



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 1218 (Cy. 291)

2017 No. 1218 (W. 291)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2017**

**The Agricultural Holdings (Units of
Production) (Wales) Order 2017**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn rhagnodi unedau cynhyrchu ar gyfer asesu gallu cynhyrchiol tir amaethyddol a leolir yng Nghymru ac yn nodi'r swm sydd i'w ystyried fel yr incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2017 i 11 Medi 2018 at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986").

Mae'n ofynnol asesu gallu cynhyrchiol tir amaethyddol er mwyn penderfynu 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). 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 llawnamser sy'n 20 mlwydd oed neu'n hŷn (paragraff 3 o Atodlen 6 i Ddeddf 1986). Wrth bennu'r ffigur incwm blynyddol hwn, pa bryd bynnag y bydd defnydd ffermio penodol a grybwyllir yng ngholofn 1 o'r Atodlen yn berthnasol i'r asesiad o allu cynhyrchiol y tir o 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.

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 2017 to 11 September 2018 for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act").

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 the assessment.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd, yn 2016, yn hectar cymwys o fewn ystyr Erthygl 32(2) o Reoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor sy'n gosod rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin (OJ Rhif L 347, 20.12.2013, t. 608). Rhoddir ffigurau ar wahân yn yr Atodlen ar gyfer tir dan anfantais ddifrifol, tir dan anfantais, tir mewn ardal lai ffafriol a thir arall.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

This Order includes net annual income figures for land which was, in 2016, an eligible hectare within the meaning of Article 32(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (OJ No L 347, 20.12.2013, p. 608). There are separate figures in the Schedule for severely disadvantaged land, disadvantaged land, land in a less favoured area and other land.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

2017 Rhif 1218 (Cy. 291)

2017 No. 1218 (W. 291)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2017**

**The Agricultural Holdings (Units of
Production) (Wales) Order 2017**

Gwnaed 5 Rhagfyr 2017

Made 5 December 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 8 Rhagfyr 2017

*Laid before the National Assembly for
Wales* 8 December 2017

Yn dod i rym 5 Ionawr 2018

Coming into force 5 January 2018

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir 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.

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.

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2017, mae'n gymwys o ran Cymru, a daw i rym ar 5 Ionawr 2018.

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) Order 2017, it applies in relation to Wales and comes into force on 5 January 2018.

(2) Yn y Gorchymyn hwn—

(2) In this Order—

ystyr “ardal lai ffafriol” (“*less favoured area*”) yw unrhyw ardal o dir dan anfantais neu dir dan anfantais ddifrifol;

“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 1991 and signed by the Secretary of State for Wales and deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ;

mae i “hectar cymwys” yr un ystyr ag a roddir i “eligible hectare” yn Erthygl 32(2) o Reoliad 1307/2013;

(1) 1986 p. 5; diffinnir “the Minister” yn adran 96(1) o'r Ddeddf honno.

(1) 1986 c. 5; section 96(1) of that Act defines “the Minister”.

(2) Trosglwyddwyd swyddogaethau a roddwyd 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 iddo. Mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(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).

ystyr “mapiau dynodedig” (“*designated maps*”) yw’r ddwy gyfrol o fapiau dyddiedig 20 Mai 1991, sydd wedi eu rhifo 1 a 2, y naill gyfrol a’r llall wedi eu marcio â “Volume of maps of less favoured farming areas in Wales” ac â rhif y gyfrol, ac sydd wedi eu llofnodi gan Ysgrifennydd Gwladol Cymru a’u hadneuo yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ;

ystyr “Rheoliad 1307/2013” (“*Regulation 1307/2013*”) yw Rheoliad (EU) Rhif 1307/2013 Senedd Ewrop a’r Cyngor sy’n gosod rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin(1);

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;

ystyr “tir dan anfantais ddifrifol” (“*severely disadvantaged land*”) yw unrhyw 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 y diben o 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 yr ystyr a roddir i “commercial unit of agricultural land” ym mharagraff 3(1) o Atodlen 6 i Ddeddf Daliadau Amaethyddol 1986.

