

The Agriculture (Model Clauses for Fixed Equipment) (England) Regulations 2015

With effect from 1st October 2015 there are changes to The Agricultural Tenancies Regulations which seek to clarify and update a Landlords & Tenants obligations for maintenance and repairs.

These to some extent are intended to mirror the alteration also being made in the Private Rented sector where new regulations make it clear there is a requirement for a Landlord to repair or replace gas, electrical and safety detection systems i.e. fire and carbon monoxide detection alarms must be in place and operational in any let PDH's.

The New Regulations for Agricultural Tenancies outline the Landlords obligations as follows:

- (1) The Landlord must repair or replace the following parts of the farmhouse, cottages and farm buildings:
 - (a) roofs, bargeboards, fascias and soffits, eaves guttering and downpipes;
 - (b) chimney stacks, chimney linings and chimney pots;
 - (c) main walls and exterior walls, however constructed, including structural frames and cladding;
 - (d) interior repair or decoration made necessary as a result of structural defect to the parts specified in paragraphs (a), (b) and (c);
 - (e) walls and fences of open and covered yards and garden walls;
 - (f) floors and floor joists;
 - (g) ceiling joists and timbers;
 - (h) exterior and interior staircases and fixed ladders (including banisters or handrails) of the farmhouse and cottages;
 - (i) doors, windows and skylights and their frames and sills but not door and window furniture including sash cord, locks, fastenings and glass and glass substitute unless the repair or replacement of glass or glass substitute is a consequence of the condition of the doors, windows, skylights or their frames;
 - (j) roof and wall insulation; and
 - (k) fireplaces, firebacks and firebricks.

- (2) The Landlord must repair or replace the following water and drainage systems:
 - (a) underground water supply pipes, wells, boreholes, reservoirs and all connected underground installations (excluding removable covers and tops);
 - (b) sewage disposal systems including septic tanks, filtering media, and cess pools (excluding removable covers and tops);
 - (c) reed beds for water and sewage treatment; and
 - (d) slurry, silage and other effluent systems excluding anaerobic digesters (excluding removable covers and tops).

- (3) The Landlord must repair or replace the following gas, electrical and safety detection systems:
 - (a) gas pipes, fixed liquid petroleum and gas tanks;

- (b) the electrical supply system including the consumer board but excluding sockets, switches, light fittings and similar electrical furniture; and
 - (c) fire and carbon monoxide detectors and alarms.
- (4) In respect of sub-paragraph (3)(b), the landlord must:
- (a) have the electrical supply system regularly inspected, maintained and serviced;
 - (b) keep full records of any work carried out; and
 - (c) make the records of work available to the tenant if the tenant asks to see them.
- (5) The Landlord must replace anything specified in paragraph 9(1) (tenant's liability to repair) which has worn out or become incapable of repair unless the tenant is liable to replace it.
- (6) The Tenant must repair and leave clean and in good tenantable repair, order and condition the farmhouse, cottages and farm buildings together with the following (which are in or upon the holding, or which during the tenancy may be erected or provided upon the holding):
- (a) fixtures and fittings;
 - (b) space heating and water heating systems (including the repair of any boiler but not its replacement), ranges, grates;
 - (c) drains, sewers, gulleys and grease traps;
 - (d) manholes and inspection chambers;
 - (e) water supply systems and fittings situated above ground (including pipes, tanks, cisterns, sanitary fittings and drinking troughs), pumping equipment, and hydraulic rams whether above or below ground;
 - (f) fences, hedges, field walls, stiles, cattle grids, gates and posts, and garden and yard doors;
 - (g) bridges, culverts, ponds, watercourses, sluices and ditches;
 - (h) roads and yards;
 - (i) fixed equipment generating electricity, heat or power (including solar panels, heat pumps, wind turbines and anaerobic digesters) which is wholly for the use or benefit of the tenant;
 - (j) vehicle fuel and oil tanks;
 - (k) radon pumps;
 - (l) insulation on water pipes; and
 - (m) livestock handling systems and sheep dips.

Policyholders should consult their Land Agents or Legal advisers where any changes or variations contrary to those being imposed are being considered.

It is clear that this Regulation is creating clarity but also potential legal liability for defects is also now clearer as the Regulations and New model Tenancy clauses will automatically apply to all existing Agricultural Holdings Act Tenancy except where agreement otherwise is in writing.

http://www.legislation.gov.uk/ukxi/2015/950/pdfs/ukxi_20150950_en.pdf