WELSH STATUTORY INSTRUMENTS

2006 No. 2796 (W.235)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2006

Made - - - -	*17 October 2006*
Coming into force - -	*27 October 2006*

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(**2**), the National Assembly for Wales makes the following Order: —

Title, commencement and interpretation

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) Order 2006 and it comes into force on 27 October 2006.

(2) This Order applies in relation to Wales.

(3) Any reference in this Order to "Schedule 1" or "Schedule 2" is a reference to the appropriate Schedule attached to this Order.

(4) In this Order:

(a) "Council Regulation 1251/99" ("*Rheoliad y Cyngor 1251/99*") means Council Regulation (EC) No. 1251/1999 establishing a support system for producers of certain arable crops(**3**) as last amended by Council Regulation (EC) No. 1782/2003(**4**);

(b) "Council Regulation 1254/99" ("*Rheoliad y Cyngor 1254/99*") means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal(**5**) as amended by Council Regulation (EC) No. 1455/2001(**6**); Council Regulation (EC)

(**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 Minister (defined in section 96(1) of the 1986 Act as the Secretary of State in relation to Wales) under paragraph 4 of Schedule 6 to the Agricultural Holdings Act 1986, were, so far as they are exercisable in relation to Wales, transferred to the National Assembly for Wales.

(**3**) OJ No. L160, 26.6.99, p.1. Council Regulation (EC) No. 1251/99 was also repealed by Council Regulation (EC) No. 1782/2003 (Article 153(3)) with application from 28 October 2003 (Article 156(2)) but continued to apply to the marketing year 2004/2005 (1 July 2004 to 30 June 2005).

(**4**) OJ No. L270, 21.10.03, p.1.

(**5**) OJ No. L160, 26.6.99, p.21. Council Regulation 1254/99 has been further amended by Council Regulation (EC) No. 1782/2003 and by Council Regulation (EC) No. 1913/2005 (OJ No. L307, 25.11.05, p.2), however, for the purposes of assessments made under Article 2 of this Order, these further amendments to Council Regulation 1254/99 are to be disregarded.

(**6**) OJ No. L198, 21.07.01, p.58.

No. 1512/2001(**7**); Council Regulation (EC) No. 2345/2001(**8**); the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(**9**); Council Regulation (EC) No. 806/2003(**10**) and the amendments made by Council Regulation (EC) No. 1782/2003(**11**) to Article 10(1) and Annexes 1 and 2 of Council Regulation 1254/99;

(c) "Council Regulation 2529/01" ("*Rheoliad y Cyngor 2529/01*") means Council Regulation (EC) No. 2529/2001 on the common organisation of the market in sheepmeat and goatmeat(**12**) as amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(**13**);

(d) "marketing year" ("*blwyddyn farchnata*") is to be construed in accordance with Council Regulation 1251/1999.

Assessment of productive capacity of land

2.—(1) This article has 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) For the period of 12 months beginning with 12 September 2004, 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 Schedule 1, then—

(a) the unit of production prescribed in relation to that use of the land is the unit specified in column 2 of Schedule 1 opposite to that entry, and

(b) the amount determined as the net annual income from that unit of production in that period is the amount specified in column 3 of Schedule 1 opposite to that entry as read with any relevant Note to Schedule 1.

(3) For the period of 12 months beginning with 12 September 2004, where land capable, when farmed under competent management, of producing a net annual income is the subject of Tir Mynydd payments or is designated as set aside land, as is mentioned in entries 7 and 8 in column 1 of Schedule 1, then —

(a) the unit of production prescribed in relation to that use of the land is the unit specified in column 2 of Schedule 1 opposite to that entry, and

(b) the amount determined as the net annual income from that unit of production in that period is the amount in the entry in column 3 of Schedule 1 opposite to that entry.

