STATUTORY INSTRUMENTS

1978 No. 809

LANDLORD AND TENANT

AGRICULTURAL HOLDINGS

The Agriculture (Calculation of Value for Compensation) Regulations 1978

Made - - - -	25*th May* 1978
Laid before Parliament	9*th June* 1978
Coming into Operation	1*st July* 1978

The Minister of Agriculture, Fisheries and Food, in relation to England, with the advice of the committee appointed by him under the provisions of section 79 of the Agricultural Holdings Act 1948(a), and the Secretary of State for Wales, in relation to Wales, with the advice of the committee appointed by him under the provisions of the said section 79 as read with Article 2(1) of the Transfer of Functions (Wales) (No. 1) Order 1978(b), in exercise of the powers conferred by section 51(1) of the Agricultural Holdings Act 1948, and now vested in them(c), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Agriculture (Calculation of Value for Compensation) Regulations 1978, and shall come into operation on 1st July 1978.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires,—

"the Act" means the Agricultural Holdings Act 1948;

"roots" means the produce of any root crop of a kind normally grown for consumption on the holding;

"tenant" means the outgoing tenant;

"year" means a period of twelve consecutive calendar months.

(2) The Interpretation Act 1889(d) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations and the regulations hereby revoked were Acts of Parliament.

(3) Any reference in these regulations to any enactment shall be construed as a reference to that enactment as amended, varied or extended under that enactment or by or under any other enactment.

Compensation for improvements and other matters

3. Subject to subsections (2) and (3) of section 51 of the Act and to regulation 4 below, the compensation for any improvement or other matter

(a) 1948 c. 63. (b) S.I. 1978/272.
(c) In the case of the Secretary of State for Wales, by virtue of Article 2(1) of the Transfer of Functions (Wales) (No. 1) Order 1978.
(d) 1889 c. 63.

specified in a numbered paragraph of the Fourth Schedule to the Act shall, where the tenancy of the tenant claiming such compensation terminates on or after the coming into operation of these regulations, be calculated in accordance with the paragraph so numbered in Schedule 1 to these regulations.

Reduction of compensation

4.—(1) Where any work in relation to an improvement or other matter has not been carried out in the most efficient and economical manner practicable in the circumstances, or any improvement or other matter has been adversely affected by—

(*a*) any breach by the tenant of the rules of good husbandry, or

(*b*) any other act or omission of the tenant, whether intentional or negligent,

and the compensation for that improvement or other matter calculated pursuant to regulation 3 above exceeds the actual value to an incoming tenant, the compensation shall be reduced so as not to exceed such actual value, but no reduction shall be made for any adverse effects of seasonal conditions which the tenant could not reasonably have been expected to guard against or mitigate.

(2) Where—

(*a*) any hay, fodder crops, straw, roots, manure or compost are destroyed by fire or otherwise or, after the giving of a notice to quit by the tenant or the landlord and without the landlord's written consent, are sold by the tenant or removed by him from the holding, and

(*b*) but for the destruction, sale or removal, compensation would have been payable to the tenant under paragraph 8 of the Fourth Schedule to the Act in respect of the produce destroyed, sold or removed,

the compensation which would otherwise be payable to the tenant under these regulations shall be reduced by an amount equal to the reasonable cost to an incoming tenant of replacing on the holding produce similar in all respects to that which has been destroyed, sold or removed, less the value of the replaced produce itself, calculated under these regulations as if it had been on the holding when the tenant quitted at the termination of the tenancy.

(3) Paragraphs 8 to 10 of Part II of Schedule 1 to these regulations do not apply to crops or produce grown, seeds sown, cultivations, fallows or acts of husbandry performed or pasture laid down in contravention of the terms of a written contract of tenancy unless either—

(*a*) the tenant shows that the terms contravened were inconsistent with the fulfilment of the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry, or

(*b*) the contravention was reasonably necessary in consequence of the giving of a direction by the Minister under the Agriculture Act 1947**(a)** or by the Secretary of State for Wales under that Act as read with the Transfer of Functions (Wales) (No. 1) Order 1978.

Revocations

5. The instruments mentioned in Schedule 2 to these regulations are hereby revoked, but without prejudice to their application in relation to tenancies terminating before the coming into operation of these regulations.

(a) 1947 c. 48.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd May, 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

25th May, 1978.

T. Alec Jones,
Parliamentary Under Secretary of State for Wales.

Regulation 3

SCHEDULE 1

PART I

1. *Mole drainage and works carried out to secure the efficient functioning thereof*

(1) (*a*) Where the moles discharge into a piped main drain, the value shall (subject to sub-paragraph (2) below) be the reasonable cost of the work less one-sixth for each year since the work was completed;

(*b*) Where the moles discharge direct into an open ditch (whether the outfalls are piped or not), the value shall (subject to sub-paragraph (2) below) be the reasonable cost of the work less one-third for each year since the work was completed.

(2) If the value of any work, calculated in accordance with sub-paragraph (1) above, exceeds the actual value to an incoming tenant, in any case where—

(*a*) plans on a suitable scale, made at the time when the work was done, and showing the position of all moles, mains and outfalls, are not made available to the landlord; or

(*b*) moles were not drawn at a proper depth, having regard to the nature of the soil and subsoil; or

(*c*) any ditches into which the outfalls discharge have not been maintained clean, free from obstruction and at a proper depth since the work was done; or

(*d*) deep cultivation or other work interfering with the efficient functioning of the drains has been done on the land since the drainage work was completed; or

(*e*) the land is not of consistently suitable slope or soil texture for mole drainage to be effective; or

(*f*) the drainage scheme was not a proper one, having regard to all the conditions, or was not efficiently carried out; or

(*g*) for any other reason, the drainage system does not function efficiently,

the value so calculated shall be reduced so as not to exceed such actual value.

2. *Protection of fruit trees against animals*

The value shall be the reasonable cost of the protection, whether around each tree or around the perimeter of the orchard or both, reduced where necessary according to—

(*a*) the existing condition of the protection;

(*b*) the existing condition of the fruit trees;

(*c*) the further period for which protection is likely to be necessary.

