OFFERYNNAU STATUDOL CYMRU

2012 Rhif 3022 (Cy.306)

LANDLORD A THENANT, CYMRU

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2012

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 pennu'r swm sydd i'w ystyried yn incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2012 i 11 Medi 2013 at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986"). Mae'r Gorchymyn hwn yn dirymu Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2011 (O.S. 2011/2831 (Cy.304)).

Mae'n ofynnol asesu gallu cynhyrchiol tir amaethyddol er mwyn penderfynu 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 llawn amser 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.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd, yn 2011, yn hectar cymwys at ddibenion Rheoliad y Cyngor (EC) Rhif

WELSH STATUTORY INSTRUMENTS

2012 No. 3022 (W.306)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2012

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 2012 to 11 September 2013 for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act"). This Order revokes the Agricultural Holdings (Units of Production) (Wales) Order 2011 (S.I. 2011/2831 (W.304)).

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.

This Order includes net annual income figures for land which was, in 2011, an eligible hectare for the purposes of Council Regulation (EC) No 73/2009 (OJ

73/2009 (OJ Rhif L 30, 31.1.2009, t.16). Rhoddir ffigurau ar wahân yn yr Atodlen ar gyfer tir dan anfantais ddifrifol, tir dan anfantais a thir arall.

Ni pharatowyd asesiad effaith rheoleiddiol ar gyfer yr offeryn hwn oherwydd na ragwelir unrhyw effaith ar fusnes na'r sector preifat na'r sector gwirfoddol.

No L 30, 31.1.2009, p.16). There are separate figures in the Schedule for severely disadvantaged land, disadvantaged land and other land.

A regulatory impact assessment has not been produced for this instrument as no impact on business or the private or voluntary sector is foreseen.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 3022 (Cy.306)

LANDLORD A THENANT, CYMRU

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2012

Gwnaed	*4 Rhagfyr 2012*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*5 Rhagfyr 2012*
Yn dod i rym	*26 Rhagfyr 2012*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan baragraff 4 o Atodlen 6 i Ddeddf Daliadau Amaethyddol 1986(**1**) ac sydd bellach wedi eu breinio 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) 2012, mae'n gymwys o ran Cymru, a daw i rym ar 26 Rhagfyr 2012.

(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 34(2) o Reoliad y Cyngor 73/2009;

ystyr "mapiau dynodedig ("*designated maps*") yw'r ddwy gyfrol o fapiau sydd wedi eu rhifo 1 a 2, y ddwy wedi eu marcio â "Volume of maps of less favoured farming areas in Wales" ac â rhif y gyfrol

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

(**2**) Trosglwyddwyd swyddogaethau 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 yn arferadwy bellach gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

WELSH STATUTORY INSTRUMENTS

2012 No. 3022 (W.306)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2012

Made	*4 December 2012*
Laid before the National Assembly for Wales	*5 December 2012*
Coming into force	*26 December 2012*

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) Order 2012, it applies in relation to Wales, and comes into force on 26 December 2012.

(2) In this Order—

"Council Regulation 73/2009" ("*Rheoliad y Cyngor 73/2009*") means Council Regulation (EC) No. 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, and amending and repealing 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

(**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).

(**3**) OJ No L 30, 31.1.2009, p.16, last amended by Regulation (EU) No 671/2012 (OJ No L 204, 31.7.2012, p.11).

dyddiedig 20 Mai 1999, ac wedi eu llofnodi gan Ysgrifennydd Gwladol Cymru a'u hadneuo yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ;

ystyr "Rheoliad y Cyngor 73/2009" ("*Council Regulation 73/2009*") yw Rheoliad y Cyngor (EC) Rhif 73/2009 sy'n sefydlu rheolau cyffredin ar gyfer cynlluniau cymorth uniongyrchol i ffermwyr o dan y polisi amaethyddol cyffredin, ac yn sefydlu cynlluniau cymorth penodol i ffermwyr ac yn diwygio ac yn diddymu 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 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; ac

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

Asesu gallu cynhyrchiol tir

2.—(1) Mae paragraffau (2) a (3) yn cael effaith at ddiben asesu gallu 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 "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 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 2012, 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.

(**1**) OJ Rhif L 30, 31.1.2009, t.16, a ddiwygiwyd ddiwethaf gan Reoliad (EU) Rhif 671/2012 (OJ Rhif L 204, 31.7.2012, t.11).

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

favoured farming areas in Wales" and with the number of the volume dated 20 May 1999 and signed by the Secretary of State for Wales and deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ;

"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 34(2) of Council Regulation 73/2009;

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

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

"Tir Mynydd payment" ("*taliad Tir Mynydd*") means financial assistance paid in accordance with regulation 3 of the Rural Development Programmes (Wales) Regulations 2006(**1**).

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 2012, 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.

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

(3) Os yw tir sy'n gallu cynhyrchu incwm blynyddol net, pan ffermir ef dan reolaeth gymwys, yn gymwys i dderbyn taliad Tir Mynydd (gweler cofnod 4 yng ngholofn 1 yn yr Atodlen i'r Gorchymyn hwn) neu os oedd yn hectar cymwys yn 2011 (gweler cofnod 5 yng ngholofn 1), 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 2012, 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.

