STATUTORY INSTRUMENTS

2014 No. 2712

LANDLORD AND TENANT, ENGLAND

The Agricultural Holdings (Units of Production) (England) Order 2014

Made - - - -	*5th October 2014*
Laid before Parliament	*10th October 2014*
Coming into force - -	*7th November 2014*

The Secretary of State, in exercise of the powers conferred by paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986(**a**), makes the following Order in exercise of those powers.

Citation, commencement, application, and interpretation

1.—(1) This Order may be cited as the Agricultural Holdings (Units of Production) (England) Order 2014, applies to England only, and comes into force on 7th November 2014.

(2) This Order applies in relation to England only.

(3) In this order—

"Council Regulation 73/2009" means Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, and amending and repealing certain Regulations(**b**);

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

"eligible hectare" has the same meaning as in Article 34(2) of Council Regulation 73/2009;

"the England LFA maps" means the four volumes of maps entitled "Less Favoured Area Map of England 2009", each volume being marked with the number of the volume, dated 29th January 2010, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the Intelligence Hub at the offices of the Department for Environment, Food and Rural Affairs at Nobel House, 17 Smith Square, London SW1P 3JR;

"less favoured area" means any area of land shown coloured blue or pink on the England LFA maps;

"moorland" means all the land that is—

(a) severely disadvantaged land, and

(**a**) 1986 c.5; section 96(1) of that Act defines "the Minister" as the Secretary of State in relation to England. Section 96(1) was amended by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, article 5 and Schedule 1, paragraph 27 (S.I. 2002/794).

(**b**) OJ No L 30, 31.1.2009, p.16, last amended by Commission Implementing Regulation (EU) No 320/2014 (OJ No L 93, 28.3.2014, p.81).

(b) shown coloured brown in the three volumes of maps entitled "Moorland Map of England 2009", each volume being marked with the number of the volume, dated 29th January 2010, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the Intelligence Hub at the offices of the Department for Environment, Food and Rural Affairs at Nobel House, 17 Smith Square, London SW1P 3JR;

"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) 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 is 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 2014, as the net annual income from that unit of production in that period is 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 an uplands transitional payment (see entry 4 in column 1 of the Schedule to this Order), or was an eligible hectare in 2013 (see entry 5 in column 1), then—

(a) the unit of production prescribed in relation to that use of the land is 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 2014, as the net annual income from that unit of production in that period is 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 2013(**a**) is revoked.

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

5th October 2014

(**a**) S.I. 2013/2607.

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		cow	600
Beef breeding cows:	on land in a less favoured area	cow	-144
	on other land	cow	-131
Beef fattening cattle (semi-intensive)		head	-34[(1)]
Dairy replacements		head	102[(2)]
Ewes:	on land in a less favoured area	ewe	-18
	on other land	ewe	-3
Store lambs (including ewe lambs sold as shearlings)		head	4.70
Pigs:	sows and gilts in pig	sow or gilt	350
	porker	head	13.80
	cutter	head	17.30
	bacon	head	20.60
Poultry:	laying hens	bird	3.50
	broilers	bird	0.60
	point-of-lay pullets	bird	0.30
Christmas turkeys		bird	5.20
2. Farm arable crops			
Barley		hectare	22
Beans		hectare	141
Oilseed rape		hectare	100
Dried peas		hectare	70
Potatoes:	first early	hectare	2,580
	maincrop (including seed)	hectare	2,220
Sugar beet		hectare	730
Wheat		hectare	190
3. Outdoor horticultural crops and fruit			
Orchard fruit		hectare	3,080
Soft fruit		hectare	10,240

4. Forage land			
Eligible forage area as defined in regulation 2 of the Uplands Transitional Payment Regulations 2014(**a**)		hectare	the amount of uplands transitional payment required to be paid under regulations 3 and 5 of the Uplands Transitional Payment Regulations 2014
5. Eligible hectares			
Land which was, in 2013, an eligible hectare for the purposes of Council Regulation 73/2009	moorland	hectare	-30.90
	severely disadvantaged land, excluding moorland	hectare	145.10
	disadvantaged land	hectare	128.20
	all other land	hectare	76.30

(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.

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 2014 to 6th November 2015 for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act"). This Order revokes the Agricultural Holdings (Units of Production) (England) Order 2013 (S.I. 2013/2607).

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.

This Order includes net annual income figures for land which was, in 2013, an eligible hectare for the purposes of Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p.16); it also provides, by reference to the Uplands Transitional Payment Regulations 2014 (S.I. 2014/112), net annual income figures for land which is the subject of uplands transitional payments under those Regulations.

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

(**a**) S.I. 2014/112.

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