3. ——

4. *Clay burning*

The value shall be the reasonable cost of the work, less one-quarter for each growing season since the work was completed.

5. *Liming (including chalking) of land*

(1) Subject to sub-paragraphs (2) and (3) below, the value shall be the reasonable cost of the lime applied to the land (including the cost of delivery and application) reduced by such amount as represents the value of calcium carbonate ($CaCO_3$) or its equivalent calcium oxide (CaO) lost due to excess winter rainfall, such loss being estimated, by reference to mean annual excess winter rainfall and the rate of application of nitrogenous fertiliser to the land subsequent to the application of lime, in accordance with Table 1.

TABLE 1

Estimated annual loss of Calcium carbonate ($CaCO_3$) and its equivalent Calcium oxide (CaO) due to excess winter rainfall and nitrogenous fertiliser application

Mean annual excess winter rainfall	Rate of application of lime (ground limestone or equivalent)	Rate of application of nitrogenous fertiliser Kilogrammes per hectare annually							
		Up to 60		61 to 120		121 to 240		Over 240	
		Annual loss Kg/ha		Annual loss Kg/ha		Annual loss Kg/ha		Annual loss Kg/ha	
mm	tonnes per hectare	$CaCO_3$	CaO	$CaCO_3$	CaO	$CaCO_3$	CaO	$CaCO_3$	CaO
Up to 250	Up to 7.4	240	140	390	210	600	340	900	500
	7.5 to 12.4	300	180	450	250	680	380	970	540
	12.5 and over	400	230	550	300	770	430	1,070	600
260 to 500	Up to 7.4	490	280	640	360	870	490	1,170	650
	7.5 to 12.4	680	380	820	460	1,040	590	1,340	750
	12.5 and over	920	510	1,070	590	1,280	720	1,580	890
Over 500	Up to 7.4	890	500	1,040	580	1,260	700	1,560	880
	7.5 to 12.4	1,230	690	1,370	770	1,590	890	1,900	1,050
	12.5 and over	1,710	930	1,850	1,040	2,070	1,150	2,370	1,330

(2) For the purpose of sub-paragraph (1) above, the cost shall not be regarded as reasonable if it exceeds the estimated cost (including the cost of delivery and application) of the equivalent in ground limestone or chalk, whichever is the cheaper, of an application of 7.5 tonnes per hectare of calcium oxide unless a heavier dressing or alternative material was applied following and in accordance with scientific advice relating to the condition of the soil.

(3) (*a*) Where the soil characteristics and high excess winter rainfall taken together are such as to be major causes of rapid leaching of calcium from the soil, the value shall be nil at the end of four years after application of the lime; and

(*b*) in every other case, the value shall be nil at the end of eight years after application of the lime.

(4) In this paragraph and Table 1—

(*a*) the expression "lime" includes chalk;

(*b*) "excess winter rainfall" means the amount of rain falling between the date in autumn when the soil reaches field capacity and the end of March in the following year, less the amount of the evapotranspiration from the soil during that period, as is indicated by the data on such rainfall, including data of mean annual excess winter rainfall, in relation to different areas of England and Wales produced from time to time by the Meteorological Office.

6. *Application to land of purchased manure and fertiliser, whether organic or inorganic*

A. Purchased fertilisers containing nitrogen, phosphate or potash:

I. Fertilisers other than bulky organic manures:

(1) Where no crop has been taken from the land since the fertiliser was applied, the value shall be the reasonable cost of the fertiliser as applied to the land (including the cost of delivery and application).

(2) Where one crop or more has been taken from the land since the fertiliser was applied, the value shall be,—

(*a*) for nitrogen contained in the fertiliser, nil;

(*b*) subject as provided below, for each Unit of phosphoric acid (as P_2O_5) contained in the fertiliser, the amount calculated in accordance with Table 2 below: Provided that—

(i) where a phosphatic fertiliser contains less than one-tenth of its total phosphoric acid content in an insoluble form, as indicated by the solubility test appropriate to that fertiliser, its total phosphoric acid content shall be treated as soluble;

(ii) where a phosphatic fertiliser other than a fertiliser specified and applied as described in items 2(*a*), 2(*b*)(i) or 3(*a*) in Table 2 contains more than one-tenth of its total phosphoric acid content in an insoluble form, the value shall be restricted to and determined only for each Unit of phosphoric acid in soluble form in that fertiliser;

(iii) for the purpose of this sub-paragraph, permanent grassland shall be taken to mean grassland which at the termination of the tenancy has been established for five or more years;

(iv) in the case of land situated in an area in which rapid fixation of phosphate occurs, the foregoing provisions of this sub-paragraph shall not apply and the value for each Unit of phosphoric acid contained in fertiliser applied to that land shall be the residual value (if any) determined in accordance with scientific evidence and by reference to the reasonable cost of the fertiliser as applied to the land (including the cost of delivery and application);

(*c*) for each Unit of potash (K_2O) contained in the fertiliser, the amount calculated in accordance with Table 3 below: Provided that—

(i) where a vegetable crop has been produced from the land following the application of the fertiliser and the majority of the stem and leaf was removed, the value shall be nil, but where the said majority was left

on the land, the value shall be calculated in accordance with item 1 in Table 3, and where an intermediate proportion of stem and leaf was removed, the value shall be calculated in accordance with such proportion;

(ii) in the case of land comprised in holdings which are entirely or mainly horticultural holdings, the value shall be calculated in accordance with item 1 in Table 3.

(3) For the purposes of sub-paragraph (2) above, a Unit of nutrient (phosphoric acid (as P_2O_5) or, as the case may be, potash (K_2O)) is the amount of nutrient contained in one per cent of a tonne of fertiliser calculated on the basis of the percentage content of the nutrient in the fertiliser as stated in the relevant statutory statement given in relation to the fertiliser under section 68 of the Agriculture Act 1970(a).

