
WELSH STATUTORY INSTRUMENTS

2004 No. 1218 (W.133)

LANDLORD AND TENANT, WALES

**The Agricultural Holdings (Units
of Production) (Wales) Order 2004**

Made - - - - 27th April 2004

Coming into force - - 30th April 2004

In exercise of the powers conferred by paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986⁽¹⁾, which are now vested in it⁽²⁾, the National Assembly for Wales hereby makes the following Order:—

Title, commencement and interpretation

1.—(1) This Order is called the Agricultural Holdings (Units of Production) (Wales) Order 2004 and comes into force on 30th April 2004.

(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 2529/01” (“*Rheoliad 2529/01 y Cyngor*”) means Council Regulation (EC) No. 2529/01 on the common organisation of the market in sheepmeat and goatmeat⁽³⁾;

“Council Regulation 1251/99” (“*Rheoliad 1251/99 y Cyngor*”) means Council Regulation (EC) No. 1251/99 establishing a support system for producers of certain arable crops⁽⁴⁾;

“Council Regulation 1254/99” (“*Rheoliad 1254/99 y Cyngor*”) means Council Regulation (EC) No. 1254/99 on the common organisation of the market in beef and veal⁽⁵⁾.

(1) 1986 c. 5.

(2) By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), the functions of the Minister (defined in section 96(1) of the Act as the Secretary of State in relation to Wales) under paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986, were, so far as they were exercisable in relation to Wales, transferred to the National Assembly for Wales.

(3) OJ No. L341, 22.12.01, p.3.

(4) OJ No. L10, 26.6.99, p.1, as last amended by Council Regulation (EC) No. 1038/01 (OJ No. L145, 31.5.01, p.16).

(5) OJ No. L160, 26.6.99, p.21, as last amended by Council Regulation (EC) No. 806/03 (OJ No. L122, 16.05.03, p.1).

Assessment of 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 Wales, 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.

(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 6 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 2003, 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 the subject of Tir Mynydd payments or is designated as set aside land, as is mentioned in entries 7 and 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 2003, as the net annual income from that unit of production in that period shall be the amount in the entry in column 3 of the Schedule opposite to that entry.

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

Revocation

3. The Agricultural Holdings (Units of Production) (Wales) Order 2003⁽⁶⁾ is hereby revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁷⁾.

27th April 2004

John Marek
The Deputy Presiding Officer of the National
Assembly

⁽⁶⁾ S.I. 2003/4 (W.2).

⁽⁷⁾ 1998 c. 38.

THE SCHEDULE

Articles 1(2) and 2

PRESCRIBED UNITS OF PRODUCTION AND
DETERMINATION OF NET ANNUAL INCOME

<i>Column 1</i> <i>Farming use</i>	<i>Column 2</i> <i>Unit of production</i>	<i>Column 3</i> <i>Net annual income from unit of production</i> £
1. Livestock		
Dairy cows:		
Channel Islands breeds	cow	373
Other breeds	cow	460
Beef breeding cows:		
On eligible land under the Tir Mynydd (Wales) Regulations 2001(8)	cow	43(1)
On other land	cow	73(1)
Beef fattening cattle (semi-intensive)	head	75(2)
Dairy replacements	head	35(3)
Ewes:		
On eligible land under the Tir Mynydd Regulations (Wales) 2001.	ewe	11(4)
On other land	ewe	19(5)
Store lambs (including ewe lambs sold as shearlings)	head	1.00
Pigs:		
Sows and gilts in pig	sow or gilt	85
Porker	head	1.75
Cutter	head	3.25
Bacon	head	5.00
Poultry:		
Laying hens	bird	1.00
Broilers	bird	0.12
Point-of-lay pullets	bird	0.25
Christmas turkeys	bird	2.00
2. Farm arable crops		

(8) S.I. 2001 / 496 (W.23) as amended by S.I. 2002/1806 (W.176).

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<i>Column 1</i> <i>Farming use</i>	<i>Column 2</i> <i>Unit of production</i>	<i>Column 3</i> <i>Net annual income from unit of production</i> <i>£</i>
Barley	hectare	186(6)
Beans	hectare	169(7)
Herbage seed	hectare	100
Oats	hectare	190(8)
Oilseed rape	hectare	171(9)
Peas:		
Dried	hectare	194(10)
Vining	hectare	175
Potatoes:		
First early	hectare	800
Maincrop (including seed)	hectare	750
Sugar Beet	hectare	240
Wheat	hectare	223(11)
3. Outdoor horticultural crops		
Broad beans	hectare	500
Brussels sprouts	hectare	1400
Cabbage, savoys and sprouting broccoli	hectare	1800
Carrots	hectare	2700
Cauliflower and winter broccoli	hectare	975
Celery	hectare	8000
Leeks	hectare	3200
Lettuce	hectare	4150
Onions:		
Dry bulb	hectare	1305
Salad	hectare	3800
Parsnips	hectare	2850
Rhubarb (natural)	hectare	6000
Turnips and swedes	hectare	1300
4. Orchard fruit		
Apples:		
Cider	hectare	380

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Cooking	hectare	1150
Dessert	hectare	1250
Cherries	hectare	800
Pears	hectare	900
Plums	hectare	1150
5. Soft fruit		
Blackcurrants	hectare	800
Raspberries	hectare	3000
Strawberries	hectare	4000
6. Miscellaneous		
Hops	hectare	1700
7. Forage Land		
Eligible land as described in regulation 2A of the Tir Mynydd (Wales) Regulations 2001	hectare	the amount of the Tir Mynydd payment required to be paid under the Tir Mynydd (Wales) Regulations 2001
8. Set-aside		
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 primarily intended for human or animal consumption	hectare	51

NOTES TO THE SCHEDULE

- (1) Deduct £124 from the figure in column 3 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 on the common organisation of the market in beef and veal.

Add £25 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 £50 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 are kept for 12 months.

Deduct £105 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

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bovine animals (beef special premium) provided for in Article 4 of Council Regulation 1254/99.

Add £25 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 £50 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 £105 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 £105 from the figure in column 3, then making a pro rata adjustment of the resulting figure, then adding to that figure the sum of £105 and (when the net annual income includes a sum in respect of extensification premium) the sum of £25 (when the extensification premium is paid at the lower rate) or £50 (when 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 £18 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 Articles 4 and 5 of Council Regulation 2529/01 on the common organisation of the market in sheepmeat and goatmeat.
- (5) Deduct £14 from the figure in column 3 in the case of animals for which the net annual income does not include a sum in respect of sheep annual premium.
- (6) Deduct £249 from the figure in column 3 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 £288 from the figure in column 3 in the case of land for which the net annual income does not include a sum in respect of area payment.
- (8) Deduct £249 from the figure in column 3 in the case of land for which the net annual income does not include a sum in respect of area payment.
- (9) Deduct £250 from the figure in column 3 in the case of land for which the net annual income does not include a sum in respect of area payment.
- (10) Deduct £291 from the figure in column 3 in the case of land for which the net annual income does not include a sum in respect of area payment.
- (11) Deduct £250 from the figure in column 3 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 Wales and sets out the amount which is to be regarded as the net annual income from each such unit for the year 12th September 2003 to 11th September 2004 inclusive.

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: 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 that 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.