



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 1154 (Cy.61)

2001 No. 1154 (W.61)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau Tir Mynydd (Daliadau
Trawsffiniol) (Cymru)
2001**

**The Tir Mynydd (Cross-border
Holdings) (Wales) Regulations
2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note does not form part of the Regulations)

Cafodd Rheoliadau Tir Mynydd (Cymru) 2001 (“y prif Reoliadau”) eu gwneud gan Gynulliad Cenedlaethol Cymru ar 15 Chwefror 2001.

The Tir Mynydd (Wales) Regulations 2001 (“the principal Regulations”) were made by the National Assembly for Wales on the 15th February 2001.

Esboniodd Rheoliad 15 o'r prif Reoliadau nad yw'r “Rheoliadau hyn yn gymwys i ddaliadau sy'n cynnwys tir mewn un neu fwy o'r canlynol, sef Lloegr, yr Alban a Gogledd Iwerddon, yn ogystal â Chymru.”

Regulation 15 of the principal Regulations explained that: “These Regulations do not apply to holdings that include land in one or more of England, Scotland and Northern Ireland as well as Wales.”

Mae'r Rheoliadau presennol yn ymdrin yn awr â chymhwyso'r prif Reoliadau at “ddaliadau trawsffiniol”.

The current Regulations now deal with the application of the principal Regulations to “cross-border holdings”.

Mae'r prif Reoliadau yn gymwys i ddaliadau o'r fath ac eithrio i'r graddau y mae y rheoliadau hyn yn amrywio ar sut y maent yn gymwys.

The principal Regulations apply to such holdings except to the extent that their application is varied by these regulations.

Mae darpariaethau tebyg mewn perthynas â daliadau trawsffiniol wedi'u cynnwys mewn rheoliadau sydd wedi'u gwneud yn y rhannau eraill o'r Deyrnas Unedig.

Similar provisions in relation to cross border holdings are included in regulations made in the other parts of the United Kingdom.

Achubwyd ar y cyfle i wneud yn eglur dau bwynt mewn perthynas â'r prif Reoliadau:-

The opportunity has been taken to clarify two points in relation to the principal Regulations:-

- (a) Yn rheoliad 9 rhoddir dyddiad cau, sef 31 Mawrth 2001, ar gyfer cyflwyno ceisiadau a thystiolaeth ategol i ganiatáu cyfrifo taliadau chwyddo Elfennau 2 a'u talu i'r ceiswyr mewn perthynas â'r cynllun am 2001.
- (b) Mae rheoliad 10 yn cadarnhau y gall taliadau Tir Mynydd gael eu talu i geiswyr a gafodd Lwfansau Iawndal Da Byw Tir Uchel am 2000

- (a) Regulation 9 provides a closing date of 31st March 2001 for the submission of claims and supporting evidence to enable Element 2 enhancements to be calculated and paid to claimants in respect of the scheme for 2001.
- (b) Regulation 10 confirms that Tir Mynydd payments may be made to claimants who received Hill Livestock Compensatory

hyd yn oed os nad ydynt wedi gwneud cais am gymorth da byw mewn perthynas â defaid neu fuchod sugno neu'r ddau yn ystod y flwyddyn y cyflwynir y cais Tir Mynydd. Bydd yn dal yn angenrheidiol bodloni gofynion stocio Tir Mynydd.

Allowances for 2000 even if they have not claimed livestock aid in relation to sheep or suckler cows or both during the year in which the Tir Mynydd claim is submitted. The stocking requirements for Tir Mynydd will still need to be met.

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Trawsffiniol) (Cymru)
2001****The Tir Mynydd (Cross-border
Holdings) (Wales) Regulations
2001***Wedi'u gwneud* 22 Mawrth 2001*Made* 22nd March 2001*Yn dod i rym* 23 Mawrth 2001*Coming into force* 23rd March 2001

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), gan ei fod wedi'i ddynodi(a) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(b) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy hyn yn gwneud y rheoliadau canlynol:

The National Assembly for Wales ("the National Assembly"), having been designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) as regards the common agricultural policy of the European Community, hereby makes the following regulations:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tir Mynydd (Daliadau Trawsffiniol) (Cymru) 2001 a deuant i rym ar 23 Mawrth 2001.