TABLE 2

Unit Value of Phosphoric acid (as P_2O_5) in one per cent of a tonne of fertiliser

Nature of fertiliser	After		
	ONE	TWO	THREE
	growing seasons		
	p	p	p
1. Organic forms and inorganic forms (including basic slag) but excluding rock phosphates and calcined calcium aluminium phosphate	142	71	35
2. 'Soft' ground rock phosphates(1) applied in—			
(a) areas with a mean excess winter rainfall(2) of 450mm or more	142	71	35
(b) areas with a mean excess winter rainfall(2) of less than 450mm			
(i) Permanent grassland	142	71	35
(ii) Other crops	nil	nil	nil
3. Other ground rock phosphates applied in—			
(a) areas with a mean excess winter rainfall(2) of 450mm or more	35	35	35
(b) areas with a mean excess winter rainfall(2) of less than 450mm	nil	nil	nil
4. Calcined calcium aluminium phosphate	The value, if any, shall be such as may be determined in accordance with scientific evidence		

NOTES:

(1) 'Soft' ground rock phosphates in this Table means the material of that name described in Group 2(a) in Section A of Schedule 1 to the Fertilisers Regulations 1977(b).

(2) Data of the mean excess winter rainfall in different areas of England and Wales are produced by the Meteorological Office.

II. Bulky organic manures brought on to the holding:

Subject to sub-paragraphs (3) and (4) below, the values of bulky organic manures brought on and applied to the holding shall be in accordance with the provisions of sub-paragraphs (1) and (2) below:—

(1) Farmyard manure:

(a) Where no payment was made for the manure and—

(i) no crop has been taken from the land since the manure was applied, the value shall be the cost of delivery and application;

(ii) one crop or more has been taken from the land since the manure was applied, the value shall be, after the first growing season, one-half,

(a) 1970 c. 40. (b) S.I. 1977/1489.

TABLE 3

Unit Value of Potash (K_2O) in one per cent of a tonne of fertiliser

Type of crops to which fertiliser applied	After		
	ONE	TWO	THREE
	growing seasons		
	p	p	p
1. Applied to arable crops (except forage crops) and all root crops where tops are left on the land, except potatoes (see also 4 below)	66	33	nil
2. Applied to leys, permanent grassland or forage crops which are grazed or the product cut and fed on the holding	66	33	nil
3. Applied to leys and permanent grassland the product of which is cut and removed from the holding	nil	nil	nil
4. Applied to roots (including potatoes) and forage crops which are removed from the holding	nil	nil	nil

and after the second growing season, one-quarter, of the cost of delivery and application, and thereafter, nil;

(*b*) Where payment was made for the manure and—

(i) no crop has been taken from the land since the manure was applied, the value shall be the cost of the manure as applied to the land (including the cost of delivery and application);

(ii) one crop or more has been taken from the land since the manure was applied, the value shall be, after the first growing season, one-half, and after the second growing season, one-quarter, of the said cost, and thereafter, nil:

Provided that the value of any type of manure specified in Table 4 below shall not exceed the value specified in relation to that type in the appropriate circumstances set out in that Table.

TABLE 4

Value per tonne of purchased farmyard manure

Type of manure	No crop off	After one growing season	After two growing seasons	After three growing seasons
	p	p	p	p
Cattle (FYM)	430	215	108	nil
Horse (stable manure)	490	245	123	nil
Pig (FYM)	475	238	119	nil
Poultry (deep litter)	980	490	245	nil
Poultry (broiler manure)	1,165	583	291	nil

(2) Slurry:

Where manure is brought on and applied to the land in the form of slurry, the value shall be the reasonable cost of cartage (if any) and application.

(3) No compensation shall be payable under sub-paragraph (1) or (2) above in respect of the excess (if any) of the rates of application set out in the second column below in relation to the type of bulky organic manure specified in the first column below:—

Bulky Organic Manure

(1) *Type applied*	(2) *Application per hectare per annum*
Cattle, horse or pig manure	50 tonnes
Deep litter poultry manure	18 tonnes
Broiler poultry manure	12.5 tonnes

(4) No value shall be given to, and no compensation shall be payable in respect of, any purchased manure applied to land during the last year of the tenancy after the last crop was removed from that land unless such application was made at the written request, or with the written consent, of the landlord.

B. Magnesium and copper:

(1) (*a*) (i) Subject to sub-paragraph (*b*) of this paragraph, where magnesium (in whatever chemical compound form) has been applied to land following and in accordance with scientific advice, the value of the magnesium so applied shall be taken to be the amount (if any) by which the net cost (including the cost of delivery and application) of the quantity of calcined magnesite required to provide the same quantity of magnesium as was actually applied (such net cost being calculated by reference to average prices and costs prevailing at the time of the purchase, delivery and application respectively, of the magnesium) exceeds the net cost (including, and calculated, as aforesaid) of the quantity of calcined magnesite which would provide 60 kilogrammes of magnesium per hectare.

(ii) After the first, second and third growing seasons following application of the magnesium, the value calculated in accordance with sub-paragraph (*a*)(i) above shall be reduced to three-quarters, one-half and one-quarter, respectively, and to nil thereafter.

(*b*) Sub-paragraph (*a*) above shall not apply to magnesium applied to land in the form of a magnesian fertiliser specified in Group 5 of Section A of Schedule 1 to the Fertilisers Regulations 1977.

(2) (*a*) Subject to sub-paragraph (*b*) below, where copper (in whatever chemical compound form) has been applied to land following and in accordance with scientific advice, the value of the copper so applied shall be taken to be the amount (if any) by which the net cost (including the cost of delivery and application) of the quantity of hydrated copper sulphate required to provide the same quantity of copper as was actually applied (such net cost being calculated by reference to average prices and costs prevailing at the time of the purchase, delivery and application, respectively, of the copper) exceeds the net cost (including, and calculated, as aforesaid) of the quantity of hydrated copper sulphate which would provide six kilogrammes of copper per hectare;

(*b*) The value of copper applied calculated in accordance with sub-paragraph (*a*) above shall be reduced by one-eighth for each year following application of the copper.

