



## CYNULLIAD CENEDLAETHOL CYMRU

### OFFERYNNAU STATUDOL

**2002 Rhif 1806 (Cy.176)**

## AMAETHYDDIAETH, CYMRU

**Rheoliadau Tir Mynydd (Cymru)  
(Diwygio) 2002**

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sydd yn dod i rym ar 10 Gorffennaf 2002, yn diwygio Rheoliadau Tir Mynydd (Cymru) 2001 ("y prif Reoliadau") drwy:

- (a) ailddatgan a diwygio'r meini prawf i geiswyr fod yn gymwys i dderbyn taliad o dan y cynllun er mwyn i geisiwyr fod yn gymwys i dderbyn taliadau os oes ganddynt dir porthiant yn naill ai Lloegr, yr Alban neu Ogledd Iwerddon ("tiriogaeth trawsffiniol") sef tir sy'n caniatáu i'r ceisydd hwnnw yr hawl i lwfans ar gyfer ardal llai ffafriol yn y diriogaeth drawsffiniol honno, er bod gan y ceiswyr hynny lai na'r lleiafswm gofynnol o 6 hectar o dir porthiant cymwys yng Nghymru (rheoliad 5).
- (b) ailfformiwleiddio ac ailddatgan y darpariaethau sy'n ymwneud â gostyngiad yn y tir porthiant pan fydd gan geiswyr swmp cyfeiriol unigol o laeth ar gael (rheoliad 6).
- (c) rhoi i'r Cynulliad Cenedlaethol y pŵer i amrywio'r lleiafswm o ofynion dwysedd stocio o dan y cynllun o dan amgylchiadau penodol (Rheoliad 7).
- (ch) darparu ar gyfer cynyddu taliadau sylfaenol o dan y cynllun ac sy'n daladwy gan y Cynulliad Cenedlaethol (rheoliad 8).
- (d) darparu bod y taliadau chwyddo amgylcheddol y cyfeirir atynt ym mharagraffau (2) a (3) o Reoliad 7 o'r prif Reoliadau yn daladwy yn y drefn honno mewn symiau sy'n gyfystyr â hyd at 10% a i 20% o daliadau elfen 1 (rheoliad 9).

## NATIONAL ASSEMBLY FOR WALES

### STATUTORY INSTRUMENTS

**2002 No. 1806 (W.176)**

## AGRICULTURE, WALES

**The Tir Mynydd (Wales)  
(Amendment) Regulations 2002**

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 10th July 2002, amend the Tir Mynydd (Wales) Regulations 2001 ("the principal Regulations") so as to:

- (a) re-state and amend the scheme eligibility criteria and in so doing, render eligible for payment, those claimants who, despite having less than the requisite minimum of 6 hectares of eligible forage area in Wales, also have forage land in either England, Scotland or Northern Ireland ("a cross border territory") being land which provides that claimant with an entitlement to a less favoured area allowance in that cross border territory (regulation 5).
- (b) re-formulate and re-state the provisions dealing with the reduction in forage land where claimants have available an individual reference quantity of milk (regulation 6).
- (c) provide the National Assembly with the power to vary the minimum stocking density requirements of the scheme in certain circumstances (regulation 7).
- (d) provide for basic scheme payments payable by the National Assembly to be increased (regulation 8).
- (e) provide for the environmental enhancements referred to in paragraphs (2) and (3) of regulation 7 of the principal regulations to be payable in respective sums representing up to 10% and 20% of element 1 payments (regulation 9).

