
STATUTORY INSTRUMENTS

1993 No. 2037

LANDLORD AND TENANT
ENGLAND AND WALES

The Agricultural Holdings (Units of Production) Order 1993

Made - - - - *6th August 1993*
Laid before Parliament *20th August 1993*
Coming into force - - *12th September 1993*

The Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Wales, in exercise of the powers conferred on them by paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986(1), and of all other powers enabling them in that behalf, hereby make the following Order:—

Title, commencement and interpretation

1.—(1) This Order may be cited as the Agricultural Holdings (Units of Production) Order 1993 and shall come into force on 12th September 1993.

(2) Any reference in this Order to “the Schedule” shall be construed as a reference to the Schedule to this Order, and references to column 1 or 3 of the Schedule shall be construed as including a reference to the note or, as the case may be, notes to the column in question.

Assessment of productive capacity of land

2.—(1) Paragraph (2) of this article has effect for the purpose of the assessment of the productive capacity of a unit of agricultural land, in order to determine whether that unit is a commercial unit of agricultural land within the meaning of subparagraph (1) of paragraph 3 of Schedule 6 to the Agricultural Holdings Act 1986.

(2) Where the land in question would be capable, when farmed under competent management, of carrying or producing any such livestock, crop, etc, as is mentioned in any entry in column 1 of the Schedule—

- (a) the unit of production prescribed in relation to that use of the land shall be the unit specified in column 2 of the Schedule opposite to that entry, and

(1) 1986 c. 5; section 96(1) of the Act defines “the Minister” in the sense here expressed.

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- (b) the amount which, for the period of 12 months beginning with 12th September 1993, is to be regarded for the purposes of the said paragraph 3 as the net annual income from that unit of production in that period shall be the amount indicated in column 3 of the Schedule.

Revocation

3. The Agricultural Holdings (Units of Production) Order 1992(2) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th August 1993.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

6th August 1993

John Redwood
Secretary of State for Wales

SCHEDULE

Articles 1(2)and 2

PRESCRIBED UNITS OF PRODUCTION AND
DETERMINATION OF NET ANNUAL INCOME

Column 1 Farming use	Column 2 Unit of production	Column 3 Net annual income from unit of production
		£
1. Livestock	cow	206
Dairy cows:		
Channel Islands breeds		
Other breeds	cow	253
Beef breeding cows:	cow	101(1)
On eligible land which is severely disadvantaged land or disadvantaged land under the Hill Livestock (Compensatory Allowances) Regulations 1992(3)		
On other land	cow	78(1)
Beef fattening cattle (semi- intensive)	head	109(2)
Dairy replacements	head	60
Ewes:	ewe	20(3)
On eligible land which is severely disadvantaged land or disadvantaged land under the Hill Livestock (Compensatory Allowances) Regulations 1992		
On other land	ewe	22(4)
Store lambs (including ewe lambs sold as shearlings)	head	0.96
Pigs:	Sow or gilt	102

(3) [S.I. 1992/269](#). The only relevant amending instrument is the Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1993 ([S.I. 1993/70](#)).

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Column 1 Farming use	Column 2 Unit of production	Column 3 Net annual income from unit of production
Sows and gilts in pig		
Porker	head	3.2
Cutter	head	4.7
Bacon	head	5.2
Poultry:		
Laying hens		
Broilers	bird	0.20
Point-of-lay pullets	bird	0.36
Turkeys	bird	1.6
2. Farm arable crops		
Barley	hectare	100(5)
Beans	hectare	180(6)
Herbage seed	hectare	116
Linseed	hectare	112
Oats	hectare	102(7)
Oilseed rape	hectare	298(8)
Peas:		
Dried		
Vining	hectare	177
Potatoes:		
First early		
Maincrop (including seed)	hectare	564
Sugar Beet	hectare	352
Wheat	hectare	233(10)
Set-aside land	hectare	-20
3. Outdoor horticultural crops		
Broad beans	hectare	386
Brussels sprouts	hectare	1,135
Cabbage, savoys and sprouting broccoli	hectare	1,180
Carrots	hectare	1,301
Cauliflower and winter broccoli	hectare	1,172

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Column 1 Farming use	Column 2 Unit of production	Column 3 Net annual income from unit of production
Celery	hectare	3,707
Leeks	hectare	2,593
Lettuce	hectare	3,137
Onions		
Dry bulb	hectare	1,190
Salad	hectare	4,038
Outdoor bulbs	hectare	789
Parsnips	hectare	1,016
Rhubarb (natural)	hectare	2,310
Turnips and swedes	hectare	740
4. Protected crops		
Forced narcissi	1,000 square metres	4,205
Forced tulips	1,000 square metres	5,589
Mushrooms	1,000 square metres	8,742
5. Orchard fruit		
Apples:		
Cider	hectare	616
Cooking	hectare	1,931
Dessert	hectare	2,322
Cherries	hectare	1,042
Pears	hectare	1,740
Plums	hectare	1,202
6. Soft fruit		
Blackcurrants	hectare	1,406
Gooseberries	hectare	1,600
Raspberries	hectare	2,903
Strawberries	hectare	3,814
7. Miscellaneous		
Hops	hectare	1,081

Note to column 1

*This refers to land which would be set aside under Article 2 and be subject to rotation under Article 7 of Council Regulation No. 1765/92 establishing a support system for producers of certain arable crops (OJ No. L 181, 1.7.92, p.12).

