



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 151 (Cy.21)

2003 No. 151 (W.21)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau Premiwm Blynyddol
Defaid (Diwygio) (Cymru)
2003**

**The Sheep Annual Premium
(Amendment) (Wales) Regulations
2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n dod i rym ar 3 Chwefror 2003, yn diwygio Rheoliadau Premiwm Blynyddol Defaid 1992 (O.S. 1992/2677, fel y'u diwygiwyd eisoes gan O.S. 1994/2741, 1995/2779, 1996/49, 1997/2500 a 2000/2573) ("y prif Reoliadau").

These Regulations, which come into force on 3rd February 2003, amend the Sheep Annual Premium Regulations 1992 (S.I. 1992/2677, as already amended by S.I. 1994/2741, 1995/2779, 1996/49, 1997/2500 and 2000/2573) ("the principal Regulations").

Maent yn diwygio'r prif Reoliadau cyn belled ag y mae'r rheiny'n ymwneud "i raddau perthnasol" ag unrhyw gynhyrchydd at ddibenion Rheoliad y Cyngor (EC) Rhif 2529/2001 sy'n gosod rheolau cyffredinol ar gyfer rhoi premiwm i gynhyrchwyr cig defaid a chig geifr (OJ Rhif L341, 22.12.2001, t.3). Y "graddau perthnasol" at y diben hwn yw'r graddau y mae Cynulliad Cenedlaethol Cymru, mewn perthynas â daliad y cynhyrchydd o dan sylw, yn awdurdod cymwys perthnasol at ddibenion Rheoliadau System Integredig Gweinyddu a Rheoli 1993 (O.S. 1993/1317, fel y'u diwygiwyd gan O.S. 1994/1134, 1997/1148, 1999/1820 a 2000/2573).

They amend the principal Regulations in so far as to a "relevant extent" the latter relate to any producer for the purposes of Council Regulation (EC) No.2529/2001 laying down general rules for the grant of premium to sheepmeat and goatmeat producers (OJ No. L341, 22.12.2001, p.3). The "relevant extent" for this purpose is the extent to which, in relation to the holding of the producer in question, the National Assembly for Wales is the relevant competent authority for the purposes of the Integrated Administration and Control System Regulations 1993 (S.I. 1993/1317, as amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573).

Mae'r Rheoliadau yn mewnosod yn y prif Reoliadau reoliad 8 newydd sy'n gosod gofynion ar y cynhyrchwyr hynny i gadw cofnodion ynglŷn â digwyddiadau penodedig. Yn ychwanegol, maent yn gwneud diwygiadau canlyniadol i'r prif Reoliadau. Mae'r gofynion hyn ynglŷn â chadw cofnodion yn gweithredu Erthygl 4(1)(b) o Gyfarwyddeb y Cyngor (EC) Rhif 92/102 ar adnabod a chofrestru anifeiliaid (OJ Rhif L355, 5.12.92, t.32) ac maent yn ofynion a gafodd eu pennu o'r blaen yn erthygl 5 o Reoliadau Adnabod Defaid a Geifr (Cymru) 2000 (O.S. 2000/2335 (Cy.152)).

The Regulations insert a new regulation 8 into the principal Regulations which imposes record-keeping requirements on those producers relating to specified events. In addition, they make consequential amendments to the principal Regulations. These record-keeping requirements implement Article 4(1)(b) of Council Directive (EC) No. 92/102 on the identification and registration of animals (OJ No. L355, 5.12.92, p.32) and were previously specified in article 5 of the Sheep and Goats Identification (Wales) Regulations 2000 (S.I. 2000/2335 (W.152)).

Nid oes Arfarniad Rheoliadol wedi'i baratoi mewn perthynas â'r Rheoliadau hyn.

No Regulatory Appraisal has been prepared in respect of these Regulations.

