

Landlord & Tenant Review

2008

Publication Review**Scammell and Densham's Law of Agricultural Holdings**

Edited by Peter Williams

Reviewed by Mr Justice Morgan

Subject: Agriculture

***L. & T. Review 24** The 8th edition of this established work was published in 1997. The 9th edition has just been published and states the law as at July 1, 2007. The doyen of agricultural holdings, Andrew Densham, has handed the work over to Peter Williams of Burges Salmon, as Principal Editor, and he has been assisted by Professor Cardwell and Vivienne Williams.

In the 10 years since the last edition, the law of agricultural holdings or, at any rate, that part of the law of landlord and tenant which relates to agricultural holdings, has not been a particularly active area. Yes, there has been the Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006. No doubt, the changes brought about by that Order made it appropriate to bring the 8th edition up to date. However, because of the nature of the Order as a Regulatory Reform Order, there were significant limits on the extent of the amendments which could thereby be made to the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995. Furthermore, in the last 10 years, there has only been a limited amount of case law in relation to the 1986 Act and even less case law in relation to the 1995 Act.

Notwithstanding all of the above, the 9th edition offers much, much more than did the 8th edition. Some measure of the difference can be seen from a simple page count. Although the 8th and 9th editions, sitting side by side on the shelf, appear to be of comparable size, the truth is that the 8th edition had 1,192 pages and the 9th edition has 2,207 pages. The explanation for this Tardis effect is that the pages of the new Edition are of finer quality paper. The text (excluding statutory materials) in the 8th edition extended to 647 pages and, in the 9th edition, the text now extends to 1,007 pages. The 9th edition not only prints the entire text of the 1986 and the 1995 Acts (with some annotations) and the other agricultural holdings legislation, it also includes the entire text of the Arbitration Act 1996 and the Planning and Compulsory Purchase Act 2004 (although the 2004 Act itself, according to the Table of Statutes, is only referred to in one paragraph of the text and then only to refer the reader to an alternative textbook).

The reason for the considerable expansion of the book, and the text in particular, is that many additional topics have been introduced and the book deals in a deeper and wider way with the topics originally included in the 8th edition. Examples of the new (or greatly expanded) topics range from the historical introduction to a new chapter dealing with remedies, from new text dealing with partnerships and with insolvency to new chapters dealing with milk quota and with milk quota arbitrations. In addition, there is a final chapter (of 47 pages) dealing with the Mid-Term Review of the Common Agricultural Policy.

Thus, the 9th edition is not merely a starting point for the adviser on agricultural matters but it is a more comprehensive work, with a wider sweep than its predecessor.

Previous editions of the work have followed the classic formula of seeing the subject as a sub-set of the law of landlord and tenant dealing with tenancies of agricultural land. In recent decades there has been a dilemma to be faced by the authors of a textbook on agricultural holdings: does one stick to this classic formula or does one deal also with the area of law and practice relating to production controls and the availability of grants of various kinds? Production controls and the availability of grants are more likely to affect the day to day existence of the farming tenant as compared with the issues which might arise under the 1986 Act or the 1995 Act. The agricultural practitioner will need to understand these areas of controls and of grants and may find himself (or herself) called on to give advice on such matters more often than on landlord and tenant matters. As explained above, in recognition of this, the editors of the 9th edition have made the ***L. & T. Review 25** deliberate decision to make their book much more than a treatment of the law of landlord and tenant insofar as it applies to agricultural tenancies.

Overall, the 9th edition is every bit as essential to the agricultural practitioner as previous editions were but, with its new editorial team and wider sweep, this new edition is likely to be even more useful than its predecessors.

Reviewed by **Mr Justice Morgan**

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