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STATUTORY INSTRUMENTS

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**1991 No. 1888**

**LANDLORD AND TENANT,  
ENGLAND AND WALES**

**The Agricultural Holdings (Units of Production) Order 1991**

*Made* - - - - *14th August 1991*  
*Laid before Parliament* *22nd August 1991*  
*Coming into force* - - *12th September 1991*

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 1991 and shall come into force on 12th September 1991.

(2) Any reference in this Order to “the Schedule” shall be construed as a reference to the Schedule to this Order, and the reference to column 3 of the Schedule shall be construed as including a reference to the note to that column.

**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

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(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 1991, 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 so specified in column 3 of the Schedule.

**Revocation**

3. The Agricultural Holdings (Units of Production) Order 1990(2) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th August 1991.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

*Nicholas Bennett*  
Parliamentary Under Secretary of State, Welsh  
Office

14th August 1991

## SCHEDULE

Articles 1(2) and 2

PRESCRIBED UNITS OF PRODUCTION AND  
DETERMINATION OF NET ANNUAL INCOME

Column 1 Farminig use	Column 2 Unit of production	Column 3 Net annual income from unit of production
		£
<b>1. Livestock</b>	cow	190
Dairy cows:		
Channel Islands breeds		
Other breeds	cow:	240
Beef breeding cows:		
On eligible land under the Hill Livestock (Compensatory Allowances) Regulations 1984(3) which is severely disadvantaged land or disadvantaged land	cow	70
On other land	cow	30
Beef fattening cattle (intensive)	head	45 <sup>(1)</sup>
Dairy replacements	head	53 <sup>(1)</sup>
Other cattle	head	31 <sup>(1)</sup>
Ewes:		
On eligible land under the Hill Livestock (Compensatory Allowances) Regulations 1984 which is severely disadvantaged land or disadvantaged land	ewe	7
On other land	ewe	6
Store lambs (including ewe lambs as shearlings)	head	1
Pigs:		
Sows and gilts in pig	sow or gilt	90
Porker	head	3.90
Cutter	head	5.10

(1) This amount relates to an animal (irrespective of age) which would be kept for 12 months. In the case of an animal which would be kept for less than 12 months a pro-rata adjustment of the amount is to be made.

(3) [S.I. 1984/2024](#). The only relevant amending instrument is the Hill Livestock (Compensatory Allowances) (Amendment) (No. 2) Regulations 1991 ([S.I. 1991/1439](#)).

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Column 1 Farminig use	Column 2 Unit of production	Column 3 Net annual income from unit of production
Bacon	head	5.60
Poultry:		
Laying hens	bird	1.40
Broilers	bird	0.20
Point-of-lay pullets	bird	0.30
Turkeys	bird	1.20
Rabbits	doe	5
<i>2. Farm arable crops</i>		
Barley	hectare	25
Beans	hectare	25
Herbage seed	hectare	90
Linseed	hectare	85
Oats	hectare	25
Oilseed rape	hectare	120
Peas:		
Dried	hectare	25
Vining	hectare	120
Potatoes		
First early	hectare	460
Maincrop (including seed)	hectare	440
Sugar Beet	hectare	220
Wheat	hectare	92
<i>3. Outdoor horticultural crops</i>		
Beans:		
Broad	hectare	450
French	hectare	330
Runner	hectare	2400
Brussel sprouts	hectare	1000
Cabbage, Savoys and sprouting broccoli	hectare	1100
Carrots	hectare	1500

(1) This amount relates to an animal (irrespective of age) which would be kept for 12 months. In the case of an animal which would be kept for less than 12 months a pro-rata adjustment of the amount is to be made.

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Column 1 Farminig use	Column 2 Unit of production	Column 3 Net annual income from unit of production
Cauliflower and winter broccoli	hectare	1300
Celery	hectare	5000
Leeks	hectare	2500
Lettuce	hectare	3000
Onions:		
Dry bulb	hectare	1300
Salad	hectare	4000
Outdoor bulbs	hectare	1200
Parsnips	hectare	1000
Rhubard–natural	hectare	2000
Turnips and swedes	hectare	400
<b>4. Protected crops</b>		
Forced narcissus	1000 square metres	4800
Forced tulips	1000 square metres	6000
Mushrooms	1000 square metres	9000
<b>5. Orchard fruit</b>		
Apples:		
Cider	hectare	300
Cooking	hectare	800
Dessert	hectare	800
Cherries	hectare	600
Pears	hectare	720
Plums	hectare	550
<b>6. Soft fruit</b>		
Blackcurrants	hectare	710
Gooseberries	hectare	750
Raspberries	hectare	2300
Strawberries	hectare	3000
<b>7 Miscellaneous</b>		
Hops	hectare	700

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## 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 1991 to 11th September 1992 inclusive. This Order supersedes the Agricultural Holdings (Units of Production) Order 1990 (S.I. 1990/1696).

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 and 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.