Name, commencement and application

1.-(1) These Regulations are called the Tir Mynydd (Cross-border Holdings) (Wales) Regulations 2001 and come into force on 23rd March 2001.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru.

(2) These Regulations apply in relation to Wales.

Diffiniadau

2.-(1) Yn y Rheoliadau hyn, oni fydd y cyd-destun yn mynnu fel arall, bydd y termau a ddefnyddir fel y maent wedi'u diffinio yn Rheoliadau Tir Mynydd (Cymru) 2001(c) "y prif Reoliadau".

Definitions

2.-(1) In these Regulations unless the context otherwise requires, the terms used shall be as defined in the Tir Mynydd (Wales) Regulations 2001 (c) "the principal Regulations".

(2) Ystyr "arwynebedd porthiant y gwneir cais amdano" ("claimed forage area") yw tir sydd wedi'i gofnodi fel arwynebedd porthiant mewn cais cymorth arwynebedd ar gyfer y flwyddyn 2000.

(2) "Claimed forage area" ("arwynebedd porthiant y gwneir cais amdano") means land which has been entered as forage area in an area aid application for the year 2000.

Daliadau Trawsffiniol

3. Bydd y prif Reoliadau yn gymwys i ddaliadau a leolir yn rhannol y tu allan i Gymru ac yn rhannol yng

Cross Border Holdings

3. The principal Regulations shall apply to holdings situated partly outside Wales and partly within Wales

(a) Yn rhinwedd Gorchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) 1999 (O.S.1999/2788) ("y Gorchymyn"). Mae pŵer y Cynulliad Cenedlaethol, fel corff sydd wedi'i ddynodi mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, i wneud rheoliadau sy'n gymwys i ddaliadau sy'n cynnwys tir y tu allan i Gymru, wedi'i gadarnhau gan baragraff 2(b) o Atodlen 2 i'r Gorchymyn.

(a) By virtue of the European Communities (Designation) (No.3) Order (S.I. 1999/2788) ("the Order"). The National Assembly's power to make, as a body designated in relation to the common agricultural policy of the European Community, regulations which extend to holdings which include land situated within the United Kingdom but outside of Wales is confirmed by paragraph 2(b) of Schedule 2 to the Order.

(b) 1972 p.68.

(b) 1972 c.68.

(c) O.S.. 2001/496 (Cy.23).

(c) S.I. 2001/496 (W. 23).

Nghymru, ac eithrio i'r graddau y mae'r Rheoliadau hyn yn darparu fel arall ar eu cyfer a hynny fel y maent wedi'u haddasu gan y Rheoliadau hyn.

Diffiniad o awdurdod cymwys

4.-(1) Yn y rheoliadau hyn ystyr "awdurdod cymwys" mewn perthynas â daliad yw'r awdurdod sy'n gyfrifol am benderfynu'r cais am gymorth arwynebedd a gyflwynwyd mewn perthynas â'r daliad.

- (2) Yr awdurdodau cymwys yw -
- (a) yng Nghymru, y Cynulliad Cenedlaethol;
 - (b) yn yr Alban, Gweinidogion yr Alban;
 - (c) yn Lloegr, y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd; ac
 - (ch) yng Ngogledd Iwerddon, yr Adran Amaethyddiaeth a Datblygu Gwledig.

Trefniadau asiantaeth

5.-(1) Caiff y Cynulliad Cenedlaethol, gyda chytundeb unrhyw awdurdod cymwys arall, drefnu bod unrhyw rai o'i swyddogaethau mewn perthynas ag unrhyw geisiadau yn cael eu harfer gan yr awdurdod cymwys hwnnw ar ei ran.

(2) Caiff y Cynulliad Cenedlaethol gyntuno hefyd i arfer swyddogaethau sy'n cyfateb i'r rhai sy'n arferadwy gan y Cynulliad Cenedlaethol o dan y rheoliadau hyn neu'r prif reoliadau ar ran awdurdod cymwys arall

(3) Rhaid i unrhyw drefniant o'r fath fod yn ysgrifenedig ac wedi'i lofnodi gan neu ar ran yr awdurdodau cymwys perthnasol a gall trefniant o'r fath fod yn ddarostyngedig i unrhyw amodau (gan gynnwys amodau yn ymwneud â'r costau a chodi tâl am gostau) y cytunir arnynt.

