OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2015 Rhif 1975 (Cy. 296)

2015 No. 1975 (W. 296)

LANDLORD A THENANT, CYMRU

LANDLORD AND TENANT, WALES

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) (Rhif 3) 2015

The Agricultural Holdings (Units of Production) (Wales) (No. 3) Order 2015

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn rhagnodi unedau cynhyrchu ar gyfer asesu gallu cynhyrchiol tir amaethyddol a leolir yng Nghymru ac yn nodi'r swm sydd i'w ystyried yn incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2015 i 11 Medi 2016, at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986").

Mae'n ofynnol asesu gallu cynhyrchiol tir amaethyddol er mwyn penderfynu pa un a yw'r tir dan sylw yn "uned fasnachol o dir amaethyddol" ai peidio at ddibenion y darpariaethau olynu yn Neddf 1986: gweler yn benodol adrannau 36(3) a 50(2). Ystyr "uned fasnachol o dir amaethyddol" yw uned o dir amaethyddol sydd, pan gaiff ei ffermio o dan reolaeth gymwys, yn gallu cynhyrchu incwm blynyddol net nad yw'n llai na chyfanred enillion blynyddol cyfartalog dau weithiwr amaethyddol gwrywaidd llawnamser sy'n 20 mlwydd oed neu drosodd (paragraff 3 o Atodlen 6 i Ddeddf 1986). Wrth benderfynu'r ffigur incwm blynyddol hwn, pa bryd bynnag y bydd math penodol o ddefnydd ffermio a grybwyllir yng ngholofn 1 o'r Atodlen yn berthnasol i'r asesiad o allu cynhyrchiol y tir dan sylw, mae erthygl 2 o'r Gorchymyn hwn yn darparu mai'r unedau cynhyrchu a'r incwm blynyddol net a bennir yng ngholofnau 2 a 3, yn eu trefn, fydd sail yr asesiad hwnnw.

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 12 September 2015 to 11 September 2016 for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act").

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 1986 Act: see in particular sections 36(3) and 50(2). A "commercial unit of agricultural land" is a unit of agricultural 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). Article 2 of this Order provides that, in determining this annual income figure, whenever a particular farming use mentioned in column 1 of the Schedule is relevant to the assessment of the productive capacity of the land in question, the units of production and the net annual income specified in columns 2 and 3 respectively will form the basis of that assessment.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd, yn 2014, yn hectar cymwys o fewn ystyr Erthygl 32(2) o Reoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor sy'n sefydlu rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin (OJ Rhif L 347, 20.12.2013, t. 608). Rhoddir ffigurau ar wahân yn yr Atodlen ar gyfer tir dan anfantais ddifrifol, tir dan anfantais, tir mewn ardal lai ffafriol a thir arall.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

This Order includes net annual income figures for land which was, in 2014, an eligible hectare within the meaning of Article 32(2) of 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 (OJ No L 347, 20.12.2013, p 608). There are separate figures in the Schedule for severely disadvantaged land, disadvantaged land, land in a less favoured area and other land.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

2015 Rhif 1975 (Cy. 296)

LANDLORD A THENANT, CYMRU

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) (Rhif 3) 2015

Gwnaed	*2 Rhagfyr 2015*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*8 Rhagfyr 2015*
Yn dod i rym	*30 Rhagfyr 2015*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan baragraff 4 o Atodlen 6 i Ddeddf Daliadau Amaethyddol 1986(**1**) ac a freiniwyd bellach ynddynt hwy(**2**), yn gwneud y Gorchymyn a ganlyn.

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) (Rhif 3) 2015, mae'n gymwys o ran Cymru, a daw i rym ar 30 Rhagfyr 2015.

(2) Yn y Gorchymyn hwn—

ystyr "ardal lai ffafriol" ("*less favoured area*") yw tir dan anfantais neu dir dan anfantais ddifrifol;

mae i "hectar cymwys" yr un ystyr ag a roddir i "*eligible hectare*" yn Erthygl 32(2) o Reoliad 1307/2013;

ystyr "mapiau dynodedig" ("*designated maps*") yw'r ddwy gyfrol o fapiau dyddiedig 20 Mai 1991, sydd wedi eu rhifo 1 a 2, y naill gyfrol a'r llall

(**1**) 1986 p. 5; diffinnir "the Minister" yn adran 96(1) o'r Ddeddf honno.

(**2**) Trosglwyddwyd swyddogaethau a roddwyd o dan Ddeddf Daliadau Amaethyddol 1986 (p. 5) i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 i'r Gorchymyn hwnnw. Mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

2015 No. 1975 (W. 296)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) (No. 3) Order 2015

Made	*2 December 2015*
Laid before the National Assembly for Wales	*8 December 2015*
Coming into force	*30 December 2015*

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, application and interpretation

1.—(1) The title of this Order is The Agricultural Holdings (Units of Production) (Wales) (No. 3) Order 2015, it applies in relation to Wales, and comes into force on 30 December 2015.

