OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 788 (Cy. 122) (C. 49)

2024 No. 788 (W. 122) (C. 49)

LANDLORD A THENANT, CYMRU

LANDLORD AND TENANT, WALES

Rheoliadau Deddf Amaethyddiaeth 2020 (Cychwyn Rhif 3 a Darpariaeth Drosiannol) (Cymru) 2024

The Agriculture Act 2020 (Commencement No. 3 and Transitional Provision) (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dwyn i rym yng Nghymru, ar 1 Medi 2024, baragraffau 10 i 16 a pharagraff 18 o Atodlen 3 i Ddeddf Amaethyddiaeth 2020 (p. 21) ("y Ddeddf"), ac, yn rhannol, adran 36 o'r Ddeddf honno. Dyma'r trydydd rheoliadau cychwyn o dan y Ddeddf sy'n gymwys o ran Cymru.

Mae rheoliad 2(a) yn dwyn i rym baragraffau 10 i 16 o Atodlen 3 i'r Ddeddf sy'n darparu ar gyfer diwygio Deddf Daliadau Amaethyddol 1986 (p. 5) ("Deddf 1986") mewn perthynas ag olyniaeth ar farwolaeth neu ymddeoliad tenant a'r amod y mae rhaid i ymgeiswyr ei fodloni sy'n ymwneud â meddiannu uned fasnachol.

Mae rheoliad 2(b) yn dwyn i rym baragraff 18 o Atodlen 3 i'r Ddeddf sy'n darparu ar gyfer diwygio adran 53 o Ddeddf 1986 mewn perthynas ag olyniaeth ar farwolaeth neu ymddeoliad tenant a'r amod y mae rhaid i ymgeiswyr ei fodloni sy'n ymwneud ag addasrwydd o ran ceisiadau am denantiaeth daliad gan olynydd enwebedig.

Mae rheoliad 2(c) yn dwyn i rym adran 36 o'r Ddeddf i'r graddau y mae'n ymwneud â'r darpariaethau uchod.

Mae rheoliad 3 yn gwneud darpariaeth drosiannol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force in Wales, on 1 September 2024, paragraphs 10 to 16 and paragraph 18 of Schedule 3 to, and, in part, section 36 of the Agriculture Act 2020 (c. 21) ("the Act"). These are the third commencement regulations under the Act which apply in relation to Wales.

Regulation 2(a) brings into force paragraphs 10 to 16 of Schedule 3 to the Act which provide for the amendment of the Agricultural Holdings Act 1986 (c. 5) ("the 1986 Act") in relation to succession on the death or retirement of a tenant and the condition that must be met by applicants relating to the occupation of a commercial unit.

Regulation 2(b) brings into force paragraph 18 of Schedule 3 to the Act which provides for the amendment of section 53 of the 1986 Act in relation to succession on the death or retirement of a tenant and the condition that must be met by applicants relating to suitability with regard to applications for the tenancy of a holding by a nominated successor.

Regulation 2(c) brings into force section 36 of the Act so far as it relates to the above provisions.

Regulation 3 makes transitional provision.

NODYN YNGHYLCH Y RHEOLIADAU CYCHWYN BLAENOROL

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

Mae'r darpariaethau a ganlyn o Ddeddf Amaethyddiaeth 2020 wedi eu dwyn i rym yng Nghymru drwy reoliadau cychwyn a wnaed cyn dyddiad y Rheoliadau hyn.

Y Ddarpariaeth	*Y Dyddiad Cychwyn*	*Rhif O.S.*
Adran 46 (yn rhannol)	1.1.2021	2020/1648 (Cy. 346) (C. 51)
Paragraffau 7 ac 8 o Atodlen 5	1.1.2021	2020/1648 (Cy. 346) (C. 51)
Rhan 4 o Atodlen 7	13.12.2022	2022/1204 (Cy. 248) (C. 94)
Adran 52 (yn rhannol)	13.12.2022	2022/1204 (Cy. 248) (C. 94)

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Agriculture Act 2020 have been brought into force in Wales by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Section 46 (partially)	1.1.2021	2020/1648 (W. 346) (C. 51)
Paragraphs 7 and 8 of Schedule 5	1.1.2021	2020/1648 (W. 346) (C. 51)
Part 4 of Schedule 7	13.12.2022	2022/1204 (W. 248) (C. 94)
Section 52 (partially)	13.12.2022	2022/1204 (W. 248) (C. 94)

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LANDLORD A THENANT, CYMRU

Rheoliadau Deddf Amaethyddiaeth 2020 (Cychwyn Rhif 3 a Darpariaeth Drosiannol) (Cymru) 2024

Gwnaed *9 Gorffennaf 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 57(3)(a) o Ddeddf Amaethyddiaeth 2020(**1**), yn gwneud y Rheoliadau a ganlyn.

