
STATUTORY INSTRUMENTS

1996 No. 2163

**LANDLORD AND TENANT
ENGLAND AND WALES**

The Agricultural Holdings (Units of Production) Order 1996

Made - - - - *12th August 1996*
Laid before Parliament *22nd August 1996*
Coming into force - - *12th September 1996*

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 1996 and shall come into force on 12th September 1996.

(2) Any reference in this Order to “the Schedule” shall be construed as a reference to the Schedule to this Order.

(3) Any reference in this Order to a Community instrument is a reference to that instrument as amended on the date this Order is made.

(4) In this Order, unless the context requires otherwise:

“Council Regulation 805/68” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal(2);

“Council Regulation 3013/89” means Council Regulation (EEC) No. 3013/89 on the common organization of the market in sheepmeat and goatmeat(3);

“Council Regulation 1765/92” means Council Regulation (EEC) No. 1765/92 establishing a support system for producers of certain arable crops(4);

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

(2) O.J. No. L148, 28.6.68, p.24 (O.J./S.E. 1968 (I) p.187), as amended in particular by Council Regulation (EEC) No. 2066/92 (O.J. No. L215, 30.7.92, p.49), and as last amended by Council Regulation (EC) No. 894/96 (O.J. No. L125, 23.5.96, p.1).

(3) O.J. No. L289, 7.10.89, p.1, as last amended by Council Regulation (EC) No. 1265/95 (O.J. No. L123, 3.6.95, p.1).

(4) O.J. No. L181, 1.7.92, p.12, as last amended by Council Regulation (EC) No. 2989/95 (O.J. No. L312, 23.12.95, p.5).

“Council Regulation 1357/96” means Council Regulation (EC) No. 1357/96 providing for additional payments to be made in 1996 with the premiums referred to in Regulation (EEC) No. 805/68 on the common organization of the market in beef and veal and amending that Regulation⁽⁵⁾.

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 is 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
- (b) the amount determined, for the period of 12 months beginning with 12th September 1996, as the net annual income from the unit of production in that period shall be the amount specified in column 3 of the Schedule opposite that unit of production.

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

Revocation

3. The Agricultural Holdings (Units of Production) Order 1995⁽⁶⁾ is hereby revoked.

7th August 1996

Tony Baldry
Minister of State, Minister of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Wales

12th August 1996

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

(5) O.J. No. L175, 13.7.96, p.9.

(6) S.I. 1996/2125.

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> £
<i>1. Livestock</i>		
Dairy cows:	cow	294
Channel Islands breeds		
Other breeds	cow	350
Beef breeding cows:	cow	75 ⁽¹⁾
On eligible land under the Hill Livestock (Compensatory Allowances) Regulations 1996(7)		
On other land	cow	60 ⁽¹⁾
Beef fattening cattle (semi- intensive)	head	102 ⁽²⁾
Dairy replacements	head	85 ⁽³⁾
Ewes:	ewe	28 ⁽⁴⁾
On eligible land under the Hill Livestock (Compensatory Allowances) Regulations 1996(7)		
On other land	ewe	24 ⁽⁵⁾
Store lambs (including ewe lambs sold as shearlings)	head	2
Pigs:	sow or gilt	103
Sows and gilts in pig		
Porker	head	2.83
Cutter	head	5.01
Bacon	head	6.22
Poultry:	bird	1.16
Laying hens		
Broilers	bird	0.16
Point-of-lay pullets	bird	0.32

(7) S.I. 1996/1500.

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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>
Turkeys	bird	1.44
<i>2. Farm arable crops</i>		
Barley	hectare	429 ⁽⁶⁾
Beans	hectare	185 ⁽⁷⁾
Herbage seed	hectare	208
Linseed	hectare	282 ⁽⁸⁾
Oats	hectare	349 ⁽⁹⁾
Oilseed rape	hectare	380 ⁽¹⁰⁾
Peas:	hectare	204 ⁽¹¹⁾
Dried		
Vining	hectare	311
Potatoes:	hectare	1207
First early		
Maincrop (including seed)	hectare	1226
Sugar Beet	hectare	513
Wheat	hectare	453 ⁽¹²⁾
<i>3. Set-aside</i>		
⁽¹⁾	hectare	97
<i>4. Outdoor horticultural crops</i>		
Broad beans	hectare	512
Brussels sprouts	hectare	1313
Cabbage, savoys and sprouting broccoli	hectare	1559
Carrots	hectare	1994
Cauliflower and winter broccoli	hectare	1140
Celery	hectare	4060
Leeks	hectare	3074
Lettuce	hectare	3414
Onions:	hectare	2008
Dry bulb		
Salad	hectare	4403
Outdoor bulbs	hectare	1687

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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>
Parsnips	hectare	2026
Rhubarb (natural)	hectare	2581
Turnips and swedes	hectare	1210
<i>5. Protected crops</i>		
Forced narcissi	1000 square metres	6338
Forced tulips	1000 square metres	6167
Mushrooms	1000 square metres	11452
<i>6. Orchard fruit</i>		
Apples:	hectare	505
Cider		
Cooking	hectare	1265
Dessert	hectare	1462
Cherries	hectare	1090
Pears	hectare	1110
Plums	hectare	933
<i>7. Soft fruit</i>		
Blackcurrants	hectare	961
Gooseberries	hectare	1490
Raspberries	hectare	2860
Strawberries	hectare	3117
<i>8. Miscellaneous</i>		
Hops	hectare	2103

Article 2(3)

NOTES TO THE SCHEDULE

Note to column 1

- (1) This refers to land which is set-aside under Article 2(5) of Council Regulation 1765/92, except where such land is used (in accordance with Article 7(4) of Council Regulation 1765/92) for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption.

Notes to column 3

- (1) Deduct £147 from this figure in the case of animals for which the net annual income does not include:
- (i) a sum in respect of the premium for maintaining suckler cows (suckler cow premium) provided for in Article 4d of Council Regulation 805/68, and
 - (ii) a sum provided for by Council Regulation 1357/96.
- Add £31 to the figure in column 3 in the case of animals for which the net annual income is to include a sum in respect of the additional amount (extensification premium) provided for in Article 4h of Council Regulation 805/68.
- (2) This is the figure for animals which are kept for 12 months. Deduct £113 in the case of animals which are kept for 12 months and for which the net annual income does not include:
- (i) 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, and
 - (ii) a sum provided for by Council Regulation 1357/96.

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Add £31 to the figure in column 3 in the case of animals which are kept for 12 months and for which the net annual income is to include a sum in respect 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 £113 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 £113 from the figure in column 3, then making a pro rata adjustment of the resulting figure, then adding to that figure the sum of £113 and (where the net annual income includes a sum in respect of extensification premium) the sum of £31.

- (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 £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 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.
- (6) Deduct £266 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 1765/92.
- (7) Deduct £385 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 £515 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 £265 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 £423 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 £385 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 £267 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 and sets out the amount which is to be regarded as the net annual income from each such unit for the year 12th September 1996 to 11th September 1997 inclusive. This Order supersedes the Agricultural Holdings (Units of Production) Order 1995 (S.I.1995/2125).

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 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

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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.