice to quit is founded on a notice given for the purposes of that Case on [*date*].

6. I attach two copies of the following relevant documents[2]:—

7. I consider the application to be invalid by reason of[3]:—

Date..... Signed[4].....
*Strike out whichever is inapplicable.
†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, THEN, SUBJECT TO PARAGRAPH 5(5) OF SCHEDULE 2 TO THE AGRICULTURAL HOLDINGS ACT 1984, 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 9, 10, 11 and 12.

(2) By virtue of rule 28 of the Agricultural Land Tribunals (Succession) Rules 1984 two copies of this reply and of any document which you wish to submit to the tribunal must be sent to the secretary. 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 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.

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

Form 6 (Succession on Retirement) Rule 24

Ref. No. To be inserted by the secretary.

AGRICULTURAL LAND TRIBUNAL

Notice of Application for Entitlement to Tenancy under Schedule 2 to the Agricultural Holdings Act 1984

To: [*name*]
of [*address*]
I, [*block capitals*]
of [*address*]
hereby give you notice that I applied on [*date of application*]
under Schedule 2 to 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 present tenant(s) of the holding*]
who served on you his/their retirement notice on

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

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates with amendments the Agricultural Land Tribunals (Succession to Agricultural Tenancies) Order 1976, as amended.

The Order—

(a) amends the rules of procedure for Agricultural Land Tribunals in relation to applications for succession to an agricultural holding on the death of a tenant under Part II of the Agriculture (Miscellaneous Provisions) Act 1976, as amended by the Agricultural Holdings Act 1984;

(b) introduces rules of procedure for Agricultural Land Tribunals in relation to applications for succession to an agricultural holding by a person nominated by a retiring tenant under Schedule 2 to the 1984 Act.

The most important changes to the procedural rules relating to succession on death are—

(a) the substitution of new time limits for the landlord's application for consent to the operation of a notice to quit (rule 4(3) and (4));

(b) a provision specifying the stage at which the tribunal is to consider any question arising under section 20 (9A) of the 1976 Act, as amended (rule 18(1)(a));

(c) the requirement that any application by the tenant to postpone the operation of a notice to quit or a direction under section 20 of the 1976 Act must be made in writing to the secretary before the hearing or verbally at the hearing (rule 21);

(d) the introduction of further questions in Form 1 which are necessary as a result of amendments to the 1976 Act effected by the 1984 Act.

The new procedural rules relating to succession on retirement regulate the form of application by the nominated successor (rule 23 and Form 5) and any reply by the landlord (rule 25 and Form 5R). Provision is also made for the service of notice of the application (rule 24 and Form 6) and for general matters relating to applications, replies and the hearing. So far as material, the Agricultural Land Tribunals Rules 1978 are applied to the proceedings (rules 28, 30 and 33).

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