Gwrth-gyfrifiad

6. Heb ragfarnu cyfanswm unrhyw swm sy'n daladwy gan y Cynulliad Cenedlaethol i unrhyw awdurdod cymwys arall, gellir gosod unrhyw swm sy'n daladwy gan y Cynulliad Cenedlaethol, p'un ai fel penadur neu fel asiant, fel taliad penodedig yn erbyn cyfanswm unrhyw swm y gall y Cynulliad Cenedlaethol ei adennill, naill ai fel penadur neu fel asiant.

Dyrannu unedau da byw sy'n pori ar ddaliadau a leolir yn rhannol y tu allan i Gymru

7. Pan fydd unrhyw ddaliad y gwnaed cais ar ei gyfer wedi'i leoli yn rhannol y tu allan i Gymru, rhaid cyfrifo nifer yr unedau da byw sy'n pori ar y rhan honno o'r daliad a leolir yng Nghymru fel a ganlyn:

$$N = U \times X \div Y$$

except in so far as these Regulations otherwise provide and as adapted by these Regulations.

Definition of competent authority

4.(1) In these regulations "competent authority" in relation to a holding, means the authority responsible for determining the area aid application submitted in respect of the holding.

- (2) The competent authorities are -
- (a) in Wales, the National Assembly for Wales;
 - (b) in Scotland, the Scottish Ministers;
 - (c) in England, the Minister of Agriculture, Fisheries and Food; and
 - (d) in Northern Ireland, the Department of Agriculture and Rural Development.

Agency arrangements

5.-(1) The National Assembly may, with the agreement of any other competent authority, arrange for any of its functions in relation to any claims to be exercised on its behalf by that competent authority.

(2) The National Assembly may also agree to exercise functions on behalf of another competent authority corresponding to those which are exercisable by the National Assembly under these or the principal regulations.

(3) Any such an arrangement shall be in writing and be signed by or on behalf of the competent authorities concerned and such arrangement may be subject to such conditions (including conditions as to the costs and charge for costs) as may be agreed.

Set-off

6. Without prejudice to the amount of any sum payable by the National Assembly to any other competent authority, the amount of any sum payable by the National Assembly, whether as principal or agent, by way of a specified payment may be set-off against the amount of any sum recoverable by the National Assembly, whether as principal or agent.

Apportionment of livestock units grazed on holdings situated partly outside Wales

7. Where any holding in respect of which a claim has been made is situated partly outside Wales, the number of livestock units grazed on that part of the holding that is situated in Wales shall be calculated as follows:

$$N = U \times X \div Y$$

ac

“N” yw nifer yr unedau da byw sy’n pori ar y rhan honno o’r daliad a leolir yng Nghymru;

“U” yw cyfanswm yr unedau da byw sy’n pori ar y daliad hwnnw;

“X” yw arwynebedd porthiant y gwneir cais amdano y rhan honno o’r daliad a leolir yng Nghymru mewn hectarau; ac

“Y” yw cyfanswm arwynebedd porthiant y gwneir cais amdano y daliad hwnnw mewn hectarau.

Dyrannu swmp cyfeiriol unigol o laeth ar ddaliadau a leolir yn rhannol y tu allan i Gymru

8. Pan fydd unrhyw ddaliad y mae cais wedi’i wneud mewn perthynas ag ef wedi’i leoli yn rhannol y tu allan i Gymru, rhaid cyfrifo’r swmp cyfeiriol unigol o laeth a ystyrir fel pe bai ar gael i geisydd mewn perthynas â’r tir yng Nghymru fel a ganlyn:-

$$A = B \times X \div Y$$

ac

“X” yw arwynebedd porthiant y gwneir cais amdano y rhan honno o’r daliad a leolir yng Nghymru mewn hectarau;

“Y” yw cyfanswm arwynebedd porthiant y gwneir cais amdano y daliad hwnnw mewn hectarau;

“B” yw cyfanswm swmp cyfeiriol unigol o laeth sydd ar gael i’r ceisydd mewn perthynas â’r daliad hwnnw; ac

“A” yw’r swmp cyfeiriol unigol o laeth a ystyrir fel pe bai ar gael i’r ceisydd mewn perthynas â’r rhan honno o’r daliad a leolir yng Nghymru.