- (dd) darparu bod y cosbau IACS mewn perthynas â chyflwyno yn hwyr yn cael eu gweithredu mewn perthynas â cheisiadau am daliadau sy'n cael eu gwneud yn hwyr o dan y cynllun (rheoliad 12).
- (e) darparu bod llog ar daliadau nad ydynt yn daladwy ac y gellir eu hadennill gan y Cynulliad Cenedlaethol i'w gyfrifo o'r dyddiad y mae'r Cynulliad Cenedlaethol yn hysbysu'r ceisydd nad oedd y swm a dalwyd yn daladwy (rheoliad 16).
- (f) darparu fformwla "rhwyd achub" newydd mewn perthynas â chyfrifio taliadau Tir Mynydd ym mlwyddyn 2003 (rheoliad 18(b)).
- (ff) darparu ar gyfer gwneud mân newidiadau a newidiadau i'r diffiniadau sy'n dilyn yn sgil y diwygiadau uchod.

Mae'r Rheoliadau hyn hefyd yn gwneud mân ddiwygiadau i Reoliadau Tir Mynydd (Daliadau Trawsffiniol) (Cymru) 2001 yn rhinwedd, yn gyntaf, cynnwys diffiniad o "arwynebedd porthiant y gwneir cais amdano" yn y prif reoliadau ac, yn ail, trosglwyddo swyddogaethau o'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd i'r Ysgrifennydd Gwladol dros yr Amgylchedd, Bwyd a Materion Gwledig.

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

- (f) provide for IACS late submission penalties to be applied in respect of late applications for payment submitted under the scheme (regulation 12).
- (g) provide for interest, on undue payments that are recoverable by the National Assembly, to be calculated from the date upon which the National Assembly has notified the claimant that the sum paid was undue (regulation 16).
- (h) provide a new "safety net" formula in respect of calculating Tir Mynydd payments in the year 2003 (regulation 18(b)).
- (i) provide for minor and definitional changes consequent upon the amendments detailed above.

The Regulations also provide for minor amendments to the Tir Mynydd (Cross Border Holdings)(Wales) Regulations 2001 which arise as a consequence of, firstly, the inclusion in the principal regulations of a definition of "claimed forage area" and secondly, the transfer of functions from the Minister of Agriculture, Fisheries and Food to the Secretary of State for Environment, Food and Rural Affairs (regulations 19, 20 and 21).

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

**2002 Rhif 1806 (Cy176)****2002 No. 1806 (W.176)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES****Rheoliadau Tir Mynydd (Cymru)  
(Diwygio) 2002****The Tir Mynydd (Wales)  
(Amendment) Regulations 2002***Wedi'u gwneud**9 Gorffennaf 2002**Yn dod i rym**10 Gorffennaf 2002**Made**9th July 2002**Coming into force**10th July 2002*

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 amaethyddiaeth cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan adran 2(2), a grybwyllir uchod 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 on it by the said section 2(2), hereby makes the following Regulations:

**Enw a chychwyn**

1. Enw'r Rheoliadau hyn yw Rheoliadau Tir Mynydd (Cymru) (Diwygio) 2002 a deuant i rym ar 10 Gorffennaf 2002.

**Title and commencement**

1. These Regulations may be cited as the Tir Mynydd (Wales) (Amendment) Regulations 2002 and shall come into force on 10th July 2002.

**Diwygio Rheoliadau Tir Mynydd (Cymru) 2001**

2. Diwygir Rheoliadau Tir Mynydd (Cymru) 2001(c) yn unol â rheoliadau 3 i 18 o'r Rheoliadau hyn.

**Amendment of the Tir Mynydd (Wales) Regulations 2001**

2. The Tir Mynydd (Wales) Regulations 2001(c) shall be amended in accordance with regulations 3 to 18 of these Regulations.

3. Ym mharagraff (1) o reoliad 2 (Diffiniadau) -

(a) mewnosodwch y diffiniadau canlynol ar ôl y diffiniad o "amaethyddiaeth" -

"mae i "arwynebedd porthiant" ("forage area") yr un ystyr ag yn Erthygl 12(2)(b) o Reoliad Cyngor 1254/1999;

ystyr "arwynebedd porthiant y gwneir cais

3. In paragraph (1) of regulation 2 (Definitions) -

(a) the following definitions shall be inserted before the definition of "agriculture" -

""the 1994 Regulations" ("Rheoliadau 1994") means the Hill Livestock (Compensatory Allowances) Regulations 1994(d);

(a) Yn rhinwedd Gorchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) (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 o fewn y Deyrnas Gyfunol ond y tu allan i Gymru, wedi'i gadarnhau gan baragraff 2(b) o Atodlen 2 i'r Gorchymyn.

