



# Agricultural Holdings Act 1986

## 1986 CHAPTER 5

### PART II

#### PROVISIONS AFFECTING TENANCY DURING ITS CONTINUANCE

##### *Miscellaneous*

#### **[<sup>F1</sup>19A Disputes relating to requests for landlord's consent or variation of terms**

- (1) The appropriate authority may by regulations make provision for the tenant of an agricultural holding to refer for arbitration under this Act a request made by the tenant to the landlord where—
  - (a) the request falls within subsection (3), and
  - (b) no agreement has been reached with the landlord on the request.
- (2) The regulations may also provide that, where the tenant is given the right to refer a request to arbitration, the landlord and tenant may instead refer the request for third party determination under this Act.
- (3) A request falls within this subsection if—
  - (a) it is a request for—
    - (i) the landlord's consent to a matter which under the terms of the tenancy requires such consent, or
    - (ii) a variation of the terms of the tenancy,
  - (b) it is made for the purposes of—
    - (i) enabling the tenant to request or apply for relevant financial assistance or relevant financial assistance of a description specified in the regulations, or
    - (ii) complying with a statutory duty, or a statutory duty of a description specified in the regulations, applicable to the tenant, and
  - (c) it meets such other conditions (if any) as may be specified in the regulations.

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**Changes to legislation:** *Agricultural Holdings Act 1986, Section 19A is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) The regulations may provide for the arbitrator or third party on a reference made under the regulations, where the arbitrator or third party considers it reasonable and just (as between the landlord and tenant) to do so—
- (a) to order the landlord to comply with the request (either in full or to the extent specified in the award or determination);
  - (b) to make any other award or determination permitted by the regulations.
- (5) The regulations may (among other things) make provision—
- (a) about conditions to be met before a reference may be made;
  - (b) about matters which an arbitrator or third party is to take into account when considering a reference;
  - (c) for regulating the conduct of arbitrations or third party determinations;
  - (d) about the awards or determinations which may be made by the arbitrator or third party, which may include making an order for a variation in the rent of the holding or for the payment of compensation or costs;
  - (e) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
  - (f) for restricting a tenant's ability to make subsequent references to arbitration where a reference to arbitration or third party determination has already been made under the regulations in relation to the same tenancy.
- (6) The provision covered by subsection (5)(e) includes, in the case of a request made for the purpose described in subsection (3)(b)(i), conditions relating to the making of a successful application for assistance.
- (7) In this section—
- “appropriate authority” means—
- (a) in relation to England, the Secretary of State, and
  - (b) in relation to Wales, the Welsh Ministers;
- “relevant financial assistance” means financial assistance under—
- (a) section 1 of the Agriculture Act 2020 (powers of Secretary of State to give financial assistance),
  - (b) section 21 of, or paragraph 8 of Schedule 5 to, that Act (powers of Secretary of State and Welsh Ministers to give financial assistance in exceptional market conditions), or
  - (c) a scheme of the sort mentioned in section 2(4) of that Act (third party schemes);
- “statutory duty” means a duty imposed by or under—
- (a) an Act of Parliament;
  - (b) an Act or Measure of Senedd Cymru;
  - (c) [<sup>F2</sup>assimilated direct] legislation.]

#### Textual Amendments

**F1** S. 19A inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 3 para. 7](#)

**F2** Words in s. 19A(7) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 19](#)

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**Changes and effects yet to be applied to :**

- s. 19A(7) word omitted by [2023 asc 4 s. 24\(2\)\(b\)](#)
- s. 19A(7) words inserted by [2023 asc 4 s. 24\(2\)\(c\)](#)
- s. 19A(7) words substituted by [2023 asc 4 s. 24\(2\)\(a\)](#)