(**7**) OJ No. L201, 26.07.01, p.1.
(**8**) OJ No. L315, 1.12.01, p.29.
(**9**) OJ No. L236, 23.09.03, p.33.
(**10**) OJ No. L122, 16.05.03, p.1.
(**11**) OJ No. L270, 21.10.03, p.1.
(**12**) OJ No. L341, 22.12.01, p.3. Council Regulation 2529/01 has been further amended by Council Regulation (EC) No. 1782/2003 (OJ No. L270, 21.10.03, p.1) and Council Regulation (EC) No 1913/2005 (OJ No. L307, 25.11.05, p.2), however, for the purposes of assessments made under Article 2 of this Order, these further amendments to Council Regulation 2529/01 are to be disregarded.
(**13**) OJ No. L236, 23.09.03, p.33.

(4) For the period of 12 months beginning with 12 September 2005, 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 Schedule 2, then—

(a) the unit of production prescribed in relation to that use of the land is the unit specified in column 2 of Schedule 2 opposite to that entry, and

(b) the amount determined as the net annual income from that unit of production in that period is the amount specified in column 3 of Schedule 2 opposite to that entry as read with any relevant Note to Schedule 2.

(5) For the period of 12 months beginning with 12 September 2005, where land capable, when farmed under competent management, of producing a net annual income is the subject of Tir Mynydd payments or was in the marketing year 2004/2005 designated as set aside land, as is mentioned in entries 7 and 8 in column 1 of Schedule 2, then—

(a) the unit of production prescribed in relation to that use of the land is the unit specified in column 2 of Schedule 2 opposite to that entry, and

(b) the amount determined as the net annual income from that unit of production in that period is the amount in the entry in column 3 of Schedule 2 opposite to that entry.

Revocation

3. The Agricultural Holdings (Units of Production) (Wales) Order 2004(**14**) is hereby revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**15**).

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

17 October 2006

(**14**) S.I. 2004/1218 (W.133).
(**15**) 1998 c. 38.

SCHEDULE 1 Articles 1(3), 2(2) and 2(3)

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	260
Beef breeding cows :			
	On land which is "eligible land" for the purposes of the Tir Mynydd (Wales) Regulations 2001(**16**)	cow	31 (1)
	On other land	cow	80 (1)
Beef fattening cattle (semi-intensive)		head	63 (2)
Dairy replacements		head	45 (3)
Ewes:			
	On land which is "eligible land" for the purposes of the Tir Mynydd (Wales) Regulations 2001	ewe	14 (4)
	On other land	ewe	21 (5)
Store lambs (including ewe lambs sold as shearlings)		head	1.05
Pigs:			
	Sows and gilts in pig	sow or gilt	95
	Porker	head	1.90
	Cutter	head	3.50
	Bacon	head	5.50

(**1**)
(**16**) S.I. 2001 / 496 (W.23) as amended by S.I. 2001/1154 (W.61); S.I. 2002/1806 (W.176) and S.I. 2005/1269 (W.89).
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Column 1 *Farming use*		*Column 2* *Unit of production*	*Column 3* *Net annual income from unit of production (£)*
Poultry:			
	Laying hens	bird	1.25
	Broilers	bird	0.15
	Point-of-lay pullets	bird	0.30
Christmas turkeys		bird	3.00
2. Farm arable crops			
Barley		hectare	199 [(6)]
Beans		hectare	175 [(7)]
Herbage seed		hectare	120
Oats		hectare	131 [(8)]
Oilseed rape		hectare	188 [(9)]
Peas:			
	Dried	hectare	201 [(10)]
	Vining	hectare	175
Potatoes:			
	First early	hectare	900
	Maincrop (including seed)	hectare	780
Sugar Beet		hectare	270
Wheat		hectare	266 [(11)]
3. Outdoor horticultural crops			
Broad beans		hectare	575
Brussels sprouts		hectare	1600
Cabbage, savoys and sprouting broccoli		hectare	2000
Carrots		hectare	3100
Cauliflower and winter broccoli		hectare	1000

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