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STATUTORY INSTRUMENTS

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**1994 No. 2183**

**LANDLORD AND TENANT,  
ENGLAND AND WALES**

**The Agricultural Holdings (Units of Production) Order 1994**

*Made* - - - - *5th August 1994*  
*Laid before Parliament* *22nd August 1994*  
*Coming into force* - - *12th September 1994*

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 1994 and shall come into force on 12th September 1994.

(2) Any reference in this Order to “the Schedule” shall be construed as a reference to the Schedule to this Order, and references to column 1 or 3 of the Schedule shall be construed as including a reference to the note or, as the case may be, notes to the column in question.

**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”.

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- (b) the amount determined, for the period of 12 months beginning with 12th September 1994, as the net annual income from that unit of production in that period shall be the amount specified in column 3 of the Schedule.

**Revocation**

3. The Agricultural Holdings (Units of Production) Order 1993(2) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd August 1994.

L.S.

*William Waldegrave*  
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Wales

*Gwilym Jones*  
Parliamentary Under Secretary of State for  
Wales

5th August 1994

## 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> £
<b>1. Livestock</b>		
Dairy cows:		
Channel Islands breeds	cow	243
Other breeds	cow	292
Beef breeding cows:		
On eligible land which is severely disadvantaged land or disadvantaged land under the Hill Livestock (Compensatory Allowances) Regulations 1993(3)	cow	97 <sup>(1)</sup>
On other land	cow	74 <sup>(1)</sup>
Beef fattening cattle (semi-intensive)	head	90 <sup>(2)</sup>
Dairy replacements	head	77 <sup>(3)</sup>
Ewes:		
On eligible land which is severely disadvantaged land or disadvantaged land under the Hill Livestock (Compensatory Allowances) Regulations 1993	ewe	21 <sup>(4)</sup>
On other land	ewe	19 <sup>(5)</sup>
Store lambs (including ewe lambs sold as shearlings)	head	1.20
Pigs:		
Sows and gilts in pig	sow or gilt	75
Porker	head	2.01
Cutter	head	3.54
Bacon	head	3.85
Poultry:		

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

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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> £
Laying hens	bird	1.31
Broilers	bird	.18
Point-of-lay pullets	bird	.34
Turkeys	bird	1.48
<b>2. Farm arable crops</b>		
Barley	hectare	185 <sup>(6)</sup>
Beans	hectare	226 <sup>(7)</sup>
Herbage seed	hectare	127
Linseed	hectare	121
Oats	hectare	211 <sup>(8)</sup>
Oilseed rape	hectare	256 <sup>(9)</sup>
Peas:		
Dried	hectare	198 <sup>(10)</sup>
Vining	hectare	206
Potatoes:		
First early	hectare	602
Maincrop (including seed)	hectare	607
Sugar Beet	hectare	387
Wheat	hectare	279 <sup>(11)</sup>
3. Set-aside <sup>(1)</sup>	hectare	46
<b>4. Outdoor horticultural crops</b>		
Broad beans	hectare	363
Brussels sprouts	hectare	1027
Cabbage, savoy and sprouting broccoli	hectare	1019
Carrots	hectare	1173
Cauliflower and winter broccoli	hectare	1010
Celery	hectare	3044
Leeks	hectare	2446
Lettuce	hectare	2508
Onions:		

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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> £
Dry bulb	hectare	1000
Salad	hectare	3418
Outdoor bulbs	hectare	736
Parsnips	hectare	1083
Rhubarb (natural)	hectare	1912
Turnips and swedes	hectare	852
<b>5. Protected crops</b>		
Forced narcissi	1000 square metres	3979
Forced tulips	1000 square metres	5667
Mushrooms	1000 square metres	9199
<b>6. Orchard fruit</b>		
Apples:		
Cider	hectare	626
Cooking	hectare	1810
Dessert	hectare	2180
Cherries	hectare	866
Pears	hectare	1598
Plums	hectare	1165
<b>7. Soft fruit</b>		
Blackcurrants	hectare	1278
Gooseberries	hectare	1560
Raspberries	hectare	3008
Strawberries	hectare	3615
<b>8. Miscellaneous</b>		
Hops	hectare	1216

*Note to column 1*

- (1) This refers to land which would be set aside under Article 2 and be subject to rotation under Article 7 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.).

*Notes to column 3*

- (1) Deduct £87 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 relevant to this Order, by Council Regulation No. 2066/92 (O.J. No. L215, 30.7.92, p.49), Council Regulation No. 125/93 (O.J. No. L18, 18.1.93, p.1) and Council Regulation No. 3611/93 (O.J. No. L328, 29.12.93, p.7). Add 028 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 £69 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

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male bovine animals (beef special premium) provided for in Article 4b of Council Regulation No. 805/68. Add £28 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 £69 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 £69 from the figure in column 3, then making a pro rata adjustment of the resulting figure, then adding to that figure the sum of £69 and (where the net annual income includes a sum in respect of extensification premium) the sum of £28.

- (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 £24 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). Deduct 0.12 from the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of that premium reduced by 50% by virtue of Article 5 of Council Regulation No. 3013/89.
- (5) Deduct £18 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. Deduct £9 from the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of that premium reduced by 50% by virtue of Article 5 of Council Regulation No. 3013/89.
- (6) Deduct £192 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 £359 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 £191 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 £417 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 £359 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 £193 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.

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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 1994 to 11th September 1995 inclusive. This Order supersedes the Agricultural Holdings (Units of Production) Order 1993 (S.I. 1993/2037).

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(1) and 50(1). 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

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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.