



Agricultural tenancies

An introduction to the housing rights of people who live in homes as part of their job on a farm

Shelter



A guide to agricultural tenancies

This leaflet briefly explains the housing rights of people who live in homes as part of their job on a farm. As this is a complicated area of law, you should get more detailed advice from your local Citizens Advice Bureau or housing aid centre.

What are agricultural tenancies?

Many farm workers live in homes provided by their employers. This means their employers are also their landlords. This type of housing is often called 'tied housing' because it is tied to the job. Many, but not all, farm workers have important housing rights. If you work for yourself on farm land that you rent, you probably have an agricultural holding, not an agricultural tenancy. Tenants of agricultural holdings have different rights, which are not included in this leaflet.

How do I know what rights I have?

You first need to know what sort of tenancy you have. This will depend on:

- who your landlord is
- where your landlord lives
- when you moved into your home
- what your job is, and
- how long you have worked for your employer.

There are many different types of tenancy. However, many farm workers in tied housing have **protected, statutory or assured** agricultural tenancies. These are tenancies the government created to give extra housing rights to some farm workers. This leaflet calls these three tenancies agricultural tenancies for short. If you have an agricultural tenancy you have important housing rights.

How do I know if I have an agricultural tenancy?

You have an agricultural tenancy if you meet certain conditions relating to the type of home you have, who your employer is, and the job you do. The conditions are shown below.

The type of home you have

You have to live in a self-contained home. You will not have an agricultural tenancy if you share a house with your landlord or if you live in a hostel. If your landlord provides services such as cleaning your home, you will not have an agricultural tenancy. However, if your landlord provides meals, this does not affect your right to an agricultural tenancy.

Who your employer is

Your employer must own the home you live in or have arranged for someone else to supply the home so that you can do your work. If your employer is the government, the royal family, a local authority, the Forestry Commission or a housing association, you will not have an agricultural tenancy. However, all these employers should give you extra housing rights as part of your employment contract. Ask your employer or trade union about these rights.

The job you do

You have to be an agricultural worker. This means the following:

- you work 35 hours or more a week (unless you have a permit to work shorter hours because of an industrial injury), and
- you have to work, for at least some of the time, with things like crops, livestock or forestry. Maintaining tractors and other equipment on the farm is included in this work. Just working on a fish farm, keeping animals mainly for sport, or working in a research station do not count, and
- you have been employed in agriculture for 91 out of the last 104 weeks. Time from previous employers can be counted, as can time when you were on paid holiday or sick leave. If an industrial injury stopped you from working before you had worked 91 weeks, you will still pass this test.

I meet all the conditions for an agricultural tenancy

If you moved into your home or became an agricultural tenant before 15 January 1989, you will have a protected or statutory agricultural tenancy.

If you moved into your home or became an agricultural tenant on or after 15 January 1989, you will have an assured agricultural tenancy unless your landlord gave you written notice that you have an assured shorthold tenancy. Get more advice if this is the case.

I meet all the conditions but I am not working any more

Once you have become an agricultural tenant, you will keep that tenancy, even if you lose your job. You may have retired, been sacked, been made redundant or given up your job, or you may not be able to work because of sickness - it does not matter. You are still an agricultural tenant and you will still have all the housing rights that your tenancy gives you.

What if I don't meet the conditions

If you live in a separate home owned by your employer, she or he will have to get a court order before s/he can evict you. If you do not need to live in the home in order to do your job you will have other housing rights. Get more advice if this is the case.

If you share a house with your employer, s/he must give you reasonable notice before you have to leave. Check your tenancy agreement or employment contract as that may give you extra rights.

How much rent will I have to pay?

The amount of rent you pay, and the way that the amount of rent is decided depends on what type of agricultural tenancy you have.

I have a protected or statutory agricultural tenancy

Your landlord will not usually charge you rent while you are working for her or him. Not paying rent does not affect or reduce your rights.

Your landlord will probably start to charge you rent when you stop working for her or him. You can agree the amount of rent with your landlord, or you or your landlord can ask the Rent Service to set a fair rent. The Rent Service is an independent government body. Fair rents are much lower than most rents paid to private landlords.

I have an assured agricultural tenancy

Your landlord will not usually charge you rent while you are working for her or him. Not paying rent does not affect or reduce your housing rights. If your landlord does charge you a 'market rent', this will be an amount agreed by you and your landlord. If your landlord gives you a notice about increasing your rent, you can ask a Rent Assessment Committee to set a rent. You can only go to the Rent Assessment Committee if you have not agreed to pay the rent increase your landlord asked for. Get more advice if this is the case.

Your landlord can charge you rent when you stop working for her or him, even if you paid no rent before. You can either agree a rent with your landlord or he or she must give you formal notice of the rent you must pay. If you receive formal notice of the rent you must pay, get it checked. If you do not agree to the amount of rent, ask the Rent Assessment Committee to set a rent. You should normally do this within one month of getting the notice. The rent notice will tell you what to do. The Rent

Assessment Committee can lower or increase the amount of rent set out in the notice.

What happens to my family if I die?

If you have an agricultural tenancy, your wife, husband or partner will be able to take over the tenancy if s/he is living with you when you die. If you are not married or do not have a partner, a member of your family will be able to take over the tenancy if, when you die, s/he has lived with you for at least the previous two years. The tenancy can only be passed on once.

Can I stay in my home if the landlord wants me to leave?

If you have an agricultural tenancy, you can stay in your home until a court issues a **possession order** telling you to leave. Your landlord may go to court for a possession order if you do not pay the rent, you break a condition of the tenancy, you cause a nuisance or you damage your home. Your landlord may give you written notice before going to court for a possession order. Get more advice if this happens.

If you give up your job, are sacked or made redundant, or cannot work because of sickness, you can still stay in your home. If you stop working, your landlord may need your home for another farm worker. In this case your landlord may ask the local council to re-house you. The council must then do everything it can to find you another home. If this situation causes a dispute between you and your

landlord, the Agricultural Dwelling House Advisory Committee can decide whether the landlord has a good reason for wanting your home back.

Repairs

Your landlord normally has to repair the structure and outside of your home. This includes things like the roof, gutters and windows. Your landlord also has to repair and maintain the following:

- the system for heating your home and providing hot water, this does not include portable fires you own
- the system in your home for supplying gas, water and electricity, this includes toilets, baths and sinks.

You must tell your landlord about any repairs that need doing. Your landlord will not have to repair any damage deliberately caused by you. The landlord is not normally responsible for decorating the inside of your home.

Further information

This leaflet is only an introduction to agricultural tenancies. For more information you can ring Shelterline on 0808 800 4444 (24 hour freephone). You can get advice on any housing problem from a CAB, housing advice centre or law centre.

- The Rent Service, 5 Welbeck St, London, W1G 9YQ
020 7023 6000
www.therentservice.gov.uk
- Rent Assessment Committees can be contacted through your local council (although they are independent of the council)
- Agricultural Dwelling House Advisory Committees can be contacted through your local council (although they are independent of the council)

The NHAS is a service which aims to prevent and reduce homelessness and housing problems by encouraging the widest possible access to expert housing advice, information and advocacy. It does this by providing specialist workers who support and train advice workers in Citizens Advice Bureaux and some other voluntary advice agencies in England.

The NHAS is delivered by Shelter in partnership with Citizens Advice, and is funded by the Office of the Deputy Prime Minister.

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Your nearest housing aid centre/Citizens Advice Bureau is:

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