



TASD111

Notice of application for direction for succession tenancy on death

Section 39 of the Agricultural Holdings Act 1986
(Succession on death)

Use this form to apply for succession to a tenancy on the death of the tenant under section 39 of the Agricultural Holdings Act 1986 ('the Act').

Your application must be made to the tribunal within three months from the date the tenant died. This time period cannot be extended.

If any party asks you to supply copies of any documents in support of your application, please provide those documents directly to them (but not to the tribunal unless requested).

Further information can be found in the tribunal's Guides and Practice Statement, which can be found on GOV.UK or by contacting the tribunal office, and in the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

Any person(s) wishing to respond to this application should use the response form **TASD121** which can be found on GOV.UK or by contacting the tribunal office.

1. Details of the applicant

1.1 Full name

1.2 Date of birth

Day Month Year

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1.3 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

1.4 Phone number

1.5 Email

If filling in this form by hand use BLOCK LETTERS. Tick any boxes which apply. If necessary, ensure that all separate sheets used are numbered and contain the applicant's full name.

2. Details of the deceased tenant

2.1 Full name

2.2 Date of death

Day	Month	Year

2.3 Date of birth

Day	Month	Year

3. Details of the holding

3.1 Name of holding

3.2 Address or location

Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

or location

4. Current tenancy

4.1 The current tenancy of the deceased tenant was
(choose **one** of the following):

Granted before 12 July 1984.

Obtained on or after 12 July 1984 by virtue of a direction under section 39 or 53 of the Act.

Granted on or after 12 July 1984 following a direction under section 39 but commenced before the relevant time for the purpose of section 45 of the Act.

Granted on or after 12 July 1984 by a written contract of tenancy indicating that the succession provisions in Part IV of the Act should apply.

Granted on or after 12 July 1984 to a person who, immediately before that date, was a tenant of the Holding or of any agricultural holding which comprised the whole or a substantial part of the land comprised in the holding.

Granted on or after 19 October 2006 where there is a written contract of tenancy indicating that the succession provisions in Part IV of the 1986 Act should apply and the tenant previously held a 1986 Act tenancy of all or a substantial part of the land comprised in the holding.

4.2 The annual rent

4.3 Date of tenancy agreement

Day	Month	Year

5. Details of respondent(s)

5.1 I name the following person(s) as respondent(s)
(if necessary, please continue on a separate sheet):

Note 5: If the land is in a trust, please give the names of all trustees.

The Landlord(s) of the holding:

Full name

Date of birth

Day Month Year

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Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

Phone

Email

The following individual(s) who I believe is/are applying under section 39 of the Act in respect of the Holding by reason of the same death:

Full name

Date of birth

Day	Month	Year

Address
First line of address

Second line of address

Town or city

County (optional)

Postcode

Phone

Email

6. Other interested person(s)

6.1 I name the following as other interested person(s) (if necessary, please continue on a separate sheet):

Other individual(s) who is/are or might be eligible to apply under section 39 in respect of the Holding by reason of the same death:

Full name

Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

Email

Section 6: You must send a copy of your application to all other interested persons. Although they can respond, they are not treated as parties unless the tribunal directs.

The personal representatives or persons administering the estate of the deceased tenant:

Full name

First line of address

Second line of address

Town or city

County (optional)

Postcode

Email

I believe that they have a grant of representation to the estate of the deceased tenant dated

Day	Month	Year

I believe that they do not yet have a grant of representation to the estate of the deceased tenant.

7. Required prior notices

I have given written notice of the application to the respondents and also have brought it to the notice of the other interested persons named above.

8. Other potential participant(s)

8.1 Full name

8.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

Email

8.3 Reasons. If necessary, please continue on a separate sheet.

Section 8: The other persons (for example, mortgagees) might want to be allowed to make representations in these proceedings for the following possible claimed reasons. These are not Parties and do not need to be provided with copies of your application unless the tribunal directs.

9. Case G notice to quit

Under Case G of Schedule 3 to the Act.

9.1 I believe that a Notice was given by the landlords named as respondents above to the proper persons (for example, the personal representatives of the deceased tenant or, where appropriate, the executors or the Public Trustee) to Quit the Holding stating that it was given by reason of the death of the deceased tenant.

9.2 Date notice given

Day	Month	Year

9.3 Name of proper person(s) the notice was issued to

9.4 Date to quit the holding

Day	Month	Year

10. The relevant time

10.1 The year of the tenancy in which the deceased tenant died ended or ends on

Day	Month	Year

If the tribunal does not make a direction for succession three months before the relevant time, I request the tribunal to extend the relevant time to the next **usual quarter day** (or such other date as I may request) within the three months following the tribunal's direction.

I am authorised by the executors or personal representatives of the deceased tenant to apply for the relevant time to be extended as requested by me.

Note 10.1: The 'relevant time' for the start date of a new tenancy is normally twelve months from the date to the left (or, if a Case G Notice to Quit would have ended the tenancy on a later date, that later date). However, if proceedings are delayed, the relevant time might need to be extended under section 46(2) of the Act.

The **usual quarter days** are Lady Day (25 March), Midsummer Day (24 June), Michaelmas (29 September) and Christmas (25 December).

11. Close relative and designation

11.1 What is your relationship to the deceased tenant?

I am the

wife

husband

civil partner

brother

sister

child

I was none of the above; but I was treated by the deceased tenant as a child of the family in relation to their marriage or civil partnership to:

Full name

Date of marriage

Day

Month

Year

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11.2 Should your application be heard before any other like application because the deceased tenant validly designated me in an effective Will or Codicil as the person who they wished to succeed them as tenant of the Holding?

