STATUTORY INSTRUMENTS

2007 No. 2968

LANDLORD AND TENANT, ENGLAND

The Agricultural Holdings (Units of Production) (England) Order 2007

Made - - - -	*10th October 2007*
Laid before Parliament	*15th October 2007*
Coming into force - -	*7th November 2007*

The Secretary of State, in exercise of the powers conferred by paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986(**a**), and now vested in him(**b**), makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Agricultural Holdings (Units of Production) (England) Order 2007 and shall come into force on 7th November 2007.

(2) In this Order—

"Council Regulation 1782/2003" means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending certain Regulations(**c**);

"disadvantaged land" (except in the expression "severely disadvantaged land") means any area of land shown coloured blue on the England LFA maps;

"eligible hectare" shall be construed in accordance with Article 44(2) of Council Regulation 1782/2003;

"the England LFA maps" means the three volumes of maps numbered 1 to 3, each volume being marked "Volume of maps of less-favoured farming areas in England", dated 20th May 1991, signed and sealed by the Minister of Agriculture, Fisheries and Food and deposited at the offices of the Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London SW1P 2AL;

"moorland" means all the land that is—

(a) severely disadvantaged land, and

(b) shown coloured pink in the three volumes of maps entitled "Moorland Map of England 2006" each volume being marked with the number of the volume, dated 7th October 2007, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the offices of the Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London SW1P 2AL;

(**a**) 1986 c.5; section 96(1) of that Act defines "the Minister".

(**b**) In relation to England, the functions previously vested in the Minister of Agriculture, Fisheries and Food are vested in the Secretary of State - see article 5(1) of, and paragraph 27 of Schedule 1 to, the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794).

(**c**) OJ No. L270, 21.10.2003, p.1, as last amended by Commission Regulation (EC) No. 552/2007 (OJ No. L131, 23.5.2007, p. 10).

"severely disadvantaged land" means any area of land shown coloured pink on the England LFA maps.

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 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 is 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 shall be the unit in the entry in column 2 of that Schedule opposite to that entry, and

(b) the amount determined, for the period of 12 months beginning with 7th November 2007, as the net annual income from that unit of production in that period shall be the amount in the entry in column 3 of that Schedule opposite to that entry as read with any relevant note to that Schedule.

(3) Where land capable, when farmed under competent management, of producing a net annual income is the subject of payments of hill farm allowance (as is mentioned in entry 4 in column 1 of the Schedule to this Order), or was set aside from production in 2006 (as is mentioned in entry 5 in that column), or was an eligible hectare in 2006 (as is mentioned in entry 6 of that column), then—

(a) the unit of production prescribed in relation to that use of the land shall be the unit in the entry in column 2 of that Schedule opposite to that entry, and

(b) the amount determined, for the period of 12 months beginning with 7th November 2007, as the net annual income from that unit of production in that period shall be the amount in the entry in column 3 of that Schedule opposite to that entry.

Revocation

3. The Agricultural Holdings (Units of Production) (England) Order 2006(**a**) is revoked.

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

10th October 2007

(**a**) SI 2006/2628.

SCHEDULE

Article 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 (other than Channel Islands breeds)		cow	416
Beef breeding cows:			
	On less favoured area land under the Hill Farm Allowance Regulations 2007(**a**)	cow	-53
	On other land	cow	-85
Beef fattening cattle (semi-intensive)		head	-50**(1)**
Dairy replacements		head	75**(2)**
Ewes:			
	On less favoured area land under the Hill Farm Allowance Regulations 2007	ewe	-2
	On other land	ewe	13
Store lambs (including ewe lambs sold as shearlings)		head	3.70
Pigs:			
	Sows and gilts in pig	sow or gilt	174
	Porker	head	4.50
	Cutter	head	6.70
	Bacon	head	8.90
Poultry:			
	Laying hens	bird	2.20
	Broilers	bird	0.30
	Point-of-lay pullets	bird	0.45
Christmas Turkeys		bird	5.65
2. Farm arable crops			
Barley		hectare	104
Beans		hectare	140.89**(3)**
Herbage seed		hectare	196
Oilseed rape		hectare	112

(**a**) S.I. 2007/619.

Column 1 *Farming use*		*Column 2* *Unit of production*	*Column 3* *Net annual income from unit of production (£)*
Peas:			
	Dried	hectare	224.89**(3)**
	Vining	hectare	269
Potatoes:			
	First early	hectare	2245
	Maincrop (including seed)	hectare	1521
Sugar Beet		hectare	176
Wheat		hectare	255
3. Outdoor horticultural crops and fruit			
Orchard fruit		hectare	1800
Soft fruit		hectare	6500
4. Forage Land			
Eligible forage area as defined in regulation 2 of the Hill Farm Allowance Regulations 2007		hectare	The amount of hill farm allowance required to be paid under regulations 3 and 6 of the Hill Farm Allowance Regulations 2007
5. Set-aside			
Land which was, in 2006, set aside from production under Article 54(3) of Council Regulation 1782/2003:			
	Severely disadvantaged land, excluding moorland	hectare	-14.75
	Disadvantaged land	hectare	-9.50
	All other land	hectare	-105.00
6. Eligible hectares			
Land which was, in 2006, an eligible hectare for the purposes of Council Regulation 1782/2003, except land which was set aside from production under Article 54(3) of that Regulation:			
	Moorland	hectare	-12.91
	Severely disadvantaged land, excluding moorland	hectare	127.12
	Disadvantaged land	hectare	170.49
	All other land	hectare	74.99

NOTES TO THE SCHEDULE

1. This is the figure for animals which would be kept for 12 months. In the case of animals kept for less than 12 months a pro-rata adjustment of this figure is to be made.

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

3. This figure includes the protein crop premium provided for in Article 76 of Council Regulation 1782/2003.

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 7th November 2007 to 6th November 2008 inclusive for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act") . This Order revokes the Agricultural Holdings (Units of Production) (England) Order 2006.

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 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 (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 that assessment.

The net annual income figures in column 3 of the Schedule describe 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.

This Order includes net annual income figures for land which was, in 2006, an eligible hectare for the purposes of Council Regulation (EC) No. 1782/2003 (O.J. No. L270, 21.10.2003, p.1), which establishes the Single Payment Scheme. There are separate figures in the Schedule for moorland, severely disadvantaged land excluding moorland, disadvantaged land and other land. There are also separate figures for land which was set aside from production in 2006.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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