Y dyddiad cau terfynol

9. Yn rheoliad 10 o’r prif Reoliadau, ychwanegir y canlynol:-

“(4) Os oes cais wedi’i wneud am un neu ragor o daliadau chwyddo o dan Efen 2 o’r Cynllun am 2001, ond nad yw’r Cynulliad Cenedlaethol wedi cael gwybodaeth ategol i gadarnhau’r cais er ei foddhad erbyn 31 Mawrth 2001, caiff y Cynulliad Cenedlaethol wrthod y cais a dosbarthu cyllideb Efen 2 ymhlith ceiswyr y mae eu ceisiadau wedi’u cadarnhau erbyn y dyddiad hwnnw.

(5) Ni chaiff ceisiadau am daliadau chwyddo Efen 2 eu gwneud wedi 31 Mawrth 2001.”

Ceisiadau HLCA yn unig

10. Yn rheoliad 3 o’r prif Reoliadau, ychwanegir y canlynol:-

when

“N” is the number of livestock units grazed on that part of the holding situated in Wales;

“U” is the total number of livestock units grazed on that holding;

“X” is the claimed forage area in hectares of that part of the holding that is situated in Wales; and

“Y” is the total claimed forage area in hectares of that holding.

Apportionment of individual reference quantity of milk on holdings situated partly outside Wales

8. Where any holding in respect of which a claim has been made is situated partly outside Wales, the individual reference quantity of milk that shall be regarded as available to a claimant in relation to the land in Wales shall be calculated as follows:-

$$A = B \times X \div Y$$

and :

“X” is the claimed forage area in hectares of that part of the holding that is situated in Wales;

“Y” is the total claimed forage area in hectares of that holding;

“B” is the total individual reference quantity of milk that is available to the claimant in respect of that holding; and

“A” is the individual reference quantity of milk that is regarded as available to the claimant in respect of that part of the holding that is situated in Wales.

Final closing date

9. In regulation 10 of the principal Regulations the following is added:-

“(4) If a claim has been made for one or more enhancements under Element 2 of the Scheme for 2001, but supporting information to substantiate the claim to the satisfaction of the National Assembly has not been received by it by the 31st March of 2001, the National Assembly may reject the claim and distribute the budget for Element 2 amongst claimants whose claims have been substantiated by that date.

(5) No claims for Element 2 enhancements for 2001 may be made after 31st March 2001.”

HLCA only claims

10. In regulation 3 of the principal Regulations the following is added:-

“(9) Er gwaethaf darpariaethau paragraff 3(1)(c) o’r rheoliad hwn, bydd ceisydd yn gymwys i gael taliadau o dan y cynllun Tir Mynydd hyd yn oed os nad oes cais o’r fath am gymorth da byw wedi’i gyflwyno:

(a) os gwnaeth y ceisydd gais am Lwfansau Iawndal Da Byw Tir Uchel am y flwyddyn 2000 a chael taliadau; a

(b) os yw wedi gwneud cais am daliadau o dan y cynllun Tir Mynydd am unrhyw flynyddoedd wedyn yn y cyfamser ac wedi cael taliadau ar eu cyfer.”

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

22 Mawrth 2001

Llywydd Cynulliad Cenedlaethol Cymru

“(9) Despite the provisions of paragraph 3(1)(c) of this regulation, a claimant shall be eligible for payments under the Tir Mynydd scheme even if no such claim for livestock aid has been submitted if:

(a) the claimant claimed and was paid Hill Livestock Compensatory Allowances for the year 2000; and

(b) has claimed and received payments under the Tir Mynydd scheme for any subsequent intervening years.”

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

22nd March 2001

D. Elis Thomas

The Presiding Officer of the National Assembly for Wales

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£2.00

W249/07/01

ON

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ISBN 0-11-090268-8



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