2003 Rhif 151 (Cy.21)

2003 No. 151 (W.21)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

Rheoliadau Premiwm Blynyddol
Defaid (Diwygio) (Cymru)
2003The Sheep Annual Premium
(Amendment) (Wales) Regulations
2003*Wedi'u gwneud* 29 Ionawr 2003*Made* 29th January 2003*Yn dod i rym* 3 Chwefror 2003*Coming into force* 3rd February 2003

Mae Cynulliad Cenedlaethol Cymru, 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 arfer y pwerau a roddwyd iddo o dan yr adran 2(2) a enwyd, drwy hyn yn gwneud y Rheoliadau canlynol :

The National Assembly for Wales being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by the said section 2(2), hereby makes the following Regulations:

Teitl a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Premiwm Blynyddol Defaid (Diwygio) (Cymru) 2003 a deuant i rym ar 3 Chwefror 2003.

Title and commencement

1. These Regulations may be cited as the Sheep Annual Premium (Amendment) (Wales) Regulations 2003 and come into force on 3rd February 2003.

Dehongli

2. Yn y Rheoliadau hyn -

ystyr "cynhyrchydd" yw cynhyrchydd fel y diffinnir "*producer*" yn Erthygl 3 o Reoliad y Cyngor (EC) Rhif 2529/2001 ar gyd-drefniadaeth y farchnad mewn cig defaid a chig geifr(c);

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "daliad" ("*holding*") yw'r holl unedau cynhyrchu sy'n cael eu rheoli gan gynhyrchydd sydd wedi'i leoli yn y Deyrnas Unedig;

ystyr "y prif Reoliadau" ("*the principal*

Interpretation

2. In these Regulations -

"holding" ("*daliad*") means all the production units managed by a producer situated within the United Kingdom;

"the IACS Regulations" ("*Rheoliadau IACS*") means the Integrated Administration and Control System Regulations 1993(c);

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"the principal Regulations" ("*y prif Reoliadau*") means the Sheep Annual Premium Regulations 1992(d); and

(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 sydd wedi'i leoli o fewn y Deyrnas Unedig ond sydd y tu allan i Gymru wedi'i gadarnhau gan baragraff 2(b) o Atodlen 2 i'r Gorchymyn.

(b) 1972 p.68.

(c) OJ Rhif L341, 22.12.2001, t.3.

(a) By virtue of the European Communities (Designation) (No.3) Order 1999 (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 c.68.

(c) S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.

(d) S.I. 1992/2677, amended by S.I. 1994/2741, 1995/2779, 1996/49, 1997/2500 and 2000/2573.

Regulations") yw Rheoliadau Premiwm Blynnyddol Defaid (Diwygio) (Cymru) 1992(a); ac

ystyr "Rheoliadau IACS" (*the IACS Regulations*) yw Rheoliadau'r System Integredig Rheoli a Gweinyddu 1993(b).

Diwygio'r prif Reoliadau

3.-(1) Cyn belled ag y maent yn ymwneud i raddau perthnasol â chynhyrchydd, diwygir y prif Reoliadau yn unol â darpariaethau paragraffau (3) i (5) o'r rheoliad hwn.

(2) Ym mharagraff (1) uchod, ystyr "i raddau perthnasol" yw'r graddau y mae'r Cynulliad Cenedlaethol yn awdurdod cymwys perthnasol at ddibenion y Rheoliadau IACS mewn perthynas â daliad y cynhyrchydd o dan sylw.

(3) Yn rheoliad 5 (pwerau swyddogion awdurdodedig), rhoddir y paragraff canlynol yn lle'r paragraff (5)(a) presennol -

"(a) require any producer or any employee, servant or agent of a producer to produce any record that producer is required to keep pursuant to regulation 8 and to supply such additional information in that person's possession or under his control relating to an application for premium as the authorised officer may reasonably request;"

(4) Ar ôl rheoliad 7, mewnosodir y rheoliad canlynol-

"Record keeping

8.-(1) Where at any time during a marketing year a producer fails to comply with the record keeping requirements of paragraphs (2) to (4) of this regulation, the National Assembly may withhold or recover on demand the whole or any part of any premium payable or paid to the producer in respect of that marketing year.