Yes

No

12. Livelihood condition

12.1 The livelihood condition in section 36(3)(a) and Schedule 6 to the Act is satisfied, namely that in the last seven years ending with the date of the death of the deceased tenant my only or principal source of livelihood, during a period or periods mentioned below together amounting to not less than five years, derived from my agricultural work detailed below on the holding or an agricultural unit of which the holding forms a part.

The period or periods of agricultural work (and full-time education respectively) on which I rely are (please include all details below):

The agricultural unit (and places of full time education) for the livelihood periods on which I rely are (please include all details below):

Note 12.1: The total of five years can be made up of one continuous period, or two or more separate periods.

A period or periods of up to three years (within the seven years) on a full-time course at a university, college or other establishment of further education can be treated as part of the required five years.

12.2 If the livelihood test is not fully satisfied, it is satisfied to a material extent.

I therefore apply under section 41 of the Act to be treated as an eligible person for the purposes of sections 36 to 48 of the Act and contend that in all the circumstances it would be fair and reasonable for me to be able to apply under section 39 of the Act for a direction entitling me to a tenancy of the holding. I do so for the following reasons (please include all details below):

I have had the following other sources of livelihood during the period or periods specified above. (please specify below):

I also rely on the following agricultural or other work of the deceased tenant as my husband/wife/civil partner (please specify below):

13. Suitability

13.1 I claim to be a suitable person to become the tenant of the holding for the following reasons:

Please read and **tick all that apply**.

Physical health (please summarise below):

Financial status (please summarise below):

Education, qualifications and other training
(please summarise below):

Practical experience of farming on the holding and elsewhere
(please summarise below):

Evidence of management capability and capacity for running
the holding together with care for the environment including
(where relevant) any proposed farming plan
(please summarise below):

Other reasons (please summarise below):

14. Other section 39 application(s) in respect of the holding by reason of the same death

14.1 Are you aware that another person has made or will make the same application in respect of the holding?

Yes

No. **Go to Section 16.**

If any other section 39 application is made in respect of the holding, I apply to be added as a respondent so that I can, if necessary, dispute such application for the following further reasons:

I am the only applicant designated in the Will or Codicil of the deceased tenant.

I am more suitable to be the tenant of the holding than any other applicant for the following reasons
(please list all reasons below):

Other reasons (please list all reasons below):

I am, or might be, willing to request a direction for a joint tenancy to me and the following persons(s) who have, or will be, applying for a succession direction under section 39
(please give the name(s) below):

15. Additional representations

15.1 I wish to make the following additional representations
(please summarise below):

16. Details of applicant's representative

16.1 Full name

16.2 Name of firm

16.3 Profession or position

16.4 Reference number

16.5 Address:

First line of address

Second line of address

Town or city

County (optional)

Postcode

16.6 Phone

16.7 Email

16.8 I can confirm the above will accept delivery on behalf of the applicant.

17. Details of respondent's representative

17.1 Name of respondent

17.2 Name of firm

17.3 Profession or position

17.4 Reference number

17.5 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

17.6 Phone number

17.7 Email address

17.8 I can confirm the above will accept delivery on behalf of the respondent.

18. Details of other respondent's representative

18.1 Name of respondent

18.2 Name of firm

18.3 Profession or position

18.4 Reference number

18.5 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

18.6 Phone

18.7 Email address

16.8 I can confirm the above will accept delivery on behalf of this respondent.

19. Accompanying documentation

Please provide details below of any documents enclosed as part of your application:

Map(s) of the holding or other relevant land; all maps should be marked '[Applicant's surname] Application Map No. 1' etc.

Schedule(s) of the holding or other relevant land; all schedules should be marked '[Applicant's surname] Application No. 1' etc.

One additional copy of this Notice of Application, with maps and schedules (for tribunal use or forwarding to the official expert).

Letter of permission/request from respondent (or solicitor) to deliver this Notice of Application to the solicitor or other representative named in section 17 above.

Any map should be at a scale of 1:10,000 or larger with Ordnance Survey field numbers marked identifying and distinguishing the holding and all other relevant land.

No other documents should be delivered to the tribunal now.

20. Notification of notice to other parties

I confirm that I am serving a copy of this Notice of Application, with maps and schedules, on the respondents and other interested persons at the same time as I am delivering them to the tribunal.

21. Statement of truth

I believe that the facts stated in this notice of application are true.

Signature

Date

Day

Month

Year

| | | | | | |

Full name

Position or capacity

Name of firm

22. Contact details

The tribunal can be contacted via the following:

HM Courts & Tribunals Service
First-tier Tribunal (Agricultural Land & Drainage)
1st Floor, Piccadilly Exchange
2 Piccadilly Plaza
Manchester
M1 4AH

Phone: 0161 237 9491

Email: ALDGeneralEnquiries@justice.gov.uk

23. Delivery instructions

You can send your notice of application and any related documents to the tribunal by email, post, or in person. If you send them by post or deliver them by hand, include an extra copy for the tribunal.

Only submit the documents requested in this form (Section 19).

I will also send copies of these documents to all respondents at the same time I send them to the tribunal.

Please confirm that you have done this by ticking this box

No documents or letters are to be sent to the tribunal unless copied to all other parties to these proceedings and this must be clearly marked on each document or letter.