2002 No. 1925

LANDLORD AND TENANT
ENGLAND

The Agricultural Holdings (Units of Production) (England) Order 2002

Made - - - - -	*22nd July 2002*
Laid before Parliament	*23rd July 2002*
Coming into force - -	*12th September 2002*

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986(**a**), and now vested in her (**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 2002 and shall come into force on 12th September 2002.

(2) 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.

(3) In this Order:

"Council Regulation 2529/01" means Council Regulation (EC) No. 2529/01 on the common organisation of the market in sheepmeat and goatmeat(**c**);

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

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

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 sub-paragraph (1) of paragraph 3 of Schedule 6 to the Agricultural Holdings Act 1986.

(**a**) 1986 c. 5; section 96(1) of the 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/(S.I. 2002/794).
(**c**) OJ No. L341, 22.12.01, p.3.
(**d**) OJ No. L160, 26.6.99, p.1, as last amended by Council Regulation (EC) No. 1038/01 (OJ No. L145, 31.5.01, p.16).
(**e**) OJ No. L160, 26.6.99, p.21, as last amended by Council Regulation (EC) No. 1512/01 (OJ No. L201, 26.7.01, p.1).

(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 6 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 12th September 2002, 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 in receipt of hill farm allowance or is designated as set aside land, as is mentioned in entries 7 and 8 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 12th September 2002, 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 2001(**a**) is revoked.

Whitty
Parliamentary Under-Secretary of State,
22nd July 2002 Department for Environment, Food and Rural Affairs

(**a**) S.I. 2001/2751.

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:		
Channel Islands breeds	cow	299
Other breeds	cow	378
Beef breeding cows:		
On less favoured area land under the Hill Farm Allowance Regulations 2002(**a**)	cow	19(1)
On other land	cow	60(1)
Beef fattening cattle (semi-intensive)	head	38(2)
Dairy replacements	head	30(3)
Ewes:		
On less favoured area land under the Hill Farm Allowance Regulations 2002	ewe	3(4)
On other land	ewe	9(5)
Store lambs (including ewe lambs sold as shearlings)	head	0.75
Pigs:		
Sows and gilts in pig	sow or gilt	75
Porker	head	1.50
Cutter	head	2.85
Bacon	head	4.20
Poultry:		
Laying hens	bird	0.92
Broilers	bird	0.09
Point-of-lay pullets	bird	0.20
Christmas Turkeys	bird	1.27
2. Farm arable crops		
Barley	hectare	149(6)
Beans	hectare	195(7)
Herbage seed	hectare	110
Oats	hectare	176(8)
Oilseed rape	hectare	76(9)
Peas:		
Dried	hectare	224(10)
Vining	hectare	200
Potatoes:		
First early	hectare	860
Maincrop (including seed)	hectare	860
SugarBeet	hectare	240
Wheat	hectare	214(11)
3. Outdoor horticultural crops		
Broad beans	hectare	425
Brussels sprouts	hectare	1505
Cabbage, savoys and sprouting broccoli	hectare	1730
Carrots	hectare	2270
Cauliflower and winter broccoli	hectare	975
Celery	hectare	8255
Leeks	hectare	2945
Lettuce	hectare	4150
Onions:		
Dry bulb	hectare	1305
Salad	hectare	4125
Parsnips	hectare	2591
Rhubarb (natural)	hectare	5000
Turnips and swedes	hectare	1210

(**a**) S.I. 2002/271.

Column 1 *Farming use*	*Column 2* *Unit of production*	*Column 3* *Net annual income from unit of production*
		£
4. Orchard fruit		
Apples:		
Cider	hectare	420
Cooking	hectare	1275
Dessert	hectare	1250
Cherries	hectare	690
Pears	hectare	965
Plums	hectare	1215
5. Soft fruit		
Blackcurrants	hectare	740
Raspberries	hectare	3000
Strawberries	hectare	3500
6. Miscellaneous		
Hops	hectare	1670
7. Forage Land		
Eligible forage area as described in regulation 7 of the Hill Farm Allowance Regulations 2002	hectare	the amount of hill farm allowance required to be paid under the Hill Farm Allowance Regulations 2002
8. Set-aside		
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 Regulation1251/99) for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption.	hectare	24

NOTES TO THE SCHEDULE

(1) Deduct £120 from the figure in column 3 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 on the common organisation of the market in beef and veal.

Add £24 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 £48 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 £102 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 £24 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 £48 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 £102 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 £102 from the figure in column 3, then making a pro rata adjustment of the resulting figure, then adding to that figure the sum of £102 and (where the net annual income includes a sum in respect of extensification premium) the sum of £24 (where the extensification premium is paid at the lower rate) or £48 (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 £17 from the figure in column 3 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 Articles 4 and 5 of Council Regulation 2529/01 on the common organisation of the market in sheepmeat and goatmeat.

(5) Deduct £13 from the figure in column 3 in the case of animals for which the net annual income does not include a sum in respect of sheep annual premium.

(6) Deduct £227 from the figure in column 3 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 £262 from the figure in column 3 in the case of land for which the net annual income does not include a sum in respect of area payment.

(8) Deduct £226 from the figure in column 3 in the case of land for which the net annual income does not include a sum in respect of area payment.

(9) Deduct £228 from the figure in column 3 in the case of land for which the net annual income does not include a sum in respect of area payment.

(10) Deduct £262 from the figure in column 3 in the case of land for which the net annual income does not include a sum in respect of area payment.

(11) Deduct £228 from the figure in column 3 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 2002 to 11th September 2003 inclusive. This Order revokes the Agricultural Holdings (Units of Production) (England) Order 2001.

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 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.

STATUTORY INSTRUMENTS

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