

2001 No. 2751

LANDLORD AND TENANT, ENGLAND

**The Agricultural Holdings (Units of Production) (England)
Order 2001**

Made - - - - - *30th July 2001*

Laid before Parliament *1st August 2001*

Coming into force - - *12th September 2001*

The Minister of Agriculture, Fisheries and Food, being the Minister designated in relation to England for the purposes of paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Title, commencement and interpretation

1.—(1) This Order may be cited as the Agricultural Holdings (Units of Production) (England) Order 2001 and shall come into force on 12th September 2001.

(2) Any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.

(3) Any reference in this Order to a Community instrument is a reference to that instrument and any amendment of such instrument in force on the date this Order is made.

(4) In this Order:

“Council Regulation 2467/98” means Council Regulation (EC) No. 2467/98 on the common organisation of the market in sheepmeat and goatmeat(b);

“Council Regulation 1251/99” means Council Regulation (EC) No. 1251/99 establishing a support system for producers of certain arable crops(c);

“Council Regulation 1254/99” means Council Regulation (EC) No. 1254/99 on the common organisation of the market in beef and veal(d).

Assessment of the productive capacity of land

2.—(1) Paragraphs (2) and (3) of this article have effect for the purpose of the assessment of the productive capacity of a unit of agricultural land situated in England, in order to determine whether that unit is a commercial unit of agricultural land within the meaning of sub-paragraph (1) of paragraph (3) of Schedule 6 to the Agricultural Holdings Act 1986.

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

(b) OJ No. L312, 20.11.98, p. 1, as last amended by Council Regulation (EC) No. 1669/00 (OJ No. L193, 29.7.00, p. 8).

(c) OJ No. L160, 26.6.99, p. 1, as last amended by Council Regulation (EC) No. 1038/01 (OJ No. L145, 31.5.2001, p. 16).

(d) OJ No. L160, 26.6.99, p. 21.

(2) Where the land in question is capable, when farmed under competent management, of being used to produce any livestock, crop, fruit or miscellaneous product as is mentioned in any of the entries 1 to 7 in column 1 of the Schedule, then—

- (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
- (b) the amount determined, for the period of 12 months beginning with 12th September 2001, 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.

(3) Where land capable, when farmed under competent management, of producing a net annual income is designated as set aside land, as is mentioned in entry 8 in column 1 of the Schedule, then—

- (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
- (b) the amount determined, for the period of 12 months beginning with 12th September 2001, 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.

(4) The Schedule has effect subject to the Notes to the Schedule.

Revocation

- 3. The Agricultural (Units of Production) (England) Order 2000^(a) is hereby revoked.

30 July 2001

Whitty
Parliamentary Under-Secretary of State,
Department for Environment, Food and Rural Affairs

(a) S.I. 2000/1984.

SCHEDULE

Articles 1(2) and 2

PRESCRIBED UNITS OF PRODUCTION AND DETERMINATION OF NET ANNUAL INCOME

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Farming use</i>	<i>Unit of production</i>	<i>Net annual income from unit of production</i>
		£
1. Livestock		
Dairy cows:		
Channel Islands breeds	cow	296
Other breeds	cow	375
Beef breeding cows:		
On eligible land under the Hill Farm Allowance Regulations 2001(a)	cow	51(1)
On other land	cow	43(1)
Beef fattening cattle (semi-intensive)	head	45(2)
Dairy replacements	head	30(3)
Ewes:		
On eligible land under the Hill Farm Allowance Regulations 2001	ewe	10(4)
On other land	ewe	11(5)
Store lambs (including ewe lambs sold as shearlings)	head	0.87
Pigs:		
Sows and gilts in pig	sow or gilt	70
Porker	head	1.37
Cutter	head	2.59
Bacon	head	3.79
Poultry:		
Laying hens	bird	0.90
Broilers	bird	0.09
Point-of-lay pullets	bird	0.20
Christmas turkeys	bird	1.27
2. Farm arable crops		
Barley	hectare	140(6)
Beans	hectare	158(7)
Herbage seed	hectare	125
Linseed	hectare	22(8)
Oats	hectare	163(9)
Oilseed rape	hectare	82(10)
Peas:		
Dried	hectare	200(11)
Vining	hectare	205
Potatoes:		
First early	hectare	835
Maincrop (including seed)	hectare	860
Sugar beet	hectare	250
Wheat	hectare	197(12)
3. Outdoor horticultural crops		
Broad beans	hectare	410
Brussels sprouts	hectare	1505
Cabbage, savoys and sprouting broccoli	hectare	1730
Carrots	hectare	2270
Cauliflower and winter broccoli	hectare	975
Celery	hectare	8255
Leeks	hectare	2945
Lettuce	hectare	4150
Onions:		
Dry bulb	hectare	1305
Salad	hectare	4125
Outdoor bulbs	hectare	1600
Parsnips	hectare	2591

(a) S.I. 2001/476.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Farming use</i>	<i>Unit of production</i>	<i>Net annual income from unit of production</i>
		£
Rhubarb (natural)	hectare	4845
Turnips and swedes	hectare	1210
4. Protected crops		
Forced narcissi	1000 square metres	6980
Forced tulips	1000 square metres	7175
5. Orchard fruit		
Apples:		
Cider	hectare	420
Cooking	hectare	1275
Dessert	hectare	1250
Cherries	hectare	690
Pears	hectare	965
Plums	hectare	1215
6. Soft fruit		
Blackcurrants	hectare	740
Raspberries	hectare	3000
Strawberries	hectare	3500
7. Miscellaneous		
Hops	hectare	1670
8. Set-aside⁽¹⁾	hectare	28

Note to column 1

(1) For the marketing year 2001–2002 this refers to land which is set-aside under Article 2(3) of Council Regulation 1251/99, except where such land is used (in accordance with Article 6(3) of Council Regulation 1251/99) for the provision of materials for the manufacture within the Community of products not directly intended for human or animal consumption.

Notes to column 3

(1) Deduct £126 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 6 of Council Regulation 1254/99.

Add £20 to the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of the lower rate of extensification premium provided for in Article 13 of Council Regulation 1254/99.

Add £40 to the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of the higher rate of extensification premium provided for in Article 13 of Council Regulation 1254/99.

(2) This is the figure for animals which would be kept for 12 months.

Deduct £91 in the case of animals which are kept for 12 months 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 805/68.

Add £20 to the figure in column 3 in the case of animals which are kept for 12 months and for which the net annual income includes a sum in respect of the lower rate of extensification premium.

Add £40 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 the higher rate of extensification premium.

In the case of animals which are 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 £91 from the figure in column 3 and then making a pro rata adjustment of the resulting figure.

In the case of animals which are 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 £91 from the figure in column 3, then making a pro-rata adjustment of the resulting figure, then adding to that figure the sum of £91 and (where the net annual income includes a sum in respect of extensification premium) the sum of £20 (where the extensification premium is paid at the lower rate) or £40 (where the extensification premium is paid at the higher rate).

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

(4) Deduct £12 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 2467/98.

(5) Deduct £8 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 £219 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 1251/99.

(7) Deduct £253 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 £264 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 £219 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 £258 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 £253 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 £220 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 situated in England and sets out the amount which is to be regarded as the net annual income from each such unit for the year 12th September 2001 to 11th September 2002 inclusive. This Order revokes the Agricultural Holdings (Units of Production) (England) Order 2000.

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 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.

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£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1503 8/2001 650591 19585

ISBN 0-11-029865-9



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