Enwi a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Amaethyddiaeth 2020 (Cychwyn Rhif 3 a Darpariaeth Drosiannol) (Cymru) 2024.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Y darpariaethau sy'n dod i rym ar 1 Medi 2024

2. Daw'r darpariaethau a ganlyn o Ddeddf Amaethyddiaeth 2020 ("Deddf 2020") i rym ar 1 Medi 2024—

(a) paragraffau 10 i 16 o Atodlen 3 (olyniaeth ar farwolaeth neu ymddeoliad: amod sy'n ymwneud â meddiannu uned fasnachol),

(b) paragraff 18 o Atodlen 3 (olyniaeth ar farwolaeth neu ymddeoliad: amod sy'n ymwneud ag addasrwydd), ac

(c) adran 36, i'r graddau y mae'n ymwneud â'r paragraffau y cyfeirir atynt ym mharagraffau (a) a (b).

(**1**) 2020 p. 21.

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LANDLORD AND TENANT, WALES

The Agriculture Act 2020 (Commencement No. 3 and Transitional Provision) (Wales) Regulations 2024

Made *9 July 2024*

The Welsh Ministers, in exercise of the powers conferred by section 57(3)(a) of the Agriculture Act 2020(**1**), make the following Regulations.

Title and application

1.—(1) The title of these Regulations is the Agriculture Act 2020 (Commencement No. 3 and Transitional Provision) (Wales) Regulations 2024.

(2) These Regulations apply in relation to Wales.

Provisions coming into force on 1 September 2024

2. The following provisions of the Agriculture Act 2020 ("the 2020 Act") come into force on 1 September 2024—

(a) paragraphs 10 to 16 of Schedule 3 (succession on death or retirement: condition relating to occupation of a commercial unit),

(b) paragraph 18 of Schedule 3 (succession on death or retirement: condition relating to suitability), and

(c) section 36, so far as it relates to the paragraphs referred to in paragraphs (a) and (b) of this regulation.

(**1**) 2020 c. 21.

Darpariaeth Drosiannol

3.—(1) Mae paragraff (2) yn gymwys i unrhyw gais i'r Tribiwnlys a wneir o dan Ran 4 o Ddeddf 1986 am gyfarwyddyd sy'n rhoi i'r ceisydd hawlogaeth i denantiaeth daliad amaethyddol ar farwolaeth neu ymddeoliad tenant pan fo dyddiad y farwolaeth neu'r dyddiad y rhoddwyd yr hysbysiad am yr ymddeoliad, fel y bo'n gymwys, cyn 1 Medi 2024.

(2) Mewn perthynas ag unrhyw gais y mae'r paragraff hwn yn gymwys iddo, mae Rhan 4 o Ddeddf 1986 yn parhau i fod yn gymwys ar ac ar ôl 1 Medi 2024 fel yr oedd yn cael effaith yn union cyn y dyddiad hwnnw, fel pe bai'r diwygiadau a wnaed gan baragraffau 10 i 16 o Atodlen 3 i Ddeddf 2020 heb ddod i rym.

(3) Yn y rheoliad hwn—

mae "cais" ("*application*") yn cynnwys unrhyw achos sy'n deillio o unrhyw gais o'r fath neu unrhyw gyfarwyddyd a roddir mewn unrhyw achos o'r fath;

ystyr "Deddf 1986" ("*the 1986 Act*") yw Deddf Daliadau Amaethyddol 1986(**1**).

(4) Mae i ymadroddion Cymraeg a ddefnyddir yn y rheoliad hwn sy'n cyfateb i ymadroddion Saesneg a ddefnyddir yn Rhan 4 o Ddeddf 1986 yr un ystyr â'r ymadroddion hynny yn y Rhan honno.

Transitional Provision

3.—(1) Paragraph (2) applies to any application to the Tribunal made under Part 4 of the 1986 Act for a direction entitling the applicant to a tenancy of an agricultural holding on the death or retirement of a tenant where the date of death or the date of the giving of the retirement notice, as applicable, was before 1 September 2024.

(2) In relation to any application to which this paragraph applies, Part 4 of the 1986 Act continues to apply on and after 1 September 2024 as it had effect immediately before that date, as if the amendments made by paragraphs 10 to 16 and 18 of Schedule 3 to the 2020 Act had not come into force.

(3) In this regulation—

"the 1986 Act" ("*Deddf 1986*") means the Agricultural Holdings Act 1986(**1**);

"application" ("*cais*") includes any proceedings arising out of any such application or any direction given in any such proceedings.

(4) Expressions used in this regulation and in Part 4 of the 1986 Act have the same meaning as in that Part.

Huw Irranca-Davies

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig, un o Weinidogion Cymru
9 Gorffennaf 2024

Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers
9 July 2024

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

(**1**) 1986 c. 5.

ISBN 978-0-348-39584-6

£5.78

http://www.legislation.gov.uk/id/wsi/2024/788

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