(b) 1972 p.68.

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

(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 c.68.

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

(d) S.I. 1994/2740, amended by S.I. 1995/100, 1481, 2778 and S.I. 1996/27 and revoked by S.I. 1996/1500.

amdano" ("*claimed forage area*") mewn perthynas â chais am lwfans iawndal, yw tir a nodwyd fel tir porthiant mewn cais am gymorth ardal ar gyfer y flwyddyn gynllun berthnasol;

ystyr "awdurdod cymwys arall" ("*other competent authority*") yw'r Ysgrifennydd Gwladol dros yr Amgylchedd, Bwyd a Materion Gwledig, Gweinidogion yr Alban neu, yng Ngogledd Iwerddon, yr Adran Amaethyddiaeth a Datblygu Gwledig;;

- (b) yn y diffiniad o "ceisydd" ("*claimant*") dilëwch y geiriau "a enwir yn daliad Tir Mynydd";

- (c) mewnosodwch y diffiniad canlynol ar ôl y diffiniad o "ceisydd" ("*claimant*")

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

- (ch) mewnosodwch y diffiniadau canlynol ar ôl y diffiniad o "IACS"

"ystyr "lwfans iawndal" ("*compensatory allowance*") yw lwfans iawndal sy'n daladwy yn unol â Phennod V o Deitl II o Reoliad y Cyngor 1257/1999;

ystyr "lwfans tir llai ffafriol sy'n perthyn" ("*related less favoured area allowance*") yw -

mewn perthynas â Lloegr, Lwfans Fferm Tir Uchel;

mewn perthynas â'r Alban, Cynllun Cymorth Tir Llai Ffaffriol; a

mewn perthynas â Gogledd Iwerddon, Lwfans iawndal Tir Llai Ffaffriol;;

- (d) mewnosodwch y diffiniadau canlynol ar ôl y diffiniad o "person awdurdodedig"

"ystyr "premiwm blynyddol defaid" ("*sheep annual premium*") yw'r premiwm sy'n daladwy o dan Reoliadau Premiwm Blynyddol Defaid 1992(a).

ystyr "premiwm buchod sugno" ("*Suckler Cow Premium*") yw'r premiwm sy'n daladwy o dan Reoliadau Premiwm Buchnod Sugno 2001(b);;

- (dd) mewnosodwch y diffiniadau canlynol cyn y diffinad o "Rheoliad y Comisiwn 1750/1999"

"ystyr "Rheoliadau 1994" ("*the 1994 Regulations*") yw Rheoliadau Da Byw Tir Uchel (Lwfansau iawndal) 1994(c);

ystyr "Rheoliadau 1996" ("*the 1996*

"1996 Regulations" ("*Rheoliadau 1996*") means the Hill Livestock (Compensatory Allowances) Regulations 1996(a);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Hill Livestock (Compensatory Allowances) Regulations 1999(b);;

- (b) in the definition of "claimant" the words "called a Tir Mynydd Payment" shall be deleted;

- (c) the following definition shall be inserted after the definition of "claimant" ("*ceisydd*")-

""claimed forage area" ("*arwynebedd porthiant y gwneir cais amdano*") means in relation to a claim for a compensatory allowance, land which has been entered as forage area in an area aid application for the relevant scheme year;;

- (d) the following definition shall be inserted after the definition of "Commission Regulation 1750/1999" -

""compensatory allowance" ("*lwfans iawndal*") means a compensatory allowance payable in accordance with Chapter V of Title II of Council Regulation 1257/1999;;

- (e) in the definition of "Council Regulation 3508/92" after the word "for" there shall be inserted the word "certain";