(2) In this Order—

"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 1991 and signed by the Secretary of State for Wales and deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ;

(**1**) 1986 c. 5; section 96(1) of that Act defines "the Minister".

(**2**) Functions conferred under the Agricultural Holdings Act 1986 (c. 5) were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

wedi eu marcio â "Volume of maps of less favoured farming areas in Wales" ac â rhif y gyfrol, ac sydd wedi eu llofnodi gan Ysgrifennydd Gwladol Cymru a'u hadneuo yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ;

ystyr "Rheoliad 1307/2013" ("*Regulation 1307/2013*") yw Rheoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor sy'n sefydlu rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin(**1**);

ystyr "tir dan anfantais" ("*disadvantaged land*") (ac eithrio yn yr ymadrodd "tir dan anfantais ddifrifol") yw unrhyw ardal o dir sydd wedi ei lliwio'n las ar y mapiau dynodedig;

ystyr "tir dan anfantais ddifrifol" ("*severely disadvantaged land*") yw'r ardal o dir sydd wedi ei lliwio'n binc ar y mapiau dynodedig.

"disadvantaged land" ("*tir dan 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 32(2) of Regulation 1307/2013;

"less favoured area" ("*ardal lai ffafriol*") means disadvantaged land or severely disadvantaged land;

"Regulation 1307/2013" ("*Rheoliad 1307/2013*") means 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(**1**);

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

Asesu gallu cynhyrchiol tir

2.—(1) Mae paragraffau (2) a (3) yn cael effaith at y diben o asesu gallu cynhyrchiol uned o dir amaethyddol a leolir yng Nghymru, er mwyn penderfynu a yw'r uned honno'n uned fasnachol o dir amaethyddol o fewn ystyr "commercial unit of agricultural land" ym mharagraff 3(1) o Atodlen 6 i Ddeddf Daliadau Amaethyddol 1986.

(2) Os gellir defnyddio'r tir dan sylw, pan ffermir ef dan reolaeth gymwys, i gynhyrchu unrhyw dda byw, cnwd âr fferm, cnwd garddwriaethol yn yr awyr agored, neu ffrwythau fel y crybwyllir yn unrhyw un o'r cofnodion 1 i 3 yng ngholofn 1 yn yr Atodlen i'r Gorchymyn hwn, yna—

(a) yr uned gynhyrchu a ragnodir o ran y defnydd hwnnw o'r tir fydd yr uned yn y cofnod yng ngholofn 2 yn yr Atodlen honno gyferbyn â'r cofnod hwnnw, a

(b) y swm a bennir, ar gyfer y cyfnod o 12 mis sy'n dechrau ar 12 Medi 2015, yn incwm blynyddol net o'r uned gynhyrchu honno yn y cyfnod hwnnw fydd y swm yn y cofnod yng ngholofn 3 o'r Atodlen honno gyferbyn â'r cofnod hwnnw fel y'i darllenir ynghyd ag unrhyw nodyn perthnasol i'r Atodlen honno.

(3) Os oedd tir sy'n gallu cynhyrchu incwm blynyddol net, pan ffermir ef dan reolaeth gymwys, yn hectar cymwys yn 2014 (gweler cofnod 4 yng ngholofn 1), yna—

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 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 is 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 2015, as the net annual income from that unit of production in that period is 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 was an eligible hectare in 2014 (see entry 4 in column 1), then—

(**1**) OJ Rhif L 347, 20.12.2013, t. 608, fel y'i diwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) Rhif 2015/851 (OJ Rhif L 135, 2.6.2015, t. 8).

(**1**) OJ No L 347, 20.12.2013, p. 608, as last amended by Commission Delegated Regulation (EU) 2015/851 (OJ No L 135, 2.6.2015, p. 8).

(a) yr uned gynhyrchu a ragnodir o ran y defnydd hwnnw o'r tir fydd yr uned yn y cofnod yng ngholofn 2 o'r Atodlen honno gyferbyn â'r cofnod hwnnw, a

(b) y swm a bennir, ar gyfer y cyfnod o 12 mis yn dechrau ar 12 Medi 2015, yn incwm blynyddol net o'r uned gynhyrchu honno yn y cyfnod hwnnw fydd y swm yn y cofnod yng ngholofn 3 yn yr Atodlen honno gyferbyn â'r cofnod hwnnw.

Diwygio Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) (Rhif 2) 2015

3.—(1) Mae Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) (Rhif 2) 2015(**1**) wedi ei ddiwygio fel a ganlyn.

(2) Yn y diffiniad o "mapiau dynodedig" yn lle "1999" rhodder "1991".

(a) the unit of production prescribed in relation to that use of the land is 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 2015, as the net annual income from that unit of production in that period is the amount in the entry in column 3 of that Schedule opposite to that entry.