7. *Consumption on the holding of corn (whether produced on the holding or not) or of cake or other feeding stuffs not produced on the holding by horses, cattle, sheep, pigs or poultry*

(1) The values per tonne of feeding stuff consumed on the holding set out in Tables 5(*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*), (*h*) and (*j*) below shall apply in all cases where feeding stuffs are fed to the animals and poultry specified in those Tables in buildings or open yards and the manure, whether farmyard manure or in the form of slurry, is stored under average conditions.

(2) Where the conditions of storage of the manure are other than average, or where the feeding stuffs are fed directly on the land, the values set out in the said Tables 5(*a*)–(*j*) shall be adjusted in accordance with Table 6 below.

(3) For the purpose of sub-paragraphs (1) and (2) above and the said Tables 5(*a*)–(*j*), the expression "closed slurry" means slurry stored under slats or in a covered container.

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*a*)

Cattle, Calves and Sheep—Farmyard Manure

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	p
1. Grass hay	355	177	61	89	31
2. Clover hay	432	216	90	108	45
3. Dried grass	482	241	101	121	51
4. Dried lucerne	494	247	107	123	53
5. Straw	126	63	30	31	15
6. Mangels	56	28	9	14	4
7. Swedes	42	21	9	11	4
8. Turnips	43	21	9	11	4
9. Potatoes	80	40	15	20	8
10. Sugar beet pulp (dried—molassed)	282	141	49	70	24
11. Sugar beet pulp (wet—double pressed 18% DM)	56	28	10	14	5
12. Brewers grains (wet)	75	37	37	19	19
13. Field beans	418	209	157	104	79
14. Field peas	318	159	117	80	59
15. Barley	206	103	75	51	37
16. Wheat	190	95	77	48	39
17. Oats	197	99	80	49	40
18. Maize	149	74	58	37	29

19. Rice meal	210	105	88	53	44
20. Middlings/Bran	414	207	161	103	80
21. Cassava (Manioc)	69	34	23	17	11
22. Hominy chop	279	139	105	70	53
23. Locust beans	132	66	37	33	18
24. Citrus pulp	156	78	47	39	23
25. Fish meal	1,477	738	683	369	341
26. Soya bean meal	620	310	211	155	105
27. Decorticated cotton cake	709	355	294	177	147
28. Undecorticated cotton cake	570	285	224	142	112
29. Linseed cake/meal	534	267	201	134	100
30. Palm kernel cake/meal	279	139	118	70	59
31. Coconut cake/meal	502	251	150	126	75
32. Decorticated groundnut cake	526	263	200	131	100
33. Rapeseed cake/meal	624	312	246	156	123
34. Meat meal	1,380	690	662	345	331
35. Meat and bone meal	1,752	876	805	438	403
36. Dried skimmed milk	597	299	214	149	107
37. Skimmed milk (liquid)	58	29	21	15	10
38. Liquid whey	27	13	7	7	4
39. Liquid urea	425	212	86	106	43
40. Urea	1,278	639	639	0	0
41. Compounded cake: for each 1% CP	20.7	10.3	8.2	5.2	4.1

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*b*)

Cattle, Calves and Sheep—Closed Slurry

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	
1. Grass hay	366	183	46	80	12
2. Clover hay	434	217	68	92	18
3. Dried grass	483	241	76	103	20
4. Dried lucerne	489	244	78	102	19
5. Straw	121	61	22	24	5
6. Mangels	59	30	7	14	3
7. Swedes	44	22	7	10	2
8. Turnips	43	22	7	9	2
9. Potatoes	82	41	11	18	3
10. Sugar beet pulp (dried—molassed)	282	141	32	59	4
11. Sugar beet pulp (wet—double pressed 18% DM)	57	28	6	12	1
12. Brewers grains (wet)	60	30	30	10	9
13. Field beans	369	185	123	68	37
14. Field peas	279	140	90	50	25
15. Barley	188	94	61	37	20
16. Wheat	170	85	64	33	22

17. Oats	173	86	64	32	21
18. Maize	132	66	46	25	15
19. Rice meal	187	94	73	36	26
20. Middlings/Bran	384	192	138	80	52
21. Cassava (Manioc)	65	33	19	14	7
22. Hominy chop	258	129	89	53	33
23. Locust beans	124	62	28	25	7
24. Citrus pulp	142	71	34	26	8
25. Fish meal	1,355	678	612	288	255
26. Soya bean meal	555	278	160	102	44
27. Decorticated cotton cake	632	316	244	122	86
28. Undecorticated cotton cake	525	262	191	107	71
29. Linseed cake/meal	479	240	161	91	52
30. Palm kernel cake/meal	242	121	96	44	32
31. Coconut cake/meal	484	242	122	101	41
32. Decorticated groundnut cake	445	223	148	74	37
33. Rapeseed cake/meal	557	278	200	106	67
34. Meat meal	1,275	638	605	278	261
35. Meat and bone meal	1,653	827	743	369	327
36. Dried skimmed milk	560	280	180	115	65
37. Skimmed milk (liquid)	54	27	17	11	6
38. Liquid whey	28	14	6	6	3
39. Liquid urea	405	203	53	78	3
40. Urea	752	376	376	0	0
41. Compounded cake: for each 1% CP	18.9	9.4	7.0	3.8	2.6

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*c*)

Cattle, Calves and Sheep—Open Slurry

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	p
1. Grass hay	297	149	39	65	10
2. Clover hay	353	176	57	75	16
3. Dried grass	393	196	64	84	18
4. Dried lucerne	397	199	66	83	17
5. Straw	99	49	18	20	5
6. Mangels	48	24	6	11	2
7. Swedes	36	18	6	8	2
8. Turnips	35	18	6	8	2
9. Potatoes	67	34	10	15	3
10. Sugar beet pulp (dried—molassed)	227	113	26	47	4
11. Sugar beet pulp (wet—double pressed 18% DM)	45	23	5	9	1
12. Brewers grains (wet)	51	26	25	9	8
13. Field beans	308	154	105	58	33
14. Field peas	232	116	76	42	23
15. Barley	157	79	52	31	18
16. Wheat	144	72	55	28	20

