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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2982 (W.249)**

**LANDLORD AND TENANT, WALES**

**The Agricultural Holdings (Units  
of Production) (Wales) Order 2001**

*Made* - - - - 29th August 2001

*Coming into force* - - 31st August 2001

In exercise of the powers conferred by paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986(1), which are now vested in it, the National Assembly for Wales(2) hereby makes the following Order:—

**Title, commencement and interpretation**

1.—(1) This Order may be cited as the Agricultural Holdings (Units of Production) (Wales) Order 2001 and shall come into force on 31st August 2001.

(2) Any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.

(3) 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.

(4) In this Order:

“Council Regulation 805/68” (“*Rheoliad 805/68 y Cyngor*”) means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal(3);

“Council Regulation 1765/92” (“*Rheoliad 1765/92 y Cyngor*”) means Council Regulation (EEC) No.1765/92 establishing a support system for producers of certain arable crops(4);

“Council Regulation 2467/98” (“*Rheoliad 2467/98 y Cyngor*”) means Council Regulation (EC) No. 2467/98 on the common organisation of the market in sheepmeat and goatmeat(5);

“Council Regulation 1251/99” (“*Rheoliad 1251/99 y Cyngor*”) means Council Regulation (EC) No. 1251/99 establishing a support system for producers of certain arable crops(6);

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(1) 1986 c. 5.

(2) By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999(S.I. 1999/ 672), the functions of the Secretary of State for Wales under paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986, were, so far as they were exercisable in relation to Wales, transferred to the National Assembly for Wales.

(3) OJ No. L148, 28.6.68, p.24 (OJ / SE1968(I) p.187) as last amended by Council Regulation (EC) No.1633 / 98 (OJ No. L210, 28.7.98, p.17)(applied up to and including 31st December 1999).

(4) OJ No. L181, 1.7.92, p.12, as last amended by Council Regulation (EC) No. 1624 / 98 (OJ No. L210, 28.7.98, p.3) (applied until 30th June 2000).

(5) OJ No. L312, 20.11.98, p.1.

(6) OJ No. L160, 26.6.99, p.1(applies from 1st July 2000).

“Council Regulation 1254/99” (“*Rheoliad 1254/99 y Cyngor*”) means Council Regulation (EC) No. 1254/99 on the common organisation of the market in beef and veal<sup>(7)</sup>.

### **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 Wales, 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.

(2) Where the land in question is capable, when farmed under competent management, of being used to produce any livestock, crop, fruit etc, as is mentioned in any of the entries 1 to 7 in column 1 of the Schedule, then —

- (a) the unit of production prescribed in relation to that use of the land shall be the unit specified in column 2 of the Schedule opposite to that entry, and
- (b) the amount determined, for the period of twelve months beginning with 12th September 1999, as the net annual income from that unit of production in that period shall be the amount specified in column 3 of the Schedule opposite that unit of production.

(3) Where land capable, when farmed under competent management, of producing a net annual income is designated as set aside land, as is mentioned in entry 8 in column 1 of the Schedule, then —

- (a) the unit of production prescribed in relation to that use of the land shall be the unit specified in column 2 of the Schedule opposite to that entry, and
- (b) the amount determined, for the period of 12 months beginning with 12th September 1999, as the net annual income from that unit of production in that period shall be the amount specified in column 3 of the Schedule opposite that unit of production.

(4) The Schedule has effect subject to the Notes to the Schedule.

### **Revocation**

3. The Agricultural Holdings (Units of Production) Order 1998<sup>(8)</sup> is hereby revoked with respect to land situated in Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(9)</sup>.

29th August 2001

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(7) OJ No. L160, 26.6.99, p.21(save for Article 18, applies from 1st January 2000).

(8) S.I. 1998/2025.

(9) 1998 c. 38.

**SCHEDULE**

Articles 1(2) and 2

**PRESCRIBED UNITS OF PRODUCTION AND DETERMINATION OF NET ANNUAL INCOME**

<i>Column 1</i> <i>Farming use</i>	<i>Column 2</i> <i>Unit of production</i>	<i>Column 3</i> <i>Net annual income from unit of production</i> £
<b>1. Livestock</b>		
Dairy cows:		
Channel Islands breeds	cow	283
Other breeds	cow	335
Beef breeding cows:		
On eligible land under the Hill Livestock (Compensatory Allowances) Regulations 1996(a)	cow	50 <sup>(1)</sup>
On other land	cow	41 <sup>(1)</sup>
Beef fattening cattle (semi-intensive)	head	48 <sup>(2)</sup>
Dairy replacements	head	41 <sup>(3)</sup>
Ewes:		
On eligible land under the Hill Livestock (Compensatory Allowances) Regulations 1996	ewe	20 <sup>(4)</sup>
On other land	ewe	21 <sup>(5)</sup>
Store lambs (including ewe lambs sold as shearlings)	head	0.87
Pigs:		
Sows and gilts in pig	sow or gilt	90
Porker	head	2.06
Cutter	head	3.66
Bacon	head	5.13
Poultry:		
Laying hens	bird	1.08
Broilers	bird	0.12
Point-of-lay pullets	bird	0.27
Turkeys	bird	1.23
<b>2. Farm arable crops</b>		

