WELSH STATUTORY INSTRUMENTS

2008 No. 253 (W.29)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2008

Made - - - -	*6 February 2008*
Laid before the National Assembly for Wales - -	*7 February 2008*
Coming into force - -	*3 March 2008*

The Welsh Ministers, in exercise of the powers conferred by paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986(**1**), and now vested in them(**2**), make the following Order:

Title, commencement and interpretation

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) Order 2008, comes into force on 3 March 2008 and applies in relation to Wales.

(2) In this Order—

"Council Regulation 1782/2003" ("*Rheoliad y Cyngor 1782/2003*") means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending certain Regulations(**3**);

"designated maps" ("*mapiau dynodedig*") means the two volumes of maps numbered 1 and 2 each volume being marked "Volume of Maps of less favoured farming areas in Wales" and with the number of the volume dated 20 May 1999 signed by the Secretary of State for Wales and deposited at the offices of the Welsh Assembly Government Agriculture Department at Cathays Park, Cardiff, CF10 3NQ;

"disadvantaged land" ("*tir tan anfantais*"(except in the expression "severely disadvantaged land")) means any area of land shown coloured blue on the designated maps;

"eligible hectare" ("*hectar cymwys*") has the same meaning as in Article 44(2) of Council Regulation 1782/2003;

(**1**) 1986 c. 5.
(**2**) Functions conferred under the Agricultural Holdings Act 1986 were transferred to the National Assembly for Wales by virtue of S.I. 1999/672 and S.I. 2004/3044 and are exercisable by the Welsh Ministers by virtue of section 162 and paragraph 30 of Schedule 11 of the Government of Wales Act 2006, c. 32.
(**3**) OJ No. L270, 21.10.2003, p.1, as last amended by Commission Regulation (EC) No. 552/2007 (OJ No. L131, 23.5.2007, p.10).

"eligible land" ("*tir cymwys*") means such part of the qualifying land as lies within a less favoured area;

"less favoured areas" ("*tir llai ffafriol*") means land that is disadvantaged or severely disadvantaged;

"severely disadvantaged land" ("*tir tan anfantais ddifrifol*") means the area of land shown coloured pink on the designated maps;

"Tir Mynydd payment" ("*taliad Tir Mynydd*) means financial assistance paid in accordance with regulation 3 of the Rural Development Programmes (Wales) Regulations 2006(**4**).

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 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, then—

(a) the unit of production prescribed in relation to that use of the land will 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 12 September 2007, as the net annual income from that unit of production in that period will 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 eligible to receive a Tir Mynydd payment (as is mentioned in entry 4 in column 1 of the Schedule to this Order), or was set aside from production in 2006 (as is mentioned in entry 5 in that column), or was an eligible hectare in 2006 (as is mentioned in entry 6 of that column), then—

(a) the unit of production prescribed in relation to that use of the land will 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 12 September 2007, as the net annual income from that unit of production in that period will be the amount in the entry in column 3 of that Schedule opposite to that entry.

Revocation

3. The Agricultural Holdings (Units of Production) (Wales) Order 2007(**5**) is revoked.

Elin Jones
Minister for Rural Affairs, one of the Welsh Ministers

6 February 2008

(**4**) S.I. 2006/3343 (W.304).
(**5**) S.I. 2007/2398, W.199.

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 (other than Channel Islands breeds)	Cow	416
Beef breeding cows:		
On land which is "eligible land" for the purposes of a Tir Mynydd payment	cow	−53
On other land	cow	−85
Beef fattening cattle (semi-intensive)	head	−50(**1**)
Dairy replacements	head	75(**2**)
Ewes:		
On land which is "eligible land" for the purposes of a Tir Mynydd payment	ewe	−2
On other land	ewe	13
Store lambs (including ewe lambs sold as shearlings)	head	3.70
Pigs:		
Sows and gilts in pig	sow or gilt	174
Porker	head	4.50
Cutter	head	6.70
Bacon	head	8.90
Poultry:		
Laying hens	bird	2.20
Broilers	bird	0.30
Point-of-lay pullets	bird	0.45
Christmas Turkeys	bird	5.65

NOTES TO THE SCHEDULE

1. This is the figure for animals which would be kept for 12 months. In case of animals kept for less than 12 months a pro-rata adjustment of this figure is to be made.
2. This is the figure for animals (irrespective of age) which would be 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.
3. This figure includes the protein crop premium provided for in Article 76 of Council Regulation 1782/2003.