17. Oats	145	73	55	27	19
18. Maize	111	56	40	21	13
19. Rice meal	159	80	63	32	23
20. Middlings/Bran	326	163	119	68	46
21. Cassava (Manioc)	55	27	16	11	6
22. Hominy chop	218	109	77	45	29
23. Locust beans	102	51	23	20	6
24. Citrus pulp	116	58	28	22	7
25. Fish meal	1,174	587	534	253	227
26. Soya bean meal	459	229	135	86	39
27. Decorticated cotton cake	535	268	210	105	77
28. Undecorticated cotton cake	445	222	165	92	63
29. Linseed cake/meal	401	201	138	78	46
30. Palm kernel cake/meal	204	102	82	38	28
31. Coconut cake/meal	401	201	105	84	37
32. Decorticated groundnut cake	369	184	125	63	33
33. Rapeseed cake/meal	469	234	172	91	60
34. Meat meal	1,112	556	530	246	232
35. Meat and bone meal	1,438	719	652	324	291
36. Dried skimmed milk	470	235	155	98	58
37. Skimmed milk (liquid)	45	23	15	9	5
38. Liquid whey	23	11	6	5	2
39. Liquid urea	325	162	43	63	3
40. Urea	598	299	299	0	0
41. Compounded cake: for each 1% CP	16.0	8.0	6.0	3.3	2.3

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*d*)

Pigs—Farmyard Manure

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	p
1. Dried grass	470	235	107	118	53
2. Potatoes	77	39	16	19	8
3. Field beans	430	215	167	107	84
4. Field peas	331	166	127	83	64
5. Barley	208	104	78	52	39
6. Wheat	203	102	85	51	43
7. Oats	202	101	84	50	42
8. Maize	161	80	65	40	33
9. Rice meal	217	108	93	54	46
10. Middlings/Bran	423	211	169	106	85
11. Cassava (Manioc)	68	34	23	17	12
12. Fish meal	1,383	692	641	346	320
13. Soya bean meal	579	290	199	145	99
14. Decorticated cotton cake	736	368	312	184	156
15. Undecorticated cotton cake	579	289	234	145	117
16. Linseed cake/meal	552	276	216	138	108
17. Palm kernel cake/meal	294	147	128	73	64
18. Decorticated groundnut cake	556	278	221	139	110
19. Rapeseed cake/meal	644	322	262	161	131
20. Meat meal	1,383	691	666	346	333
21. Meat and bone meal	1,766	883	818	441	409
22. Dried skimmed milk	840	420	343	210	172
23. Skimmed milk (liquid)	84	42	35	21	17
24. Liquid whey	26	13	7	7	4
25. Compounded cake: for each 1% CP	21.2	10.6	8.7	5.3	4.3

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*e*)

Pigs—Closed Slurry

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	p
1. Dried grass	462	231	79	96	20
2. Potatoes	78	39	12	17	3
3. Field beans	371	185	129	65	37
4. Field peas	282	141	96	48	25
5. Barley	186	93	63	36	20
6. Wheat	176	88	68	32	22
7. Oats	174	87	66	31	21
8. Maize	138	69	51	24	15
9. Rice meal	190	95	76	36	26
10. Middlings/Bran	385	193	143	77	52
11. Cassava (Manioc)	64	32	19	13	7
12. Fish meal	1,295	647	587	285	255
13. Soya bean meal	521	261	153	98	44
14. Decorticated cotton cake	641	321	255	119	86
15. Undecorticated cotton cake	524	262	196	104	71
16. Linseed cake/meal	483	242	170	88	52
17. Palm kernel cake/meal	248	124	102	43	32
18. Decorticated groundnut cake	457	229	160	71	37
19. Rapeseed cake/meal	562	281	210	103	67
20. Meat meal	1,274	637	607	276	261
21. Meat and bone meal	1,655	827	751	365	327
22. Dried skimmed milk	694	347	256	111	65
23. Skimmed milk (liquid)	69	34	25	11	6
24. Liquid whey	27	13	7	6	3
25. Compounded cake: for each 1% CP	19.0	9.5	7.2	3.7	2.6

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*f*)

Pigs—Open Slurry

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	p
1. Dried grass	376	188	67	78	18
2. Potatoes	64	32	10	14	3
3. Field beans	309	155	110	56	33
4. Field peas	235	117	81	41	23
5. Barley	156	78	54	30	18
6. Wheat	148	74	59	28	20
7. Oats	146	73	57	27	19
8. Maize	115	58	43	21	13
9. Rice meal	161	80	66	31	23
10. Middlings/Bran	326	163	123	66	46
11. Cassava (Manioc)	53	27	16	11	6
12. Fish meal	1,125	563	514	251	227
13. Soya bean meal	432	216	130	82	39
14. Decorticated cotton cake	543	271	219	103	77
15. Undecorticated cotton cake	444	222	169	90	63
16. Linseed cake/meal	405	202	145	75	46
17. Palm kernel cake/meal	210	105	87	38	28
18. Decorticated groundnut cake	378	189	135	60	33
19. Rapeseed cake/meal	472	236	179	88	60
20. Meat meal	1,112	556	532	244	232
21. Meat and bone meal	1,439	719	658	321	291
22. Dried skimmed milk	577	289	216	95	58
23. Skimmed milk (liquid)	57	28	21	9	5
24. Liquid whey	22	11	6	5	2
25. Compounded cake: for each 1% CP	16.1	8.0	6.2	3.2	2.3

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*g*)