(2) Os gellir defnyddio’r tir o dan sylw, pan gaiff ei ffermio o dan reolaeth gymwys, i gynhyrchu unrhyw dda byw, cnwd â’r fferm, cnwd garddwriaethol 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 mewn perthynas â’r defnydd hwnnw o’r tir yw’r uned yn y cofnod cyfatebol yng ngholofn 2, a
- (b) y swm a bennir, ar gyfer y cyfnod o 12 mis sy’n dechrau â 12 Medi 2017, fel yr incwm blyneddol net o’r uned gynhyrchu honno yn y cyfnod hwnnw yw’r swm yn y cofnod cyfatebol yng ngholofn 3, fel y’i darllenir ynghyd ag unrhyw nodyn perthnasol i’r Atodlen honno.

“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 32(2) of Regulation 1307/2013;

“less favoured area” (“*ardal lai ffafriol*”) means any area of disadvantaged land or severely disadvantaged land;

“Regulation 1307/2013” (“*Rheoliad 1307/2013*”) means Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(1);

“severely disadvantaged land” (“*tir dan anfantais ddifrifol*”) means any area of land shown coloured pink on the designated maps.

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 corresponding entry in column 2, and
- (b) the amount determined, for the period of 12 months beginning with 12 September 2017, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 3, as read with any relevant note to that Schedule.

(1) OJ Rhif L 347, 20.12.2013, t. 608, fel y’i diwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) 2017/1155 (OJ Rhif L 167, 30.6.2017, t. 1) ac fel y’i cywirwyd gan Gorigendwm (OJ Rhif L 130, 19.5.2016, t. 8).

(1) OJ No L 347, 20.12.2013, p. 608, as last amended by Commission Delegated Regulation (EU) 2017/1155 (OJ No L 167, 30.6.2017, p.1) and corrected by Corrigendum (OJ No L 130, 19.5.2016, p. 8).

(3) Os oedd tir sy'n gallu cynhyrchu incwm blynyddol net, pan gaiff ei ffermio o dan reolaeth gymwys, yn hecтар cymwys yn 2016 yn unol â chofnod 4 yng ngholofn 1 o'r Atodlen i'r Gorchymyn hwn, yna—

- (a) yr uned gynhyrchu a ragnodir mewn perthynas â'r defnydd hwnnw o'r tir yw'r uned yn y cofnod cyfatebol yng ngholofn 2, a
- (b) y swm a bennir, ar gyfer y cyfnod o 12 mis sy'n dechrau â 12 Medi 2017, fel yr incwm blynyddol net o'r uned gynhyrchu honno yn y cyfnod hwnnw yw'r swm yn y cofnod cyfatebol yng ngholofn 3.

(3) Where land capable, when farmed under competent management, of producing a net annual income was an eligible hectare in 2016 in accordance with entry 4 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 corresponding entry in column 2, and
- (b) the amount determined, for the period of 12 months beginning with 12 September 2017, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 3.

Lesley Griffiths

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru
5 Rhagfyr 2017

Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
5 December 2017



©Hawlfraint y Goron 2017

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

© Crown copyright 2017

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

©Hawlfraint y Goron 2017

© Crown copyright 2017

Jeff James,

Jeff James,

Printed pages	Cover Price (mono)
1-6	£4.25
7-31	£6.00
32-60	£10.00
61-71	£11.00
72-84	£14.25
85-96	£16.00
97-112	£16.50
113-128	£19.00
129-144	£20.75
145-164	£23.25
165-180	£25.50
181-220	£27.50
221-260	£29.50
261-299	£32.75
300-399	£39.25
400-499	£46.25
500+	£0.070 per printed page

NOTE: Printed Pages includes the Back Page

1234567890

£0.00

W2017????? 12/2017

<http://www.legislation.gov.uk/id/wsi/2017/???>

