



# Agricultural Tenancies Act 1995

## 1995 CHAPTER 8

### PART I

#### GENERAL PROVISIONS

##### *Tenant's right to remove fixtures and buildings*

#### **8 Tenant's right to remove fixtures and buildings.**

(1) Subject to the provisions of this section—

- (a) any fixture (of whatever description) affixed, whether for the purposes of agriculture or not, to the holding by the tenant under a farm business tenancy, and
- (b) any building erected by him on the holding,

may be removed by the tenant at any time during the continuance of the tenancy or at any time after the termination of the tenancy when he remains in possession as tenant (whether or not under a new tenancy), and shall remain his property so long as he may remove it by virtue of this subsection.

(2) Subsection (1) above shall not apply—

- (a) to a fixture affixed or a building erected in pursuance of some obligation,
- (b) to a fixture affixed or a building erected instead of some fixture or building belonging to the landlord,
- (c) to a fixture or building in respect of which the tenant has obtained compensation under section 16 of this Act or otherwise, or
- (d) to a fixture or building in respect of which the landlord has given his consent under section 17 of this Act on condition that the tenant agrees not to remove it and which the tenant has agreed not to remove.

(3) In the removal of a fixture or building by virtue of subsection (1) above, the tenant shall not do any avoidable damage to the holding.

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**Changes to legislation:** *Agricultural Tenancies Act 1995, Section 8 is up to date with all changes known to be in force on or before 28 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) Immediately after removing a fixture or building by virtue of subsection (1) above, the tenant shall make good all damage to the holding that is occasioned by the removal.
- (5) This section applies to a fixture or building acquired by a tenant as it applies to a fixture or building affixed or erected by him.
- (6) Except as provided by subsection (2)(d) above, this section has effect notwithstanding any agreement or custom to the contrary.
- (7) No right to remove fixtures that subsists otherwise than by virtue of this section shall be exercisable by the tenant under a farm business tenancy.

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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\(6\)](#)