Poultry—Farmyard Manure

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	p
1. Dried grass	430	215	75	90	20
2. Field beans	353	176	124	63	37
3. Field peas	269	135	93	46	25
4. Barley	175	87	59	34	20
5. Wheat	166	83	65	31	22
6. Oats	163	81	63	30	21
7. Maize	129	64	48	24	15
8. Rice meal	183	92	74	35	26
9. Middlings/Bran	366	183	137	75	52
10. Cassava (Manioc)	60	30	18	12	7
11. Fish meal	1,262	631	575	283	255
12. Soya bean meal	485	242	143	93	44
13. Decorticated cotton cake	619	310	249	117	86
14. Undecorticated cotton cake	504	252	191	102	71
15. Linseed cake/meal	463	231	165	85	52
16. Palm kernel cake/meal	240	120	99	42	32
17. Decorticated groundnut cake	435	218	155	69	37
18. Rapeseed cake/meal	539	270	204	100	67
19. Meat meal	1,244	622	594	275	261
20. Meat and bone meal	1,613	807	736	362	327
21. Compounded cake: for each 1% CP	18.3	9.2	7.1	3.6	2.6

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*h*)

Poultry—Closed Slurry

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	p
1. Dried grass	461	205	39	103	20
2. Field beans	342	136	74	68	37
3. Field peas	260	100	51	50	25
4. Barley	174	74	41	37	20
5. Wheat	160	66	45	33	22
6. Oats	158	64	42	32	21
7. Maize	125	50	30	25	15
8. Rice meal	177	73	53	36	26
9. Middlings/Bran	364	159	105	80	52
10. Cassava (Manioc)	61	27	13	14	7
11. Fish meal	1,244	576	510	288	255
12. Soya bean meal	489	205	87	102	44
13. Decorticated cotton cake	597	244	173	122	86
14. Undecorticated cotton cake	498	214	142	107	71
15. Linseed cake/meal	452	183	105	91	52
16. Palm kernel cake/meal	227	89	64	44	32
17. Decorticated groundnut cake	411	149	74	74	37
18. Rapeseed cake/meal	523	213	135	106	67
19. Meat meal	1,212	556	523	278	261
20. Meat and bone meal	1,591	738	654	369	327
21. Compounded cake: for each 1% CP	18.0	7.6	5.1	3.8	2.5

UNEXHAUSTED MANURIAL VALUES OF FEEDING STUFFS PER TONNE

TABLE 5(*j*)

Poultry—Open Slurry

Feeding stuff	No crop off	After one growing season		After two growing seasons	
		of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding	of arable crops (except forage crops) or of leys, permanent grassland or forage crops grazed or the product cut and fed on the holding or of root crops the tops of which are left on the land	of leys, permanent grassland, roots or forage crops where the product is removed from the holding
	p	p	p	p	p
1. Dried grass	375	168	35	84	18
2. Field beans	287	115	66	58	33
3. Field peas	217	85	45	42	23
4. Barley	146	63	36	31	18
5. Wheat	136	57	40	28	20
6. Oats	133	55	37	27	19
7. Maize	105	43	27	21	13
8. Rice meal	151	63	47	32	23
9. Middlings/Bran	309	137	93	68	46
10. Cassava (Manioc)	51	23	12	11	6
11. Fish meal	1,085	506	453	253	227
12. Soya bean meal	406	172	78	86	39
13. Decorticated cotton cake	508	211	153	105	77
14. Undecorticated cotton cake	423	184	126	92	63
15. Linseed cake/meal	379	156	93	78	46
16. Palm kernel cake/meal	193	77	57	38	28
17. Decorticated groundnut cake	342	126	66	63	33
18. Rapeseed cake/meal	442	182	120	91	60
19. Meat meal	1,062	491	465	246	232
20. Meat and bone meal	1,389	648	581	324	291
21. Compounded cake: for each 1% CP	15.3	6.6	4.6	3.3	2.3

TABLE 6

Method of storage of FYM and slurry

	Adjustment to Tables
Manure stored under ideal conditions:	
FYM	Increase by up to 20 per cent
Slurry ('closed' storage)	Increase by up to 10 per cent
Manure stored under adverse conditions:	
FYM	Reduce by up to 40 per cent
Slurry	Reduce by up to 50 per cent figures in 'open slurry' Tables
Feeding stuffs fed directly on the land	Increase by 15 per cent figures in 'closed slurry' Tables

PART II

8. *Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the holding in the last year of the tenancy, but not including crops or produce which the tenant has a right to sell or remove from the holding.*

(1) Growing crops:—

(*a*) The value of growing crops, except root and green crops of a kind normally grown on a holding held under an autumn tenancy, shall be the reasonable cost of seeds sown, and cultivations, fallows and acts of husbandry performed, calculated in accordance with the provisions of paragraph 9 below;

(*b*) The value of growing root and green crops of a kind normally grown on a holding held under an autumn tenancy shall be the average market value on the holding of good quality crops, less the manurial value thereof calculated in accordance with Tables 5(*a*)–(*j*) above on the basis of 'no crop off':

Provided that if the value so calculated exceeds the actual value to an incoming tenant in any case where—

(i) the crops are of inferior quality, or

(ii) the quantity of any kind of crops exceeds the quantity reasonably required for the system of farming practised on the holding,

the value so calculated shall be reduced so as not to exceed such actual value;

(*c*) In the case of—

(i) autumn-sown crops where the land was held under a spring tenancy, and

(ii) grass and clover seeds sown on land held under a spring or autumn tenancy from which no crop has been taken before termination of the tenancy,

the value shall be increased by an additional amount representing the enhancement of the value to an incoming tenant of the growing crop, but such additional amount shall not in any case exceed the rental value, at the termination of the tenancy, of the land sown to the crop, such rental value to be calculated by reference to the same matters and criteria as are by section 8 of the Act required to be taken into consideration or applied for the determination of the rent of a holding pursuant to that enactment:

Provided that if the area of any such crop exceeds the area of such crop which would normally be grown on the holding, having regard to the character and type of the holding and the terms of the tenancy (hereinafter referred to as "the normal area") the foregoing provisions of this sub-paragraph shall apply only to the normal area of such crop.

