STATUTORY INSTRUMENTS

2017 No. 977

LANDLORD AND TENANT, ENGLAND

The Agricultural Holdings (Units of Production) (England) Order 2017

Made - - - -	*10th October 2017*
Laid before Parliament	*12th October 2017*
Coming into force - -	*7th November 2017*

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(**1**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Agricultural Holdings (Units of Production) (England) Order 2017 and comes into force on 7th November 2017.

(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" 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;

"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;

(**1**) 1986 c.5. Section 96(1) of that Act defines the "Minister" in relation to England as the Secretary of State.

"Regulation 1307/2013" means the 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(**2**);

"severely disadvantaged land" means any area of land shown coloured pink on the England LFA maps.

Assessment of productive capacity of land

2.—(1) Paragraphs (2) and (3) have effect for the purpose of the assessment of the productive capacity of a unit of agricultural land situated in England, in order to determine whether that unit is a commercial unit of agricultural land within the meaning of paragraph 3(1) of Schedule 6 to the Agricultural Holdings Act 1986.

(2) Where the land in question is capable, when farmed under competent management, of being used to produce any livestock, farm arable crop, outdoor horticultural crop or fruit as is mentioned in any of the entries 1 to 3 in column 1 of the Schedule to this Order—

(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 7th November 2017, 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 land capable, when farmed under competent management, of producing a net annual income was an eligible hectare in 2016 in accordance with entry 4 in column 1 of the Schedule to this Order—

(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 7th November 2017, 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) Order 2016(**3**) is revoked.

George Eustice
Minister of State
Department for Environment, Food and Rural Affairs

10th October 2017

(**2**) OJ No L347, 20.12.20, p. 608 as last amended by Commission Delegated Regulation (EU) 2016/142 (OJ No L28, 4.2.2016, p. 8; and corrected by Corrigendum, OJ No L130, 19.5.2016, p. 8.
(**3**) S.I. 2016/1002.