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WELSH STATUTORY INSTRUMENTS

2019 Rhif 1404 (Cy. 247)

2019 No. 1404 (W. 247)

LANDLORD A THENANT, CYMRU

LANDLORD AND TENANT, WALES

Gorchymyn Deddf Daliadau Amaethyddol 1986 (Amrywio Atodlen 8) (Cymru) 2019

The Agricultural Holdings Act 1986 (Variation of Schedule 8) (Wales) Order 2019

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn diwygio Rhan 1 o Atodlen 8 i Ddeddf Daliadau Amaethyddol 1986 fel y mae'n gymwys o ran Cymru.

Mae adran 64 o Ddeddf Daliadau Amaethyddol 1986 yn rhoi'r hawl i denant daliad amaethyddol, wrth i'r denantiaeth ddod i ben ac wrth iddo ymadael â'r daliad, gael digollediad oddi wrth y landlord am waith gwella a bennir yn Rhan 1 o Atodlen 8 y mae'r tenant wedi ei gyflawni ar y daliad.

Mae erthygl 2 o'r Gorchymyn hwn yn mewnosod paragraffau newydd yn Atodlen 8 i ddarparu ar gyfer talu digollediad am waith gwella o ganlyniad i ddodi deunyddiau gwella pridd, gweddillion treuliad anaerobig, tail a gwrtaith ar y tir (gyda dim cyfyngiadau o ran sut y caffaelir y sylweddau hynny); ac am waith gwella o ganlyniad i dail a gaiff ei storio ac sydd wedi deillio o fwyta, gan dda byw ac aelodau teulu'r ceffyl ar y daliad, rawn (a gynhyrchir ar y daliad ai peidio) neu fwyd anifeiliaid arall nas cynhyrchir ar y daliad.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 1 of Schedule 8 to the Agricultural Holdings Act 1986 as it applies to Wales.

Section 64 of the Agricultural Holdings Act 1986 entitles the tenant of an agricultural holding, on termination of the tenancy and quitting of the holding, to compensation from the landlord for an improvement specified in Part 1 of Schedule 8 which the tenant has carried out on the holding.

Article 2 of this Order inserts new paragraphs into Schedule 8 to provide for compensation to be paid for improvements resulting from the application to the land of soil improvers, digestate, manure and fertiliser (with no limitation as to how those substances were acquired); and for improvements resulting from manure which is held in storage and has arisen from the consumption of corn (produced on the holding or not) or other feedingstuff not produced on the holding by livestock and members of the horse family on the holding.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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LANDLORD A THENANT, CYMRU

Gorchymyn Deddf Daliadau Amaethyddol 1986 (Amrywio Atodlen 8) (Cymru) 2019

Gwnaed	*28 Hydref 2019*
Yn dod i rym	*1 Tachwedd 2019*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir gan adran 91(1) o Ddeddf Daliadau Amaethyddol 1986(**1**).

Yn unol â'r ddarpariaeth honno, mae Gweinidogion Cymru wedi ymgynghori â'r cyrff hynny o bersonau yr ymddengys i Weinidogion Cymru eu bod yn cynrychioli buddiannau landlordiaid a thenantiaid daliadau amaethyddol.

Yn unol ag adran 94(4) o Ddeddf Daliadau Amaethyddol 1986, gosodwyd drafft o'r Gorchymyn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Daliadau Amaethyddol 1986 (Amrywio Atodlen 8) (Cymru) 2019.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Daw'r Gorchymyn hwn i rym ar 1 Tachwedd 2019.

(**1**) 1986 p. 5; mae adran 96(1) yn diffinio mai "the Minister" ("y Gweinidog") o ran Cymru yw'r Ysgrifennydd Gwladol. Mae swyddogaethau'r Gweinidog o dan y Ddeddf bellach yn arferadwy gan Weinidogion Cymru (o ran Cymru) yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

2019 No. 1404 (W. 247)

LANDLORD AND TENANT, WALES

The Agricultural Holdings Act 1986 (Variation of Schedule 8) (Wales) Order 2019

Made	*28 October 2019*
Coming into force	*1 November 2019*

The Welsh Ministers make the following Order in exercise of the powers conferred by section 91(1) of the Agricultural Holdings Act 1986(**1**).

In accordance with that provision, the Welsh Ministers have consulted such bodies of persons as appear to the Welsh Ministers to represent the interests of landlords and tenants of agricultural holdings.

In accordance with section 94(4) of the Agricultural Holdings Act 1986, a draft of this Order has been laid before and approved by a resolution of the National Assembly for Wales.

Title, application and commencement

1.—(1) The title of this Order is the Agricultural Holdings Act 1986 (Variation of Schedule 8) (Wales) Order 2019.

(2) This Order applies in relation to Wales.

(3) This Order comes into force on 1 November 2019.

(**1**) 1986 c. 5; section 96(1) defines "the Minister" in relation to Wales as the Secretary of State. Functions of the Minister under the Act are now exercisable by the Welsh Ministers (in relation to Wales) by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Diwygio Atodlen 8

2.—(1) Mae Rhan 1 o Atodlen 8 i Ddeddf Daliadau Amaethyddol 1986 (gwaith gwella byrdymor y mae digollediad yn daladwy amdano) wedi ei diwygio fel a ganlyn.

(2) Ar ôl paragraff 4A mewnosoder—

"**4B.** Application to land in Wales of manure, fertiliser, soil improvers and digestate."

(3) Hepgorer paragraff 5.

(4) Ar ôl paragraff 5A mewnosoder—

"**5B.**—(1) In relation to Wales, production of manure arising from the consumption on the holding of relevant feedingstuff by livestock and equidae where the manure is held in storage on the holding.

(2) In this paragraph "relevant feedingstuff" means—

(a) corn (whether produced on the holding or not), or

(b) cake or other feedingstuff not produced on the holding."

(5) Hepgorer paragraff 6.

Amendment of Schedule 8

2.—(1) Part 1 of Schedule 8 to the Agricultural Holdings Act 1986 (short-term improvements for which compensation is payable) is amended as follows.

(2) After paragraph 4A insert—

"**4B.** Application to land in Wales of manure, fertiliser, soil improvers and digestate."

(3) Omit paragraph 5.

(4) After paragraph 5A insert—

"**5B.**—(1) In relation to Wales, production of manure arising from the consumption on the holding of relevant feedingstuff by livestock and equidae where the manure is held in storage on the holding.

(2) In this paragraph "relevant feedingstuff" means—

(a) corn (whether produced on the holding or not), or

(b) cake or other feedingstuff not produced on the holding."

(5) Omit paragraph 6.

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
28 Hydref 2019

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
28 October 2019

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