

*Draft Order laid before the National Assembly for Wales under section 94(4) of the Agricultural Holdings Act 1986, for approval by resolution of the National Assembly for Wales*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2019 No. (W.)**

**LANDLORD AND TENANT,  
WALES**

**AGRICULTURAL HOLDINGS**

**The Agricultural Holdings Act  
1986 (Variation of Schedule 8)  
(Wales) Order 2019**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends Part 1 of Schedule 8 to the Agricultural Holdings Act 1986 as it applies to Wales.

Section 64 of the Agricultural Holdings Act 1986 entitles the tenant of an agricultural holding, on termination of the tenancy and quitting of the holding, to compensation from the landlord for an improvement specified in Part 1 of Schedule 8 which the tenant has carried out on the holding.

Article 2 of this Order inserts new paragraphs into Schedule 8 to provide for compensation to be paid for improvements resulting from the application to the land of soil improvers, digestate, manure and fertiliser (with no limitation as to how those substances were acquired); and for improvements resulting from manure which is held in storage and has arisen from the consumption of corn (produced on the holding or not) or other feedingstuff not produced on the holding by livestock and members of the horse family on the holding.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with this

Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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**The Agricultural Holdings Act  
1986 (Variation of Schedule 8)  
(Wales) Order 2019**

*Made* \*\*\*

*Coming into force* \*\*\*

The Welsh Ministers make the following Order in exercise of the powers conferred by section 91(1) of the Agricultural Holdings Act 1986(1).

In accordance with that provision, the Welsh Ministers have consulted such bodies of persons as appear to the Welsh Ministers to represent the interests of landlords and tenants of agricultural holdings.

In accordance with section 94(4) of the Agricultural Holdings Act 1986, a draft of this Order has been laid before and approved by a resolution of the National Assembly for Wales.

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(1) 1986 c. 5; section 96(1) defines “the Minister” in relation to Wales as the Secretary of State. Functions of the Minister under the Act are now exercisable by the Welsh Ministers (in relation to Wales) by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

### **Title, application and commencement**

1.—(1) The title of this Order is the Agricultural Holdings Act 1986 (Variation of Schedule 8) (Wales) Order 2019.

(2) This Order applies in relation to Wales.

(3) This Order comes into force on 1 November 2019.

### **Amendment of Schedule 8**

2.—(1) Part 1 of Schedule 8 to the Agricultural Holdings Act 1986 (short-term improvements for which compensation is payable) is amended as follows.

(2) After paragraph 4A insert—

“**4B.** Application to land in Wales of manure, fertiliser, soil improvers and digestate.”

(3) Omit paragraph 5.

(4) After paragraph 5A insert—

“**5B.**—(1) In relation to Wales, production of manure arising from the consumption on the holding of relevant feedingstuff by livestock and equidae where the manure is held in storage on the holding.

(2) In this paragraph “relevant feedingstuff” means—

- (a) corn (whether produced on the holding or not), or
- (b) cake or other feedingstuff not produced on the holding.”

(5) Omit paragraph 6.

Name

Minister for Environment, Energy and Rural Affairs,  
one of the Welsh Ministers

Date