Notes to column 3

This indicates the figure for animals (irrespective of age) which would be kept for 12 months. In the case of animals which would be kept for less than 12 months a pro-rata adjustment of this figure is to be made.

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- (1) Deduct £66 from this figure in the case of animals for which the net annual income does not include a sum in respect of the premium for maintaining suckler cows (suckler cow premium) provided for in Article 4d of Council Regulation No. 805/68 on the common organisation of the market in beef and veal (O.J. No. L 148, 28.6.68, p.24, O.J. Special Edition 1968 Vol. I p.187, as amended, in so far as is relevant to this Order, by Council Regulation No. 2066/92, O.J. No. L 215, 30.7.92, p.49). Add £28 to the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of the additional amount (extensification premium) provided for in Article 4h of Council Regulation No. 805/68.
- (2) This is the figure for animals which would be kept for 12 months. Deduct £39 in the case of animals which would be kept for that period and for which the net annual income does not include a sum in respect of the special premium for holding male bovine animals (beef special premium) provided for in Article 4b of Council Regulation No. 805/68. Add £20 to the figure in column 3 in the case of animals which would be kept for that period and for which the net annual income includes a sum in respect of extensification premium. In the case of animals which would be kept for less than 12 months and for which the net annual income does not include a sum in respect of beef special premium, the net annual income is to be calculated by deducting £39 from the figure in column 3 and then making a pro rata adjustment of the resulting figure. In the case of animals which would be kept for less than 12 months and for which the net annual income includes a sum in respect of beef special premium, the net annual income is to be calculated by first deducting £39 from the figure in column 3, then making a pro rata adjustment of the resulting figure, then adding to that figure the sum of £39 and (where the net annual income includes a sum in respect of extensification premium) the sum of £20.
- (3) Deduct £26 from this figure in the case of animals for which the net annual income does not include a sum in respect of the premium for offsetting income loss sustained by sheep meat producers (sheep annual premium) provided for in Article 5 of Council Regulation No. 3013/89 on the common organisation of the market in sheepmeat and goatmeat, (O.J. No. L 289, 7.10.89, p.1, as amended, in so far as is relevant to this Order, by Council Regulation No. 2069/92, O.J. No. L 215, 30.7.92, p.59). Deduct £13 from the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of that premium reduced by 50% by virtue of Article 5 of Council Regulation No. 3013/89.
- (4) Deduct £21 from this figure in the case of animals for which the net annual income does not include a sum in respect of sheep annual premium. Deduct £11 from the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of that premium reduced by 50% by virtue of Article 5 of Council Regulation No. 3013/89.
- (5) Deduct £139 from this figure in the case of land for which the net annual income does not include a sum in respect of the compensatory payment for which producers of arable crops may apply (area payment) provided for in Article 2 of Council Regulation No. 1765/92.
- (6) Deduct £365 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (7) Deduct £139 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (8) Deduct £445 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (9) Deduct £365 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (10) Deduct £140 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes units of production for the assessment of the productive capacity of agricultural land and sets out the amount which is to be regarded as the net annual income from each such unit for the year 12th September 1993 to 11th September 1994 inclusive. This Order supersedes the Agricultural Holdings (Units of Production) Order 1992 (S.I. 1992/1972).

An assessment of the productive capacity of agricultural land is required in determining whether or not the land in question is a “commercial unit of agricultural land” for the purposes of the succession provisions in the Agricultural Holdings Act 1986 (“the 1986 Act”: see in particular sections 36(3) and 50(2)). A “commercial unit of agricultural land” is land which, when farmed under competent management, is capable of producing a net annual income which is not less than the aggregate of the average annual earnings of two full-time male agricultural workers aged 20 years or over (paragraph 3 of Schedule 6 to the 1986 Act). In determining this annual income figure, neither the system of farming carried out on a particular holding nor historical data from that holding will necessarily be used. Instead, whenever a particular farming use mentioned in column 1 of the Schedule to this Order is relevant to this determination, the units of production and the net annual income specified in columns 2 and 3 respectively will form the basis of the assessment of the productive capacity of the land in question.

The net annual income figures in column 3 of the Schedule specify the net annual income from one unit of production. In some cases the net annual income is derived from a unit which will be on the land for the full twelve-month period. In other cases the net annual income is derived from a unit which will be on the land for only part of the year, and there may be more than one production cycle in the twelve-month period. The assessment of the productive capacity of the land will take account of the total production in the course of a year.