OFFERYNNAU STATUDOL CYMRU

2008 Rhif 253 (Cy.29)

LANDLORD A THENANT, CYMRU

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2008

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn rhagnodi unedau cynhyrchu ar gyfer asesu cynhwysedd cynhyrchiol tir amaethyddol a leolir yng Nghymru ac yn gosod y swm sydd i gael ei ystyried fel yr incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2007 i 11 Medi 2008 gan gynnwys y dyddiadau hynny at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986"). Mae'r Gorchymyn hwn yn dirymu Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2007.

Mae asesiad o gynhwysedd cynhyrchiol tir amaethyddol yn ofynnol wrth benderfynu a yw'r tir o 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). Uned o dir amaethyddol yw "uned fasnachol o dir amaethyddol" sydd, pan gaiff ei ffermio o dan reolaeth gymwys, yn gallu cynhyrchu incwm blynyddol net nad yw'n llai na chyfanswm enillion blynyddol cyfartalog dau weithiwr amaethyddol gwrywaidd amser-llawn sydd yn 20 oed neu drosodd (paragraff 3 o Atodlen 6 i Ddeddf 1986). Mae erthygl 2 o'r Gorchymyn hwn yn darparu mai wrth benderfynu'r ffigur incwm blynyddol hwn, pryd bynnag y bydd defnydd ffermio penodol a grybwyllir yng ngholofn 1 o'r Atodlen yn berthnasol i'r asesiad o gynhwysedd cynhyrchiol y tir dan sylw, yr unedau cynhyrchu a'r incwm blynyddol net a bennir yng ngholofnau 2 a 3 yn ôl eu trefn fydd sail yr asesiad hwnnw.

WELSH STATUTORY INSTRUMENTS

2008 No. 253 (W.29)

LANDLORD AND TENANT, WALES

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

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 2007 to 11 September 2008 inclusive for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act"). This Order revokes the Agricultural Holdings (Units of Production) (Wales) Order 2007.

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 ffigurau incwm blynyddol net yng ngholofn 3 o'r Atodlen yn rhagnodi'r incwm blynyddol net o un uned gynhyrchu. Mewn rhai achosion bydd yr incwm blynyddol net yn deillio o uned a fydd ar y tir am y cyfnod llawn o ddeuddeng mis. Mewn achosion eraill bydd yr incwm blynyddol net yn deillio o uned a fydd ar y tir am ran o'r flwyddyn yn unig, a gall y bydd mwy nag un gylchred gynhyrchu yn y cyfnod o ddeuddeng mis. Bydd yr asesiad o gynhwysedd cynhyrchu'r tir yn cymryd i ystyriaeth yr holl gynhyrchu yn ystod blwyddyn.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd yn 2006 yn hectar cymwys at ddibenion Rheoliad y Cyngor (EC) Rhif 1782/2003 (O.J. Rhif L270, 21.10.2003, t.1), sy'n sefydlu'r Cynllun Taliad Sengl. Mae yna ffigurau ar wahân yn yr Atodlen ar gyfer tir tan anfantais ddifrifol, tir tan anfantais a thir arall. Mae yna hefyd ffigurau ar wahân ar gyfer tir a oedd wedi'i neilltuo rhag cynhyrchu yn 2006.

The net annual income figures in column 3 of the Schedule describe the net annual income from one unit of production. In some cases the net annual income is derived from a unit which will be on the land for the full twelve-month period. In other cases the net annual income is derived from a unit which will be on the land for only part of the year, and there may be more than one production cycle in the twelve-month period. The assessment of the productive capacity of the land will take account of the total production in the course of a year.

This Order includes net annual income figures for land which was, in 2006, an eligible hectare for the purposes of Council Regulation (EC) No. 1782/2003 (O.J. No. L270, 21.10.2003, p.1), which establishes the Single Payment Scheme. There are separate figures in the Schedule for severely disadvantaged land, disadvantaged land and other land. There are also separate figures for land which was set aside from production in 2006.

OFFERYNNAU STATUDOL CYMRU

2008 Rhif 253 (Cy.29)

LANDLORD A THENANT, CYMRU

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2008

Gwnaed	*6 Chwefror 2008*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*7 Chwefror 2008*
Yn dod i rym	*3 Mawrth 2008*

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 a dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2008, daw i rym ar 3 Mawrth 2008 ac mae'n gymwys o ran Cymru.

