STATUTORY INSTRUMENTS

2021 No. 102

LANDLORD AND TENANT, ENGLAND

The Agricultural Holdings (Units of Production) (England) Order 2021

Made - - - -	*29th January 2021*
Laid before Parliament	*2nd February 2021*
Coming into force - -	*23rd February 2021*

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

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Agricultural Holdings (Units of Production) (England) Order 2021 and comes into force on 23rd February 2021.

(2) In this Order—

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

"eligible hectare"(**b**) has the same meaning as in Article 32(2) of Regulation 1307/2013;

"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(**c**);

"less favoured area" means any area of disadvantaged land or severely disadvantaged land;

"moorland" means all the land that is—

(a) severely disadvantaged land; and

(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;

(**a**) 1986 c. 5. See section 96(1) for the definition of "the Minister" (in relation to England).

(**b**) Eligible hectares are entitled to receive direct payments made under the basic payment scheme (BPS rates) established by Regulation 1307/2013 (as defined in this Order), including an additional greening component (greening rates) in relation to agricultural practices beneficial for the climate and the environment.

(**c**) Maps showing less favoured areas in England can be accessed online at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666713/structure-june-eng-lessfavouredareas-13dec17.xls

"Regulation 1307/2013" means Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, as it had effect immediately before the coming into force of this Order;

"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—

(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 23rd February 2021, 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 the Schedule.

(3) Where the land in question is capable, when farmed under competent management, of producing a net annual income and was an eligible hectare in 2019 in accordance with entry 4 in Column 1 of the Schedule—

(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 23rd February 2021, as the net annual income from that unit of production in that period is the amount in the corresponding entry in Column 3.

Revocation

3. The Agricultural Holdings (Units of Production) (England) (No. 2) Order 2019(**a**) is revoked.

Victoria Prentis
Parliamentary Under Secretary of State
29th January 2021 Department for Environment, Food and Rural Affairs

SCHEDULE

Article 2

Prescribed units of production and determination of net annual income

Column 1		*Column 2*	*Column 3*
Farming use		*Unit of production*	*Net annual income from unit of production (£)*
1. Livestock			
Dairy cows		Cow	587.00
Beef breeding cows:	on land in a less favoured area	Cow	-174.00

(**a**) S.I. 2019/1453.

	on other land	Cow	-239.00
Beef fattening cattle (semi-intensive)		Head	-178.00[1]
Dairy replacements		Head	99.00[1]
Ewes:	on land in a less favoured area	Ewe	-31.00
	on other land	Ewe	-0.50
Store lambs (including ewe-lambs sold as shearlings)		Head	5.00
Pigs:	sows and gilts in pig	Sow or gilt	304.00
	porker	Head	9.70
	cutter	Head	13.10
	bacon	Head	15.70
Poultry:	laying hens	Bird	3.80
	broilers	Bird	0.40
	point of lay pullets	Bird	0.70
Christmas turkeys		Bird	7.70
2. Farm arable crops			
Barley		Hectare	144.00
Beans		Hectare	179.00
Oilseed rape		Hectare	83.00
Dried peas		Hectare	550.00
Potatoes:	first early	Hectare	3690.00
	maincrop (including seed)	Hectare	3390.00
Sugar beet		Hectare	410.00
Wheat		Hectare	260.00
3. Outdoor horticultural crops and fruit			
Orchard fruit		Hectare	3170.00
Soft fruit		Hectare	15370.00
4. Eligible hectare			
Land which was, in 2019, an eligible hectare[2] within the meaning of Regulation 1307/2013:	moorland	Hectare	-0.80
	severely disadvantaged land, excluding moorland	Hectare	163.60
	disadvantaged land	Hectare	65.90
	all other land	Hectare	-16.70

[1] This is the figure for animals (irrespective of age) which are 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] The figures given in Column 3, for a hectare of the type of land described in Column 1, are the aggregate of the BPS rate and greening rate applicable to that unit of production for the relevant farming use. The BPS rates used have been adjusted to take off average rents and 2% for cross compliance. The BPS rates and greening rates are those confirmed on 5th November 2019 at https://www.gov.uk/government/news/rpa-confirms-bps-2019-entitlement-values-and-greening-rates. Hard copies can be obtained from the Rural Payments Agency, P.O. Box 69, Reading, RG1 3YD.

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 from 23rd February 2021 to 22nd February 2022 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 in 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 that assessment.

Article 2 also includes net annual income figures for land which was, in 2019, an eligible hectare within the meaning of Article 32(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy.

Article 3 revokes the Agricultural Holdings (Units of Production) (England) (No. 2) Order 2019 (S.I. 2019/1453).

Hard copies of the England LFA Maps (as defined in article 1(2)) and the Moorland Map of England 2009 can be obtained by emailing farming-statistics@defra.gov.uk or writing to the Farming Statistics Team at Room 201, Foss House, 1-2 Peasholme Green, York, YO1 7PX.

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

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

UK202101291009 02/2021 19585

http://www.legislation.gov.uk/id/uksi/2021/102

ISBN 978-0-34-821963-0

9 780348 219630