



# Agricultural Tenancies Act 1995

## 1995 CHAPTER 8

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Miscellaneous*

### **31 Mortgages of agricultural land.**

- (1) Section 99 of the <sup>M1</sup>Law of Property Act 1925 (leasing powers of mortgagor and mortgagee in possession) shall be amended in accordance with subsections (2) and (3) below.
- (2) At the beginning of subsection (13), there shall be inserted “ Subject to subsection (13A) below, ”.
- (3) After that subsection, there shall be inserted—

“(13A) Subsection (13) of this section—

- (a) shall not enable the application of any provision of this section to be excluded or restricted in relation to any mortgage of agricultural land made after 1st March 1948 but before 1st September 1995, and
- (b) shall not enable the power to grant a lease of an agricultural holding to which, by virtue of section 4 of the Agricultural Tenancies Act 1995, the Agricultural Holdings Act 1986 will apply, to be excluded or restricted in relation to any mortgage of agricultural land made on or after 1st September 1995.

(13B) In subsection (13A) of this section—

“agricultural holding” has the same meaning as in the Agricultural Holdings Act 1986; and

“agricultural land” has the same meaning as in the Agriculture Act 1947.”

*Changes to legislation: Agricultural Tenancies Act 1995, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 19 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*

- (4) Paragraph 12 of Schedule 14 to the Agricultural Holdings Act 1986 (which excludes the application of subsection (13) of section 99 of the <sup>M2</sup>Law of Property Act 1925 in relation to a mortgage of agricultural land and is superseded by the amendments made by subsections (1) to (3) above) shall cease to have effect.

#### Marginal Citations

- M1** 1925 c. 20.  
**M2** 1986 c. 5.

### 32 Power of limited owners to give consents etc.

The landlord under a farm business tenancy, whatever his estate or interest in the holding, may, for the purposes of this Act, give any consent, make any agreement or do or have done to him any other act which he might give, make, do or have done to him if he were owner in fee simple or, if his interest is an interest in a leasehold, were absolutely entitled to that leasehold.

### 33 Power to apply and raise capital money.

- (1) The purposes authorised by section 73 of the Settled Land Act 1925 <sup>F1</sup> . . . or section 26 of the <sup>M3</sup>Universities and College Estates Act 1925 for the application of capital money shall include—
- (a) the payment of expenses incurred by a landlord under a farm business tenancy in, or in connection with, the making of any physical improvement on the holding,
  - (b) the payment of compensation under section 16 of this Act, and
  - (c) the payment of the costs, charges and expenses incurred by him on a reference to arbitration under section 19 or 22 of this Act.
- (2) The purposes authorised by section 71 of the Settled Land Act 1925 <sup>F1</sup> . . . as purposes for which money may be raised by mortgage shall include the payment of compensation under section 16 of this Act.
- (3) Where the landlord under a farm business tenancy—
- (a) is a tenant for life or in a fiduciary position, and
  - (b) is liable to pay compensation under section 16 of this Act,
- he may require the sum payable as compensation and any costs, charges and expenses incurred by him in connection with the tenant’s claim under that section to be paid out of any capital money held on the same trusts as the settled land.
- (4) In subsection (3) above—
- “capital money” includes any personal estate held on the same trusts as the land; <sup>F2</sup> . . .
- <sup>F2</sup> . . .

#### Textual Amendments

- F1** Words in s. 33(1)(2) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**.

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**F2** Definition of “settled land” and the word preceding it in s. 33(4) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**.

**Marginal Citations**

**M3** 1925 c. 18.

**34 Estimation of best rent for purposes of Acts and other instruments.**

(1) In estimating the best rent or reservation in the nature of rent of land comprised in a farm business tenancy for the purposes of a relevant instrument, it shall not be necessary to take into account against the tenant any increase in the value of that land arising from any tenant’s improvements.

(2) In subsection (1) above—

“a relevant instrument” means any Act of Parliament, deed or other instrument which authorises a lease to be made on the condition that the best rent or reservation in the nature of rent is reserved;

“tenant’s improvement” has the meaning given by section 15 of this Act.

**<sup>F3</sup>35 Preparation of documents etc. by valuers and surveyors.**

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**Textual Amendments**

**F3** S. 35 repealed (1.1.2010) by **Legal Services Act 2007 (c. 29)**, s. 211(2), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(ix)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8A inserted by [2023 asc 4 s. 24\(4\)](#)
- s. 28(5)(za) inserted by [2023 asc 4 s. 24\(5\)](#)
- s. 36A inserted by [2023 asc 4 s. 24\(6\)](#)