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<i>Column 1</i> <i>Farming use</i>	<i>Column 2</i> <i>Unit of production</i>	<i>Column 3</i> <i>Net annual income from unit of production</i> <i>£</i>
Barley	hectare	158 <sup>(6)</sup>
Beans	hectare	75 <sup>(7)</sup>
Herbage seed	hectare	189
Linseed	hectare	137 <sup>(8)</sup>
Oats	hectare	142 <sup>(9)</sup>
Oilseed rape	hectare	164 <sup>(10)</sup>
Peas:		
Dried	hectare	61 <sup>(11)</sup>
Vining	hectare	257
Potatoes:		
First early	hectare	675
Maincrop (including seed)	hectare	790
Sugar Beet	hectare	357
Wheat	hectare	201 <sup>(12)</sup>
<b>3. Outdoor horticultural crops</b>		
Broad beans	hectare	409
Brussels sprouts	hectare	1460
Cabbage, savoys and sprouting broccoli	hectare	1684
Carrots	hectare	2307
Cauliflower and winter broccoli	hectare	1017
Celery	hectare	6175
Leeks	hectare	3255
Lettuce	hectare	3914
Onions:		
Dry bulb	hectare	1087
Salad	hectare	4477
Outdoor bulbs	hectare	1416
Parsnips	hectare	2539
Rhubarb (natural)	hectare	3096
Turnips and swedes	hectare	1289
<b>4. Protected crops</b>		

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<i>Column 1</i> <i>Farming use</i>	<i>Column 2</i> <i>Unit of production</i>	<i>Column 3</i> <i>Net annual income from unit of production</i> <i>£</i>
Forced narcissi	1000 square metres	8294
Forced tulips	1000 square metres	6226
Mushrooms	1000 square metres	11272
<b>5. Orchard fruit</b>		
Apples:		
Cider	hectare	603
Cooking	hectare	1412
Dessert	hectare	1378
Cherries	hectare	1297
Pears	hectare	1100
Plums	hectare	1030
<b>6. Soft fruit</b>		
Blackcurrants	hectare	1093
Gooseberries	hectare	1579
Raspberries	hectare	2974
Strawberries	hectare	3093
<b>7. Miscellaneous</b>		
Hops	hectare	1700
<b>8. Set-aside<sup>(1)</sup></b>	hectare	62

#### NOTES TO THE SCHEDULE

Article 2(4)

#### Note to column 1

- (1) For the marketing year 1999/ 2000 this refers to land which is set-aside under Article 2(5) of Council Regulation 1765/92, except where such land is used (in accordance with Article 7(4) of Council Regulation 1765/92) for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption.  
From 1st July 2000 this refers to 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 Regulation 1251/99) for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption.

#### Notes to column 3

- (1) Deduct £103 from this figure 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 4d of Council Regulation 805/68 (Article 6 of Council Regulation 1254/99)10.  
Add £26 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 4h of Council Regulation 805/68 (Article 13 of Council Regulation 1254/99)10.  
Add £37 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 4h of Council Regulation 805/68 (Article 13 of Council Regulation 1254/99)10.
- (2) This is the figure for animals which are kept for 12 months.  
Deduct £82 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 4b of Council Regulation 805/68 (Article 4 of Council Regulation 1254/99)10.

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Add £26 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 £37 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 £82 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 £82 from the figure in column 3, then making a pro rata adjustment of the resulting figure, then adding to that figure the sum of £82 and (where the net annual income includes a sum in respect of extensification premium) the sum of £26 (where the extensification premium is paid at the lower rate) or £37 (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 £22 from this figure 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 Article 5 of Council Regulation 2467/98.
- (5) Deduct £17 from this figure in the case of animals for which the net annual income does not include a sum in respect of sheep annual premium.
- (6) Deduct £241 from this figure 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 1765/92 (Article 2 of Council Regulation 1251/99)11.
- (7) Deduct £349 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (8) Deduct £467 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (9) Deduct £240 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (10) Deduct £303 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (11) Deduct £349 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.
- (12) Deduct £241 from this figure in the case of land for which the net annual income does not include a sum in respect of area payment.

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## 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 Wales and sets out the amount which is to be regarded as the net annual income from each such unit for the year 12th September 1999 to 11th September 2000 inclusive. This Order revokes the Agricultural Holdings (Units of Production) Order 1998 in so far as it relates to Wales.

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 Agricultural Holdings Act 1986: 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

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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 specify the net annual income from one unit of production. In some cases the net annual income is derived from a unit which would have been on the land for the full twelve-month period. In other cases the net annual income is derived from a unit which would have been 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.