(2) For the purposes of sub-paragraph (1) above "spring tenancy" means a yearly tenancy the last yearly term of which commenced between 1st January and 30th June

inclusive, and "autumn tenancy" means a yearly tenancy the last yearly term of which commenced between 1st September and 31st December inclusive.

(3) Severed or harvested crops and produce:—

The value shall be the market value for consumption by agricultural livestock on the holding of hay, fodder crops, straw, roots and other crops or produce of good quality less the manurial value thereof calculated in accordance with Tables 5(*a*)–(*j*) above on the basis of 'no crop off': Provided that if the value so calculated exceeds the actual value to an incoming tenant in any case where—

(*a*) the crops or produce are of inferior quality; or

(*b*) the quantity of any kind of crops or produce exceeds the quantity reasonably required for the system of farming practised on the holding; or

(*c*) the crops or produce are not left in convenient or proper places on the farm; or

(*d*) any hay or straw is not properly stacked and thatched or otherwise protected,

the value so calculated shall be reduced so as not to exceed such actual value.

9. *Seeds sown and cultivations, fallows and acts of husbandry performed on the holding at the expense of the tenant*

(1) The value shall be the reasonable cost of seeds sown and of cultivations, fallows and acts of husbandry performed, taking into account—

(*a*) normal current costs, having regard to the current agricultural wage, the cost of horse and tractor operations, the size and shape of the fields, and other relevant conditions;

(*b*) reasonable costs of hired tractor cultivations;

(*c*) increased costs over normal tractor rates, where owing to the size of the farm or fields, the shape of the fields, or to other special circumstances, it was reasonable to use horse labour;

but leaving out of account any expenditure incurred by the tenant up to and including the removal from the land of the last preceding crop and any rent paid by the tenant.

(2) For the purposes of sub-paragraph (1) above, the reasonable cost shall not be regarded as reduced merely because more than one operation was carried out by the tenant at the same time.

(3) Nothing in sub-paragraph (1) above shall be taken to limit the operation of this paragraph to any particular method of sowing nor to cultivations, fallows or acts of husbandry performed in any particular way.

10. *Pasture laid down with clover, grass, lucerne, sainfoin or other seeds, being either—*

(*a*) *pasture laid down at the expense of the tenant otherwise than in compliance with an obligation imposed on him by an agreement in writing to lay it down to replace temporary pasture comprised in the holding when the tenant entered thereon which was not paid for by him; or*

(*b*) *pasture paid for by the tenant on entering on the holding.*

(1) Where no crop has been removed either by mowing or by grazing, the value shall be the reasonable cost of seeds sown, and cultivations, fallows and acts of husbandry performed, calculated in accordance with paragraph 9 above, but also taking into account any expenditure incurred solely for the benefit of the pasture before the removal of any crop in or with which the pasture was sown.

(2) Where one crop or more has been removed either by mowing or by grazing, the value shall be the face value of the pasture, taking into account—

(*a*) present condition;

(*b*) management since sowing;

(*c*) situation on the holding;

(*d*) fencing;

(*e*) water supply;

(*f*) any other circumstances appearing to be relevant.

11. *Acclimatisation, hefting or settlement of hill sheep on hill land*

(1) The value of hill sheep on hill land shall include such amount (if any) as represents the value attributable to the acclimatisation, hefting or settlement of the sheep on such land, but the said amount shall not in any case exceed a sum of four pounds per sheep.

(2) Any amount which may be included in the value of hill sheep under the provisions of the last foregoing sub-paragraph shall be apportioned and separately shown by the person carrying out the valuation as being attributable to the value of acclimatisation, hefting or settlement of such sheep.

12. *Residual sod fertility value in certain districts*

(1) In this paragraph—

"leys" means land laid down with clover, grass, lucerne, sainfoin or other seeds, but does not include permanent pasture;

"continuously maintained leys" means leys continuously maintained as such for a period of three or more growing seasons since being laid down excluding, if the leys were undersown or autumn-sown, the calendar year in which the sowing took place; and, for the purpose of this definition, the destruction of a ley (by ploughing or some other means) followed as soon as practicable by re-seeding to a ley without sowing a crop in the interval between such destruction and such re-seeding shall be treated as not constituting a break in the continuity of the maintenance of the ley;

"former leys" means arable land which within the three growing seasons immediately preceding the termination of the tenancy was ley which was continuously maintained ley before being destroyed by ploughing or some other means for the production of a tillage crop or crops;

"qualifying leys" means continuously maintained leys and former leys or either of them;

"the excess qualifying leys" means, subject as provided below, the area of qualifying leys on the holding at the termination of the tenancy which is equal to the area (if any) by which one-third of the aggregate of the areas of leys on the holding on the following dates, namely,—

(*a*) at the termination of the tenancy,

(*b*) on the date one year prior to such termination, and

(*c*) on the date two years prior to such termination

exceeds the accepted proportion at the termination of the tenancy: Provided that for the purpose of this definition qualifying leys laid down at the expense of the landlord without reimbursement by the tenant or any previous tenant of the holding or laid down by and at the expense of the tenant pursuant to agreement by him with the landlord for the establishment of a specified area of leys on the holding as a condition of the landlord giving consent to the ploughing or other destruction of permanent pasture or pursuant to a direction given by an arbitrator on a reference under section 10(1) of the Act shall not be included in the area of qualifying leys on the holding at the termination of the tenancy;

"the accepted proportion" means the area which represents the proportion which the aggregate area of the leys on the holding would be expected to bear to the area of the holding, excluding the permanent pasture thereon, in accordance with normal farming practice in the district or, if a greater proportion is provided for by or under the terms of the tenancy, that proportion.

