
WELSH STATUTORY INSTRUMENTS

2024 No. 10 (W. 4)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2024

<i>Made</i>	- - - -	<i>8 January 2024</i>
<i>Laid before Senedd Cymru</i>		<i>10 January 2024</i>
<i>Coming into force</i>	- -	<i>7 February 2024</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, application, coming into force and interpretation

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) Order 2024, it applies in relation to Wales and comes into force on 7 February 2024.

(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;

“Regulation 1307/2013” (“*Rheoliad 1307/2013*”) means [Regulation \(EU\) No 1307/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing rules for direct

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

(2) Functions conferred under the Agricultural Holdings Act 1986 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 \(c. 32\)](#).

payments to farmers under support schemes within the framework of the common agricultural policy⁽³⁾;

“severely disadvantaged land” (“*tir dan anfantaais 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 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 2023, 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 2022 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 2023, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 3.

8 January 2024

Lesley Griffiths
Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers

(3) EUR 2013/1307, amended by [S.I. 2020/1556](#); there are other amending instruments but none is relevant to these Regulations. This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

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	967.00
Beef breeding cows:	on land in a less favoured area	5.00
	on other land	-28.00
Beef fattening cattle (semi-intensive)	head	-24.00 ⁽¹⁾
Dairy replacements	head	154.00 ⁽¹⁾
Ewes:	on land in a less favoured area	-15.00
	on other land	10.00
Store lambs (including ewe lambs sold as shearlings)	head	12.00
Pigs:	sows and gilts in pig	265.00
	porker	9.90
	cutter	13.00
	bacon	15.60
Poultry:	laying hens	4.60
	broilers	0.30
	point-of-lay pullets	0.90
Christmas turkeys	bird	14.90
2. Farm arable crops		
Barley	hectare	334.00
Beans	hectare	181.00
Oilseed rape	hectare	164.00
Dried peas	hectare	200.00
Potatoes:	first early	2,650.00
	maincrop (including seed)	3,060.00
Sugar beet	hectare	620.00
Wheat	hectare	540.00
3. Outdoor horticultural crops and fruit		

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

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<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>	
Orchard fruit	hectare	4,460.00	
Soft fruit	hectare	17,870.00	
4. Eligible hectares			
Land which was, in 2022, an eligible hectare for the purposes of Regulation 1307/2013	severely disadvantaged land	hectare	116.18
	disadvantaged land	hectare	116.07
	all other land	hectare	50.76

(1) This is the figure for animals (irrespective of age) which are kept for 12 months. In the case of animals kept 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 2023 to 11 September 2024 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 of the 1986 Act; 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 (as defined in 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 2022, an eligible hectare within the meaning of Article 32(2) of [Regulation \(EU\) No 1307/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy. There are separate figures

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in the Schedule for disadvantaged land and severely disadvantaged land, land in a less favoured area and other land.

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.