(2) Yn y Gorchymyn hwn-

mae i'r ymadrodd "hectar cymwys" yr un ystyr ag sydd i'r ymadrodd "*eligible hectare*" yn Erthygl 44(2) o Reoliad y Cyngor 1782/2003;

ystyr "mapiau dynodedig ("*designated maps*") yw'r ddwy gyfrol o fapiau wedi'u rhifo 1 a 2 gyda phob cyfrol wedi'i marcio "Cyfrol o Fapiau ardaloedd ffermio llai ffafriol yng Nghymru" a chyda rhif y gyfrol dyddiedig 20 Mai 1999 wedi'i llofnodi gan Ysgrifennydd Gwladol Cymru ac wedi'i hadneuo yn Swyddfeydd Adran Amaethyddiaeth Llywodraeth Cynulliad Cymru ym Mharc Cathays, Caerdydd, CF10 3NQ;

(**1**) 1986 p.5.

(**2**) Trosglwyddwyd swyddogaethau a roddwyd o dan Ddeddf Daliadau Amaethyddol 1986 i Gynulliad Cenedlaethol Cymru yn rhinwedd O.S. 1999/672 ac O.S. 2004/3044 ac maent bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

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

(**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).

ystyr "Rheoliad y Cyngor 1782/2003" ("*Council Regulation 1782/2003*") yw Rheoliad y Cyngor (EC) Rhif 1782/2003 sy'n sefydlu rheolau cyffredin ar gyfer cynlluniau cymorth uniongyrchol o dan y polisi amaethyddol cyffredin ac sy'n sefydlu cynlluniau cymorth penodol i ffermwyr ac sy'n diwygio Rheoliadau penodol(**1**);

ystyr "taliad Tir Mynydd" ("*Tir Mynydd payment*") yw cymorth ariannol a delir yn unol â Rheoliad 3 o Reoliadau Rhaglenni Datblygu Gwledig (Cymru) 2006(**2**).

ystyr "tir cymwys" ("*eligible land*") yw'r rhan honno o'r tir cymhwysol sydd o fewn ardal lai ffafriol;

ystyr "tir llai ffafriol" ("*less favoured area*") yw tir tan anfantais neu tir tan anfantais ddifrifol;

ystyr "tir tan anfantais" ("*disadvantaged land*") (ac eithrio yn yr ymadrodd "tir tan anfantais ddifrifol") yw unrhyw ardal o dir a ddangosir â lliw glas ar y mapiau dynodedig.

ystyr "tir tan anfantais ddifrifol" ("*severely disadvantaged land*") yw'r ardal o dir a ddangosir â lliw pinc ar y mapiau dynodedig;

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;

"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(**1**).

Asesiadau o gynhwysedd cynhyrchiol tir

2.-(1) Mae Paragraffau (2) a (3) o'r erthygl hon erthygl yn cael eu heffaith at ddibenion asesu cynhwysedd cynhyrchiol uned o dir amaethyddol a leolir yng Nghymru, er mwyn penderfynu a yw'r uned honno yn uned fasnachol o dir amaethyddol o fewn ystyr paragraff 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 garddwrol yn yr awyr agored, neu ffrwythau fel a grybwyllir yn unrhyw un o gofnodion 1 i 3 yng ngholofn 1 o'r 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 o Atodlen 1 gyferbyn â'r cofnod hwnnw, a

(b) y swm a bennir, ar gyfer y cyfnod o 12 mis sy'n dechrau ar 12 Medi 2007, fel yr 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 gydag unrhyw nodyn perthnasol i'r Atodlen honno.

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.

(**1**) OJ Rhif L270, 21.10.2003, t.1 fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 552/2007 (OJ Rhif L131, 23.5.2007, t.10).

(**2**) O.S. 2006/3343 (Cy.304).

(**1**) S.I. 2006/3343 (W.304).

(3) Os yw tir, pan ffermir ef dan reolaeth gymwys, sy'n gallu cynhyrchu incwm blynyddol net yn gymwys i dderbyn taliad Tir Mynydd (fel a grybwyllir yng nghofnod 4 yng ngholofn 1 o'r Atodlen i'r Gorchymyn hwn) neu os oedd wedi'i neilltuo rhag cynhyrchu yn 2006 (fel a grybwyllir yng nghofnod 5 yn y golofn honno), neu os oedd yn hectar cymwys yn 2006 (fel a grybwyllir yng nghofnod 6 yn y golofn honno), yna-

(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 sy'n dechrau ar 12 Medi 2007, fel yr 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.

Dirymu

3. Dirymir Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2007(**1**).

(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(**1**) is revoked.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

6 Chwefror 2008

Minister for Rural Affairs, one of the Welsh Ministers

6 February 2008

(**1**) O.S. 2007/2398, Cy.199.

(**1**) S.I. 2007/2398, W.199.

