
STATUTORY INSTRUMENTS

1995 No. 2125

**LANDLORD AND TENANT,
ENGLAND AND WALES**

The Agricultural Holdings (Units of Production) Order 1995

Made - - - - *1st August 1995*
Laid before Parliament *22nd August 1995*
Coming into Force - - *12th September 1995*

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 1995 and shall come into force on 12th September 1995.

(2) Any reference in this Order to “the Schedule” shall be construed as a reference to the Schedule to this Order.

Assessment of productive capacity of land

2.—(1) Paragraph (2) of this article shall have 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 that entry, and
- (b) the amount determined, for the period of 12 months beginning with 12th September 1995, as the net annual income from that unit of production in that period shall be the amount specified in column 3 of the Schedule opposite that unit of production.

(1) 1986 c. 5; section 96 (1) of the Act defines the Minister.

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(3) The Schedule shall have effect subject to the Notes to the Schedule.

Revocation

3. The Agricultural Holdings (Units of Production) Order 1994⁽²⁾ is hereby revoked.

25th July 1995

Tim Boswell
Parliamentary Secretary, Minister of Agriculture,
Fisheries and Food

Signed by the authority of the Secretary of State for Wales

1st August 1995

Gwilym Jones
Parliamentary Under Secretary of State for
Wales

(2) [S.I. 1994/2183](#).

SCHEDULE

Articles 1(2) and 2

PRESCRIBED UNITS OF PRODUCTION AND
DETERMINATION OF NET ANNUAL INCOME

Column 1 <i>Farming use</i>	Column 2 <i>Unit of production</i>	Column 3 <i>Net annual income from unit of production</i>
		£
1. Livestock		
Dairy cows:		
Channel Islands breeds	cow	287
Other breeds	cow	340
Beef breeding cows:		
On eligible land which is severely disadvantaged land or disadvantaged land under the Hill Livestock (Compensatory Allowances) Regulations 1993 ⁽³⁾	cow	86 ⁽¹⁾
On other land	cow	73 ⁽¹⁾
Beef fattening cattle (semi-intensive)	head	119 ⁽²⁾
Dairy replacements	head	85 ⁽³⁾
Ewes:		
On eligible land which is severely disadvantaged land or disadvantaged land under the Hill Livestock (Compensatory Allowances) Regulations 1993	ewe	24 ⁽⁴⁾
On other land	ewe	20 ⁽⁵⁾
Store lambs (including ewe lambs sold as shearlings)	head	1.92
Pigs:		
Sows and gilts in pig	sow or gilt	101
Porker	head	3.18
Cutter	head	5.24
Bacon	head	6.05

(3) S.I. 1993/2631, as amended by the Hill Livestock (Compensatory Allowances) (Amendment) (No. 2) Regulations 1993 (S.I. 1993/2924), the Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1994 (S.I. 1994/94), the Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1995 (S.I. 1995/100) and the Hill Livestock (Compensatory Allowances) (Amendment) (No. 2) Regulations 1995 (1995/1481).

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Column 1 <i>Farming use</i>	Column 2 <i>Unit of production</i>	Column 3 <i>Net annual income from unit of production</i>
Poultry:		
Laying hens	bird	1.18
Broilers	bird	.16
Point-of-lay pullets	bird	.32
Turkeys	bird	1.46
2. Farm arable crops		
Barley	hectare	374 ⁽⁶⁾
Beans	hectare	250 ⁽⁷⁾
Herbage seed	hectare	150
Linseed	hectare	193 ⁽⁸⁾
Oats	hectare	365 ⁽⁹⁾
Oilseed rape	hectare	287 ⁽¹⁰⁾
Peas:		
Dried	hectare	236 ⁽¹¹⁾
Vining	hectare	300
Potatoes:		
First early	hectare	880
Maincrop (including seed)	hectare	951
Sugar Beet	hectare	472
Wheat	hectare	516 ⁽¹²⁾
3. Set-aside⁽¹⁾	hectare	116
4. Outdoor horticultural crops		
Broad beans	hectare	468
Brussels sprouts	hectare	1216
Cabbage, savoy and sprouting broccoli	hectare	1362
Carrots	hectare	1441
Cauliflower and winter broccoli	hectare	1095
Celery	hectare	4072
Leeks	hectare	2815
Lettuce	hectare	3035

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Column 1 <i>Farming use</i>	Column 2 <i>Unit of production</i>	Column 3 <i>Net annual income from unit of production</i>
Onions:		
Dry bulb	hectare	1312
Salad	hectare	4291
Outdoor bulbs	hectare	1135
Parsnips	hectare	1467
Rhubarb (natural)	hectare	1763
Turnips and swedes	hectare	1052
5. Protected crops		
Forced narcissi	1000 square metres	4429
Forced tulips	1000 square metres	6305
Mushrooms	1000 square metres	11047
6. Orchard fruit		
Apples:		
Cider	hectare	550
Cooking	hectare	1517
Dessert	hectare	1782
Cherries	hectare	915
Pears	hectare	1301
Plums	hectare	973
7. Soft fruit		
Blackcurrants	hectare	1097
Gooseberries	hectare	1584
Raspberries	hectare	2737
Strawberries	hectare	3278
8. Miscellaneous		
Hops	hectare	1537

Note to column 1

- (1) This refers to land which would be set aside to satisfy the obligation in Article 2(5) of Council Regulation No. 1765/92 establishing a support system for producers of certain arable crops (O.J. No. L181, 1.7.92, p.12), except where such land would be used for the provision of materials for the manufacture, within the Community of products not primarily intended for human or animal consumption, in accordance with Article 7(4) of Council Regulation No. 1765/92.

Notes to column 3

- (1) Deduct £114 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. L148, 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. L215, 30.7.92, p.49), Commission Regulation No. 3611/92 (O.J. No. L370, 19.12.92, p.16), Council Regulation No. 125/93 (O.J. No. L18, 18.1.93, p.1), Council Regulation No. 3611/93 (O.J. No. L328, 29.12.93, p.7) and Council Regulation

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No. 1884/94 (O.J. L197, 30.7.94, p.27). Add £29 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 £79 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 £26 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 £79 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 £79 from the figure in column 3, then making a pro rata adjustment of the resulting figure, then adding to that figure the sum of £79 and (where the net annual income includes a sum in respect of extensification premium) the sum of £26.
- (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.
- (4) 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. L289, 7.10.89, p.1), as amended, in so far as relevant to this Order, by Council Regulation No. 2069/92 (O.J. No. L215, 30.7.92, p.59) and Council Regulation No. 233/94 (O.J. No. L30, 3.2.94, p.9).
- (5) 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.
- (6) Deduct £268 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.
- (7) Deduct £389 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 £520 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 £268 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 £405 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (11) Deduct £388 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (12) Deduct £269 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 1995 to 11th September 1996 inclusive. This Order supersedes the Agricultural Holdings (Units of Production) Order 1994 (S.I 1994/2183).

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.