(2) On or before 31st January each year, the producer shall record the total number of female sheep on the holding on 1st January of that year which either were over 12 months old or had given birth, and the date the entry was made.

(3) Without prejudice to the requirements of paragraph (2), within 14 days of any of the following events -

(a) the intentional movement on or off the holding of female sheep which either were over 12 months old or had given birth;

(b) a female sheep which has not given birth

"producer" (*cynhyrchydd*) means a producer as defined in Article 3 of Council Regulation (EC) No. 2529/2001 on the common organisation of the market in sheepmeat and goatmeat(a).

Amendment of the principal Regulations

3.-(1) In so far as they relate to a producer to a relevant extent, the principal Regulations are amended in accordance with the provisions of paragraphs (3) to (5) of this regulation.

(2) In paragraph (1) above, "to a relevant extent" means to the extent that the National Assembly is the relevant competent authority for the purposes of the IACS Regulations in relation to the holding of the producer in question.

(3) In regulation 5 (powers of authorised officers), the following paragraph is substituted for the existing paragraph (5)(a) -

"(a) require any producer or any employee, servant or agent of a producer to produce any record that producer is required to keep pursuant to regulation 8 and to supply such additional information in that person's possession or under his control relating to an application for premium as the authorised officer may reasonably request;"

(4) After regulation 7, the following regulation is inserted -

"Record keeping

8.-(1) Where at any time during a marketing year a producer fails to comply with the record keeping requirements of paragraphs (2) to (4) of this regulation, the National Assembly may withhold or recover on demand the whole or any part of any premium payable or paid to the producer in respect of that marketing year.

(2) On or before 31st January each year, the producer shall record the total number of female sheep on the holding on 1st January of that year which either were over 12 months old or had given birth, and the date the entry was made.

(3) Without prejudice to the requirements of paragraph (2), within 14 days of any of the following events -

(a) the intentional movement on or off the holding of female sheep which either were over 12 months old or had given birth;

(b) a female sheep which has not given birth

(a) O.S. 1992/2677, a ddiwygiwyd gan O.S. 1994/2741, 1995/2779, 1996/49, 1997/2500 a 2000/2573.

(b) O.S. 1993/1317, a ddiwygiwyd gan O.S. 1994/1134, 1997/1148, 1999/1820 a 2000/2573.

(a) OJ No. L341, 22.12.2001, p.3.

- reaching the age of 12 months;
- (c) a sheep under 12 months old giving birth;
 - (d) the discovery that a female sheep which either was over 12 months old or had given birth has been lost from the holding, either because it has died or because it is missing from the holding.

the producer shall record the total number of female sheep on the holding which have given birth or are over 12 months old, the date of the entry and the reasons that the total number of such sheep on the holding has changed.

(4) All records under this regulation shall be retained by the producer for a period of four years."

(5) Dilëir Rheoliad 8A.

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

29 Ionawr 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

(a) 1998 p.38.

- reaching the age of 12 months;
- (c) a sheep under 12 months old giving birth;
 - (d) the discovery that a female sheep which either was over 12 months old or had given birth has been lost from the holding, either because it has died or because it is missing from the holding,

the producer shall record the total number of female sheep on the holding which have given birth or are over 12 months old, the date of the entry and the reasons that the total number of such sheep on the holding has changed.

(4) All records under this regulation shall be retained by the producer for a period of four years."

(5) Regulation 8A is deleted.

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

29th January 2003

The Presiding Officer of the National Assembly

(a) 1998 c.38.

© Hawlfraint y Goron 2003

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

£1.75

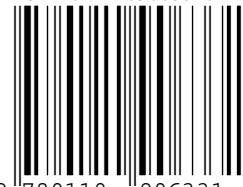
W38/02/03

ON

© Crown copyright 2003

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090633-0



9 780110 906331