(2) Where a holding is situated in a district in which the growing of a succession of tillage crops on the same arable land is normal farming practice, the residual fertility value of the sod of the excess qualifying leys on the holding shall be calculated (subject to sub-paragraph (3) below) as follows:—

(*a*) in respect of continuously maintained leys, £18 per hectare if any herbage has been cut and removed in the last growing season before the termination of the tenancy and £30 per hectare if the sward was, during such last growing season, grazed only;

(*b*) in respect of continuously maintained leys, the values specified in sub-paragraph (*a*) above shall be increased by £6 per hectare for each additional growing season over three growing seasons for which the leys have been established, but such increase shall not exceed in aggregate £36 per hectare if any herbage was cut and removed during the last growing season before the termination of the tenancy and shall not exceed £48 per hectare if the herbage was, during such last growing season, grazed only;

(*c*) in respect of any former ley sown to a first crop in the last growing season before the termination of the tenancy, the value shall be the value specified in sub-paragraphs (*a*) and (*b*) above according to the period for which the ley had been established before it was ploughed or otherwise destroyed and to whether the herbage was cut and removed, or grazed only, in the last growing season before the ley was ploughed or otherwise destroyed;

(*d*) in respect of any former ley to which sub-paragraph (*c*) above does not apply,—

(i) (*aa*) if only one arable crop was removed from the land following ploughing or other destruction of the ley, the value shall be two-thirds of the value specified in sub-paragraphs (*a*) and (*b*), and

(*bb*) if only two arable crops were removed from the land following ploughing or other destruction of the ley, the value shall be one-third of the value specified in sub-paragraphs (*a*) and (*b*),

according, in each case, to the period for which the ley had been established before it was ploughed or otherwise destroyed and to whether the herbage was cut and removed, or grazed only, in the last growing season before the ley was ploughed or otherwise destroyed; and

(ii) if more than two arable crops were removed from the land following ploughing or other destruction of the ley, the value shall be nil.

(3) Where the tenant is entitled to compensation in respect of a ley both under sub-paragraph (2) of paragraph 10 above and under sub-paragraph (2)(*a*) and, if applicable, sub-paragraph (2)(*b*) of this paragraph, the aggregate of the respective values per hectare thereunder, taken together, shall not exceed £148 per hectare.

Regulation 5 SCHEDULE 2

Regulations revoked	References
1. The Agriculture (Calculation of Value for Compensation) Regulations 1969.	S.I. 1969/1704
2. The Agriculture (Calculation of Value for Compensation) (Amendment) Regulations 1972.	S.I. 1972/864
3. The Agriculture (Calculation of Value for Compensation) (Amendment) Regulations 1975.	S.I. 1975/11
4. The Agriculture (Calculation of Value for Compensation) (Amendment) Regulations 1976.	S.I. 1976/818

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into operation on 1st July 1978, make provision in respect of England and Wales for calculating the compensation payable to the outgoing tenant of an agricultural holding in respect of the short-term improvements and other matters set out in the Fourth Schedule to the Agricultural Holdings Act 1948, as varied by the Agricultural Holdings Act (Variation of Fourth Schedule) Order 1951 (S.I. 1951/2168) and the Agricultural Holdings Act 1948 (Variation of Fourth Schedule) Order 1978 (S.I. 1978/742). The last-mentioned Order added paragraph 12 to the Fourth Schedule providing a new head of compensation, namely, residual sod fertility value of certain qualifying leys on a holding in a district where it is normal farming practice to grow a succession of tillage crops on the same arable land. These Regulations include provisions for the calculation of that value.

The Agriculture (Calculation of Value for Compensation) Regulations 1969, as amended, which previously made provisions for the calculation of values, are revoked but without prejudice to their continued application in relation to tenancies terminating before 1st July 1978. Apart from minor drafting amendments, Regulation 4 (Reduction of compensation) is similar in effect to Regulation 4 of the 1969 Regulations and paragraphs 1, 2, 4, 9 and 10 of Schedule 1 reproduce the calculation of value provisions of similarly numbered paragraphs in the 1969 Regulations as subsequently amended.

Paragraphs 5 (Liming, including chalking), 6 (Application of purchased manure and fertilisers), 7 (Consumption of corn on the holding), 8 (Growing crops and severed or harvested crops and produce grown on the holding in the last year of the tenancy) and 11 (Acclimatisation, hefting or settlement of hill sheep on hill land) set out new or modified provisions for the calculation of the values of those matters. Paragraph 5 provides for the calculation of the value of liming, including chalking, and includes special provision for the calculation of value where soil characteristics and high excess winter rainfall together are major causes of rapid leaching of calcium from the soil. Paragraph 6 includes for the first time provisions for calculating the values of purchased magnesium and copper and makes different provisions for purchased bulky organic manures and for other purchased fertilisers. Paragraph 7 provides for the calculation of the value of feeding stuffs consumed, but not produced, on the holding, or corn whether produced on the holding or not, by cattle, horses, sheep or pigs, and, for the first time, by all poultry and not, as previously, only by poultry folded on the land as part of a system of farming practised on the holding. Paragraph 8 sets out different methods of calculating the values of growing crops and produce grown on the holding in the last year of the tenancy (other than crops or produce which the tenant has a right to sell or remove) according to whether they are root and green crops normally grown in an autumn tenancy, other crops in an autumn tenancy, autumn sown crops in a spring tenancy or grass and clover seeds sown in a spring or autumn tenancy from which no crop was taken, and also makes separate provision for calculation of the value of severed or harvested crops and produce. Paragraph 11 provides that the value of hill sheep on hill land shall include such amount (if any) as represents the value attributable to the acclimatisation, hefting or settlement of the sheep subject to a maximum of four pounds (instead of two pounds as previously). Paragraph 12(2) sets out the methods of calculating the residual sod fertility value of the excess qualifying leys (as defined in paragraph 12(1)) and this differs according to circumstances as described in that paragraph. Paragraph 12(3) imposes a limit on the aggregate of values under paragraph 12(2)(*a*) and (*b*) and paragraph 10(2) (face value) in respect of the same ley.

The Regulations apply (except so far as excluded, in relation to the matters in Part II of Schedule 1 to the Regulations, by a written contract of tenancy) whenever the tenancy of the tenant claiming compensation terminates on or

after 1st July 1978; in relation to tenancies terminating before that date, the Agriculture (Calculation of Value for Compensation) Regulations 1969, as amended, continue to apply with a similar exception.

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