

Draft Regulations laid before Parliament and Senedd Cymru under section 94(3) of the Agricultural Holdings Act 1986, for approval by resolution of each House of Parliament and Senedd Cymru.

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

LANDLORD AND TENANT, ENGLAND AND WALES

The Agricultural Holdings (Fee) Regulations 2022

Made - - - - ***
Coming into force - - - - ***

The Secretary of State and the Welsh Ministers make these Regulations in exercise of the powers conferred by sections 22(4), 84(4) and 96(1) of the Agricultural Holdings Act 1986(a).

In accordance with section 94(3) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament, and a draft of this instrument has been laid before and approved by a resolution of Senedd Cymru.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Agricultural Holdings (Fee) Regulations 2022.
- (2) These Regulations come into force 21 days after the day on which they are made.
- (3) These Regulations extend to England and Wales.

Prescribed fee

2. The fee for an application made to a professional authority(b) for the appointment of—
 - (a) a person under section 22(2) of the Agricultural Holdings Act 1986, or
 - (b) an arbitrator under section 84(2) of that Act,is £195.

(a) 1986 c. 5 (“the 1986 Act”). Section 22 was amended by paragraph 5 of Schedule 3 to the Agriculture Act 2020 (c. 21) (“the 2020 Act”). Section 84 was amended by paragraph 6 of Schedule 3 to the 2020 Act and S.I. 2006/2805. Relevant amendments to section 96 were made by S.I. 2002/794. See also the definition of “prescribed” and “the Minister” in Section 96 of the 1986 Act. The functions of a Minister under the 1986 Act were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales (now Senedd Cymru by virtue of Section 2 of the Senedd and Elections (Wales) Act 2020 (anaw 1)) by Section 22 of the Government of Wales Act 1998 (c. 38) (now repealed) and Article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were then transferred from the National Assembly for Wales to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(b) For the definition of “professional authority” see section 84 of the 1986 Act, as amended by paragraph 6(5) of Schedule 3 to the 2020 Act.

Review

3.—(1) The Secretary of State must from time to time carry out a review of the regulatory provisions of these Regulations as they apply to England.

(2) The first review carried out under paragraph (1) must be completed before the expiry of the period of five years beginning on the date on which these Regulations come into force.

(3) Subsequent reviews carried out under paragraph (1) must be completed at intervals not exceeding five years.

(4) The Welsh Ministers must from time to time carry out a review of the regulatory provisions of these Regulations as they apply to Wales.

(5) The first review carried out under paragraph (4) must be completed before the expiry of the period of five years beginning on the date on which these Regulations come into force.

(6) Subsequent reviews carried out under paragraph (4) must be completed at intervals not exceeding five years.

Revocation

4. The Agricultural Holdings (Fee) Regulations 1996(a) are revoked.

	<i>Name</i> Minister of State
Date	Department for Environment, Food and Rural Affairs

	<i>Name</i> Minister for Rural Affairs and North Wales, and Trefnydd one of the Welsh Ministers
Date	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Agricultural Holdings (Fee) Regulations 1996 (S.I. 1996/337, “the 1996 Regulations”). They set the fee to be paid when requesting the appointment, by a professional authority, of an arbitrator or person to make records at £195. The corresponding fee prescribed under the 1996 Regulations was £115.

Regulation 3 provides for these Regulations to be reviewed every 5 years.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

(a) S.I. 1996/337.