STATUTORY INSTRUMENTS

2000 No. 1984

LANDLORD AND TENANT
ENGLAND

The Agricultural Holdings (Units of Production) (England) Order 2000

Made - - - - -	*24th July 2000*
Laid before Parliament	*21st August 2000*
Coming into force - -	*12th September 2000*

The Minister of Agriculture, Fisheries and Food, being the Minister designated in relation to England for the purposes of paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986(**a**), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Title commencement and interpretation

1.—(1) This Order may be cited as the Agricultural Holdings (Units of Production) (England) Order 2000 and shall come into force on 12th September 2000.

(2) Any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

(3) Any reference in this Order to a Community instrument is a reference to that instrument and any amendment of such instrument in force on the date this Order is made.

(4) In this Order:

"Council Regulation 2467/98" means Council Regulation (EC) No. 2467/98 on the common organisation of the market in sheepmeat and goatmeat(**b**);

"Council Regulation 1251/99" means Council Regulation (EC) No. 1251/99 establishing a support system for producers of certain arable crops(**c**);

"Council Regulation 1254/99" means Council Regulation (EC) No. 1254/99 on the common organisation of the market in beef and veal(**d**).

Assessment of productive capacity of land

2.—(1) Paragraphs (2) and (3) of this article have effect for the purpose of the assessment of the productive capacity of a unit of agricultural land situated in England, 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 being used to produce any livestock, crop, fruit or miscellaneous product as is mentioned in any of the entries 1 to 7 in column 1 of the Schedule, then

(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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(**a**) 1986 c. 5; section 96(1) of the Act defines "the Minister".
(**b**) OJ No. L312, 20.11.98, p.1.
(**c**) OJ No. L160, 26.6.99, p.1, as last amended by Council Regulation (EC) No. 2704/99 (OJ No. L327, 21.12.99, p.12).
(**d**) OJ No. L160, 26.6.99, p.21.

(b) the amount determined, for the period of 12 months beginning with 12th September 2000, as the net annual income from that unit of production in that period shall be the amount specified in column 3 of the Schedule opposite that unit of production.

(3) Where land capable, when farmed under competent management, of producing a net annual income is designated as set aside land, as is mentioned in entry 8 in column 1 of the Schedule, then—

(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 2000, as the net annual income from that unit of production in that period shall be the amount specified in column 3 of the Schedule opposite that unit of production.

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

Revocation

3. The Agricultural Holdings (Units of Production) (England) Order 1999(**a**) is hereby revoked.

Elliot Morley
Parliamentary Secretary,
24th July 2000 Ministry of Agriculture, Fisheries and Food

(**a**) S.I. 1999/2230.

SCHEDULE

Article 1(2) and 2

PRESCRIBED UNITS OF PRODUCTION AND DETERMINATION OF NET ANNUAL INCOME

Column 1 *Farming use*	*Column 2* *Unit of production*	*Column 3* *Net annual income from unit of production*
		£
1. Livestock		
Dairy cows:		
Channel Island breeds	cow	250
Other breeds	cow	308
Beef breeding cows:		
On eligible land under the Hill Livestock (Compensatory Allowances) Regulations 1996(**a**)	cow	52(1)
On other land	cow	43(1)
Beef fattening cattle (semi-intensive)	head	45(2)
Dairy replacements	head	30(3)
Ewes:		
On eligible land under the Hill Livestock (Compensatory Allowances) Regulations 1996	ewe	16(4)
On other land	ewe	18(5)
Store lambs (including ewe lambs sold as shearlings)	head	0.87
Pigs:		
Sows and gilts in pig	sow or gilt	70
Porker	head	1.60
Cutter	head	2.90
Bacon	head	4.10
Poultry:		
Laying hens	bird	0.90
Broilers	bird	0.10
Point-of-lay pullets	bird	0.20
Christmas Turkeys	bird	1.44
2. Farm arable crops		
Barley	hectare	112(6)
Beans	hectare	113(7)
Herbage seed	hectare	155
Linseed	hectare	62(8)
Oats	hectare	137(9)
Oilseed rape	hectare	121(10)
Peas:		
Dried	hectare	143(11)
Vining	hectare	237
Potatoes:		
First early	hectare	675
Maincrop (including seed)	hectare	705
Sugar Beet	hectare	288
Wheat	hectare	179(12)
3. Outdoor horticultural crops		
Broad beans	hectare	391
Brussels sprouts	hectare	1525
Cabbage, savoys and sprouting broccoli	hectare	1665
Carrots	hectare	2385
Cauliflower and winter broccoli	hectare	1040
Celery	hectare	7545
Leeks	hectare	3070
Lettuce	hectare	3950

(**a**) S.I. 1996/1500, as amended by S.I. 1997/33, S.I. 1998/206, S.I. 1999/375 and S.I. 1999/3316.

Column 1 *Farming use*	*Column 2* *Unit of production*	*Column 3* *Net annual income from unit of production*
		£
Onions:		
Dry bulb	hectare	1305
Salad	hectare	4263
Outdoor bulbs	hectare	1682
Parsnips	hectare	2591
Rhubarb (natural)	hectare	3750
Turnips and swedes	hectare	1400
4. Protected crops		
Forced narcissi	1,000 square metres	7225
Forced tulips	1,000 square metres	6790
5. Orchard fruit		
Apples:		
Cider	hectare	495
Cooking	hectare	1275
Dessert	hectare	1360
Cherries	hectare	1085
Pears	hectare	1140
Plums	hectare	1180
6. Soft fruit		
Blackcurrants	hectare	840
Raspberries	hectare	2865
Strawberries	hectare	3760
7. Miscellaneous		
Hops	hectare	1850
8. Set-aside(1)	hectare	26

NOTES TO THE SCHEDULE

Article 2(4)

Note to column 1

(1) For the marketing year 2000–2001 this refers to land which is set-aside under Article 2(3) of Council Regulation 1251/99, except where such land is used (in accordance with Article 6(3) of Council Regulation 1251/99) 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 £102 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 6 of Council Regulation 1254/99.

Add £23 to the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of the lower rate of extensification premium provided for in Article 13 of Council Regulation 1254/99.

Add £45 to the figure in column 3 in the case of animals for which the net annual income includes a sum in respect of the higher rate of extensification premium provided for in Article 13 of Council Regulation 1254/99.

(2) This is the figure for animals which are kept for 12 months.

Deduct £83 in the case of animals which are kept for 12 months and for which the net annual income does not include a sum in respect of the special premium for holding male bovine animals (beef special premium) provided for in Article 4 of Council Regulation 1254/99.

Add £23 to the figure in column 3 in the case of animals which are kept for 12 months and for which the net annual income includes a sum in respect of the lower rate of extensification premium.

Add £45 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 the higher rate 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 £83 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 £83 from the figure in column 3, then making a pro rata adjustment of the resulting figure, then adding to that figure the sum of £83 and (where the net annual income includes a sum in respect of extensification premium) the sum of £23 (where the extensification premium is paid at the lower rate) or £45 (where the extensification premium is paid at the higher rate).

(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 £16 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 2467/98.

(5) Deduct £12 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 £216 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 1251/99.

(7) Deduct £268 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 £326 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 £216 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 £309 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 £268 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 £217 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 situated in England and sets out the amount which is to be regarded as the net annual income from each such unit for the year 12th September 2000 to 11th September 2001 inclusive. This Order revokes the Agricultural Holdings (Units of Production) (England) Order 1999.

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 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 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.

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