YR ATODLEN

Erthygl 2

UNEDAU CYNHYRCHU RHAGNODEDIG A PHENDERFYNU 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 (ac eithrio bridiau Ynysoedd y Sianel)		Buwch	416
Buchod bridio cig eidion			
	Ar dir sy'n "dir cymwys" at ddibenion taliad Tir Mynydd	buwch	-53
	Ar dir arall	buwch	-85
Gwartheg pesgi cig eidion (lled-arddwys)		y pen	-50(**1**)
Buchod llaeth i lenwi bylchau		y pen	75(**2**)
Mamogiaid:			
	Ar dir sy'n "dir cymwys" at ddibenion taliad Tir Mynydd	mamog	-2
	Ar dir arall	mamog	13
Wyn stôr (gan gynnwys wyn benyw a werthir fel hesbinod)		y pen	3.70
Moch:			
	Hychod a banwesi torrog	hwch neu fanwes	174
	Moch porc	y pen	4.50
	Moch torri	y pen	6.70
	Moch bacwn	y pen	8.90
Dofednod			
	Ieir dodwy	aderyn	2.20
	Brwyliaid	aderyn	0.30
	Cywennod ar ddodwy	aderyn	0.45
Tyrcwn Nadolig		aderyn	5.65
2. Cnydau âr fferm			
Haidd		hectar	104
Ffa		hectar	140.89(**3**)
Had porfa		hectar	196
Rêp had olew		hectar	112

Pys			
	Sych	hectar	224.89(3)
	Dringo	hectar	269
Tatws:			
	Cynnar cyntaf	hectar	2245
	Prif gnwd (gan gynnwys hadyd)	hectar	1521
Betys siwgr		hectar	176
Gwenith		hectar	255
3. Cnydau garddwriaethol awyr agored a ffrwythau			
Ffrwythau'r berllan		hectar	1800
Ffrwythau meddal		hectar	6500
4. Tir Porthiant			
Ar dir sy'n "dir cymwys" at ddibenion taliad Tir Mynydd		hectar	Swm y taliad Tir Mynydd y mae'n ofynnol ei dalu o dan reoliad 3 o Reoliadau Rhaglenni Datblygu Gwledig (Cymru) 2006
5. Neilltir			
Tir a oedd yn 2006 wedi'i neilltuo rhag cynhyrchu o dan Erthygl 54(3) o Reoliad y Cyngor 1782/2003:			
	Tir tan anfantais ddifrifol	hectar	-14.75
	Tir tan anfantais	hectar	-9.50
	Pob tir arall	hectar	-105.00
6. Hectarau cymwys			
Tir a oedd yn 2006 yn hectar cymwys at ddibenion Rheoliad y Cyngor 1782/2003 ac eithrio tir a oedd wedi'i neilltuo rhag cynhyrchu o dan Erthygl 54(3) o'r Rheoliad hwnnw:			
	Tir tan anfantais ddifrifol	hectar	109.74
	Tir tan anfantais	hectar	127.50
	Pob tir arall	hectar	79.87

NODIADAU I'R ATODLEN

1. Y ffigur ar gyfer anifeiliaid y byddid yn eu cadw am 12 mis yw hwn. Yn achos anifeiliaid a gedwir am lai na 12 mis rhaid gwneud addasiad pro rata ohono.

2. Y ffigur ar gyfer anifeiliaid (waeth beth fo'u hoed) y byddid yn eu cadw am 12 mis yw hwn. Yn achos anifeiliaid a gedwir am lai 12 mis rhaid gwneud addasiad pro rata ohono.

3. Mae'r ffigur hwn yn cynnwys y premiwm cnwd protein y darperir ar ei gyfer yn Erthygl 76 o Reoliad y Cyngor 1782/2003.

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
2. Farm arable crops			
Barley		hectare	104
Beans		hectare	140.89(**3**)
Herbage seed		hectare	196
Oilseed rape		hectare	112
Peas:			

	Dried	hectare	224.89(3)
	Vining	hectare	269
Potatoes:			
	First early	hectare	2245
	Maincrop (including seed)	hectare	1521
Sugar Beet		hectare	176
Wheat		hectare	255
3. Outdoor horticultural crops and fruit			
Orchard fruit		hectare	1800
Soft fruit		hectare	6500
4. Forage Land			
On land which is "eligible land" for the purposes of a Tir Mynydd payment		hectare	The amount of the Tir Mynydd payment required to be paid under regulation 3 of the Rural Development Programmes (Wales) Regulations 2006
5. Set-aside			
Land which was, in 2006, set aside from production under Article 54(3) of Council Regulation 1782/2003:			
	Severely disadvantaged land	hectare	-14.75
	Disadvantaged land	hectare	-9.50
	All other land	hectare	-105.00
6. Eligible hectares			
Land which was, in 2006, an eligible hectare for the purposes of Council Regulation 1782/2003, except land which was set aside from production under Article 54(3) of that Regulation:			
	Severely disadvantaged land	hectare	109.74
	Disadvantaged land	hectare	127.50
	All other land	hectare	79.87

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.

OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2008 Rhif 253 (Cy.29)

2008 No. 253 (W.29)

LANDLORD A THENANT, CYMRU

LANDLORD AND TENANT, WALES

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2008

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

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