Amendment of the Agricultural Holdings (Units of Production) (Wales) (No. 2) Order 2015

3.—(1) The Agricultural Holdings (Units of Production) (Wales) (No. 2) Order 2015(**1**) is amended as follows.

(2) In the definition of "designated maps" for "1999" substitute "1991".

Rebecca Evans

Y Dirprwy Weinidog Ffermio a Bwyd, o dan awdurdod y Gweinidog Cyfoeth Naturiol, un o Weinidogion Cymru

2 Rhagfyr 2015

Deputy Minister for Farming and Food, under authority of the Minister for Natural Resources, one of the Welsh Ministers

2 December 2015

(**1**) O.S. 2015/1642 (Cy. 214).

(**1**) S.I. 2015/1642 (W. 214).

YR ATODLEN

Erthygl 2

UNEDAU CYNHYRCHU RHAGNODEDIG A PHENNU INCWM BLYNYDDOL NET

Colofn 1 *Defnydd ffermio*		*Colofn 2* *Uned gynhyrchu*	*Colofn 3* *Incwm blynyddol net o'r uned gynhyrchu (£)*
1. Da byw			
Buchod godro		buwch	450
Buchod bridio cig eidion:	ar dir mewn ardal lai ffafriol	buwch	–172
	ar dir arall	buwch	–189
Gwartheg pesgi cig eidion (lled-arddwys)		y pen	-116 [(1)]
Buchod llaeth i lenwi bylchau		y pen	109[(2)]
Mamogiaid:	ar dir mewn ardal lai ffafriol	mamog	–32
	ar dir arall	mamog	–16
Ŵyn stôr (gan gynnwys ŵyn benyw a werthir fel hesbinod)		y pen	5
Moch:	hychod a banwesod torrog	hwch neu fanwes	250
	moch porc	y pen	13.40
	moch torri	y pen	17
	moch bacwn	y pen	20.40
Dofednod:	ieir dodwy	aderyn	4.40
	brwyliaid	aderyn	0.80
	cywennod ar ddodwy	aderyn	0.40
Tyrcwn Nadolig		aderyn	6.20
2. Cnydau âr fferm			
Haidd		hectar	-69
Ffa		hectar	28
Rêp had olew		hectar	-58
Pys sych		hectar	70
Tatws:	cynnar cyntaf	hectar	2,540
	prif gnwd (gan gynnwys hadyd)	hectar	1,550
Betys siwgr		hectar	540
Gwenith		hectar	90
3. Cnydau garddwriaethol awyr agored a ffrwythau			
Ffrwythau'r berllan		hectar	2,870
Ffrwythau meddal		hectar	9,040
4. Hectarau cymwys			
Tir a oedd, yn 2014, yn hectar cymwys at ddibenion Rheoliad 1307/2013	tir dan anfantais ddifrifol	hectar	65.38
	tir dan anfantais	hectar	90.61
	pob tir arall	hectar	36.93

[(1)] Dyma'r ffigur ar gyfer anifeiliaid a gedwir am 12 mis. Yn achos anifeiliaid a gedwir am lai na 12 mis rhaid gwneud addasiad pro rata o'r ffigur hwn.

[(2)] Dyma'r ffigur ar gyfer anifeiliaid (faint bynnag fo'u hoed) a gedwir am 12 mis. Yn achos anifeiliaid a gedwir am lai na 12 mis rhaid gwneud addasiad pro rata o'r ffigur hwn.

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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		cow	450
Beef breeding cows:	on land in a less favoured area	cow	-172
	on other land	cow	-189
Beef fattening cattle (semi-intensive)		head	-116[(1)]
Dairy replacements		head	109[(2)]
Ewes:	on land in a less favoured area	ewe	-32
	on other land	ewe	-16
Store lambs (including ewe lambs sold as shearlings)		head	5
Pigs:	sows and gilts in pig	sow or gilt	250
	porker	head	13.40
	cutter	head	17
	bacon	head	20.40
Poultry:	laying hens	bird	4.40
	broilers	bird	0.80
	point-of-lay pullets	bird	0.40
Christmas turkeys		bird	6.20
2. Farm arable crops			
Barley		hectare	-69
Beans		hectare	28
Oilseed rape		hectare	-58
Dried peas		hectare	70
Potatoes:	first early	hectare	2,540
	maincrop (including seed)	hectare	1,550
Sugar beet		hectare	540
Wheat		hectare	90
3. Outdoor horticultural crops and fruit			
Orchard fruit		hectare	2,870
Soft fruit		hectare	9,040
4. Eligible hectares			
Land which was in 2014, an eligible hectare for the purposes of Regulation 1307/2013	severely disadvantaged land	hectare	65.38
	disadvantaged land	hectare	90.61
	all other land	hectare	36.93

[(1)] This is the figure for animals which are 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.

[(2)] This is the figure for animals (irrespective of age) which are 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.

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