
WELSH STATUTORY INSTRUMENTS

2017 No. 1218 (W. 291)

LANDLORD AND TENANT, WALES

**The Agricultural Holdings (Units
of Production) (Wales) Order 2017**

<i>Made</i>	- - - -	<i>5 December 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 December 2017</i>
<i>Coming into force</i>	- -	<i>5 January 2018</i>

The Welsh Ministers, in exercise of the powers conferred by paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986⁽¹⁾ and now vested in them⁽²⁾ make the following Order.

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) Order 2017, it applies in relation to Wales and comes into force on 5 January 2018.

(2) In this Order—

“designated maps” (“*mapiau dynodedig*”) means the two volumes of maps numbered 1 and 2 each volume being marked “Volume of maps of less favoured farming areas in Wales” and with the number of the volume dated 20 May 1991 and signed by the Secretary of State for Wales and deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ;

“disadvantaged land” (“*tir dan anfantais*”) (except in the expression “severely disadvantaged land”) means any area of land shown coloured blue on the designated maps;

“eligible hectare” (“*hectar cymwys*”) has the same meaning as in Article 32(2) of Regulation 1307/2013;

“less favoured area” (“*ardal lai ffafriol*”) means any area of disadvantaged land or severely disadvantaged land;

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

(2) Functions conferred under the Agricultural Holdings Act 1986 (c. 5) were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

“Regulation 1307/2013” (“*Rheoliad 1307/2013*”) means Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy⁽³⁾;

“severely disadvantaged land” (“*tir dan anfantais ddifrifol*”) means any area of land shown coloured pink on the designated maps.

Assessment of productive capacity of land

2.—(1) Paragraphs (2) and (3) 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 paragraph 3(1) 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, farm arable crop, outdoor horticultural crop or fruit as is mentioned in any of the entries 1 to 3 in column 1 of the Schedule to this Order, then—

- (a) the unit of production prescribed in relation to that use of the land is the unit in the corresponding entry in column 2, and
- (b) the amount determined, for the period of 12 months beginning with 12 September 2017, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 3, as read with any relevant note to that Schedule.

(3) Where land capable, when farmed under competent management, of producing a net annual income was an eligible hectare in 2016 in accordance with entry 4 in column 1 of the Schedule to this Order, then—

- (a) the unit of production prescribed in relation to that use of the land is the unit in the corresponding entry in column 2, and
- (b) the amount determined, for the period of 12 months beginning with 12 September 2017, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 3.

5 December 2017

Lesley Griffiths
Cabinet Secretary for Energy, Planning and
Rural Affairs, one of the Welsh Ministers

(3) OJ No L 347, 20.12.2013, p. 608, as last amended by Commission Delegated Regulation (EU) 2017/1155 (OJ No L 167, 30.6.2017, p.1) and corrected by Corrigendum (OJ No L 130, 19.5.2016, p. 8).

SCHEDULE

Article 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	cow	450	
Beef breeding cows:	on land in a less favoured area	cow	-111
	on other land	cow	-137
Beef fattening cattle (semi-intensive)	head	-72 ⁽¹⁾	
Dairy replacements	head	87 ⁽²⁾	
Ewes:	on land in a less favoured area	ewe	-27
	on other land	ewe	-6
Store lambs (including ewe lambs sold as shearlings)	head	4.2	
Pigs:	sows and gilts in pig	sow or gilt	270
	porker	head	7.8
	cutter	head	11
	bacon	head	13.9
Poultry:	laying hens	bird	4.4
	broilers	bird	0.8
	point-of-lay pullets	bird	0.3
Christmas turkeys	bird	9.6	
2. Farm arable crops			
Barley	hectare	-48	
Beans	hectare	-152	
Oilseed rape	hectare	32	
Dried peas	hectare	150	
Potatoes:	first early	hectare	3,690
	maincrop (including seed)	hectare	3,440
Sugar beet	hectare	280	

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

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<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>	
Wheat	hectare	100	
3. Outdoor horticultural crops and fruit			
Orchard fruit	hectare	2,450	
Soft fruit	hectare	7,310	
4. Eligible hectares			
Land which was in 2016, an eligible hectare for the purposes of Regulation 1307/2013	severely disadvantaged land	hectare	112.40
	disadvantaged land	hectare	66.53
	all other land	hectare	47.31

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

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 12 September 2017 to 11 September 2018 for certain purposes of the Agricultural Holdings Act 1986 (“the 1986 Act”).

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 a unit of agricultural 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). Article 2 of this Order provides that, in determining this annual income figure, whenever a particular farming use mentioned in column 1 of the Schedule is relevant to the assessment of the productive capacity of the land in question, the units of production and the net annual income specified in columns 2 and 3 respectively will form the basis of the assessment.

This Order includes net annual income figures for land which was, in 2016, an eligible hectare within the meaning of Article 32(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (OJ No L 347, 20.12.2013, p. 608). There are separate figures in the Schedule for severely disadvantaged land, disadvantaged land, land in a less favoured area and other land.

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The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.