Dirymu

3. Mae Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2011(**1**) wedi ei ddirymu.

(3) Where land capable, when farmed under competent management, of producing a net annual income is eligible to receive a Tir Mynydd payment (see entry 4 in column 1 of the Schedule to this Order), or was an eligible hectare in 2011 (see entry 5 in column 1), 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 2012, 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.

Revocation

3. The Agricultural Holdings (Units of Production) (Wales) Order 2011(**1**) is revoked.

Alun Davies

Y Dirprwy Weinidog Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd, o dan awdurdod y Gweinidog Busnes, Menter, Technoleg a Gwyddoniaeth, un o Weinidogion Cymru

Deputy Minister for Agriculture, Food, Fisheries and European Programmes, under authority of the Minister for Business, Enterprise, Technology and Science, one of the Welsh Ministers

4 Rhagfyr 2012

4 December 2012

(**1**) O.S. 2011/2831 (Cy.304)

(**1**) S.I. 2011/2831 (W.304).

YR ATODLEN

Erthygl 2

UNEDAU CYNHYRCHU RHAGNODEDIG A PHENNU INCWM BLYNYDDOL NET

Colofn 1 *Y Defnydd Ffermio*		*Colofn 2* *Yr uned gynhyrchu*	*Colofn 3* *Incwm blynyddol net o'r uned gynhyrchu (£)*
1. Da byw			
Buchod godro		buwch	400
Buchod bridio cig eidion:	ar dir mewn ardal lai ffafriol	buwch	-163
	ar dir arall	buwch	-146
Gwartheg pesgi cig eidion (lled-arddwys)		y pen	-92[(1)]
Buchod llaeth i lenwi bylchau		y pen	102[(2)]
Mamogiaid:	ar dir mewn ardal lai ffafriol	mamog	-13
	ar dir arall	mamog	-7
Ŵyn stôr (gan gynnwys ŵyn benyw a werthir fel hesbinod)		y pen	4.50
Moch:	hychod a banwesod torrog	hwch neu fanwes	235
	moch porc	y pen	8.30
	moch torri	y pen	11.60
	moch bacwn	y pen	14.70
Dofednod:	ieir dodwy	aderyn	3.60
	brwyliaid	aderyn	0.30
	cywennod ar ddodwy	aderyn	0.60
Tyrcwn Nadolig		aderyn	5.30
2. Cnydau âr fferm			
Haidd		hectar	147
Ffa		hectar	155
Rêp had olew		hectar	293
Pys sych		hectar	297
Tatws:	cynnar cyntaf	hectar	1405
	prif gnwd (gan gynnwys hadyd)	hectar	2475
Betys siwgr		hectar	297
Gwenith		hectar	421

3. Cnydau garddwriaethol awyr agored a ffrwythau			
Ffrwythau'r berllan		hectar	2700
Ffrwythau meddal		hectar	7750
4. Tir porthiant			
Ar dir sy'n gymwys 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. Hectarau cymwys			
Tir a oedd, yn 2011, yn hectar cymwys at ddibenion Rheoliad y Cyngor 73/2009	tir dan anfantais ddifrifol	hectar	113.61
	tir dan anfantais	hectar	149.05
	pob tir arall	hectar	97.34

(1) Dyma'r ffigur ar gyfer anifeiliaid y byddid yn eu cadw 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) y byddid yn eu cadw 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	400
Beef breeding cows:	on land in a less favoured area	cow	-163
	on other land	cow	-146
Beef fattening cattle (semi-intensive)		head	-92[1]
Dairy replacements		head	102[2]
Ewes:	on land in a less favoured area	ewe	-13
	on other land	ewe	-7
Store lambs (including ewe lambs sold as shearlings)		head	4.50
Pigs:	sows and gilts in pig	sow or gilt	235
	porker	head	8.30
	cutter	head	11.60
	bacon	head	14.70
Poultry:	laying hens	bird	3.60
	broilers	bird	0.30
	point-of-lay pullets	bird	0.60
Christmas turkeys		bird	5.30
2. Farm arable crops			
Barley		hectare	147
Beans		hectare	155
Oilseed rape		hectare	293
Dried peas		hectare	297
Potatoes:	first early	hectare	1405
	maincrop (including seed)	hectare	2475
Sugar beet		hectare	297
Wheat		hectare	421

3. Outdoor horticultural crops and fruit			
Orchard fruit		hectare	2700
Soft fruit		hectare	7750
4. Forage land			
On land which is eligible for the purposes of a Tir Mynydd payment		hectare	the amount of Tir Mynydd payment required to be paid under regulation 3 of the Rural Development Programmes (Wales) Regulations 2006
5. Eligible hectares			
Land which was in 2011, an eligible hectare for the purposes of Council Regulation 73/2009	severely disadvantaged land	hectare	113.61
	disadvantaged land	hectare	149.05
	all other land	hectare	97.34

(1) This is the figure for animals 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.

(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.

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Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2012

WELSH STATUTORY INSTRUMENTS

2012 No. 3022 (W.306)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2012

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