- (f) the following definition shall be substituted for the definition of "eligible land" -

""eligible land" ("*tir cymwys*") means such part of the qualifying land as lies within a less favoured area;;

- (g) the following definition shall be inserted after the definition of "ewe" -

""first compensatory payment" ("*taliad iawndal cyntaf*") means the first Tir Mynydd payment payable under these Regulations or where a compensatory allowance has been paid under the Hill Livestock (Compensatory Allowances) Regulations, the first payment of that allowance;;

- (h) the following definition shall be substituted for the definition of "forage land" -

""forage area" ("*arwynebedd porthiant*") has the same meaning as in Article 12(2)(b) of Council Regulation (EC) 1254/1999;;

- (i) the following definition shall be inserted after the definition of "heifer" -

""Hill Livestock (Compensatory Allowances) Regulations" ("*Rheoliadau Da Byw Tir Uchel*

(a) O.S. 1992 / 2677, a ddiwygiwyd gan O.S. 1994 / 2741, O.S. 1995 / 2779, O.S. 1996 / 49, O.S. 1997 / 2500 ac O.S. 2001 / 281.

(b) O.S. 2001 / 1370.

(c) O.S. 1994/2740, a ddiwygiwyd gan O.S. 1995/100, 1481, 2778 ac O.S. 1996/27 ac a ddiddymwyd gan O.S. 1996/1500.

(a) S.I. 1996/1500, amended by S.I. 1997/33, 1998/206, 1999/375; S.I. 1996/1500 ceased to apply by virtue of S.I. 1999/3316.

(b) S.I. 1999/3316.

*Regulations*") yw Rheoliadau Da Byw Tir Uchel (Lwfansau Iawndal) 1996(a);

ystyr "Rheoliadau 1999" ("*the 1999 Regulations*") yw Rheoliadau Da Byw Tir Uchel (Lwfansau Iawndal) 1999(b);";

- (e) yn y diffiniad o "Reoliad y Cyngor 3508/92" ("*Council Regulation 3508/92*") mewnosodwch ar ôl y geiriau "ar gyfer" "cynlluniau penodol o blith";
- (f) mewnosodwch y diffiniad canlynol ar ôl y diffiniad o "Reoliad y Cyngor 3508/92"

"ystyr "Rheoliadau Da Byw Tir Uchel (Lwfansau Iawndal)" ("*Hill Livestock (Compensatory Allowances) Regulations*") yw Rheoliadau 1994, 1996 neu Reoliadau 1999 fel y bo'r achos;";

- (ff) mewnosodwch y diffiniadau canlynol ar ôl y diffiniad o "coetir"

"ystyr "taliad iawndal cyntaf" ("*first compensatory payment*") yw'r taliad Tir Mynydd cyntaf sy'n daladwy o dan y Rheoliadau hyn neu pan fo lwfans iawndal wedi cael ei dalu o dan y Rheoliadau Da Byw Tir Uchel (Lwfansau Iawndal), y taliad cyntaf o'r lwfans hwnnw;

ystyr "Taliad Tir Mynydd" ("*Tir Mynydd payment*") yw'r taliad iawndal sy'n daladwy yn unol â'r Rheoliadau hyn;

ystyr "tir cymhwysol" ("*qualifying land*") yw'r tir perthnasol, neu mewn perthynas â cheisydd y mae rheoliad 3A yn gymwys iddo, y rhan honno o'r tir perthnasol sy'n weddill o'r didyniadau sy'n cael eu gwneud i'r tir perthnasol yn unol â'r rheoliad hwnnw;";

- (g) rhwch y diffiniad canlynol yn lle'r diffiniad o "tir cymwys" -

"ystyr "tir cymwys" ("*eligible land*") yw'r rhan honno o'r tir cymhwysol, sy'n gorwedd o fewn tir llai ffafriol;";

- (ng) mewnosodwch y diffiniadau canlynol cyn y diffiniad o "tir tan anfantais" -

"ystyr "tir llai ffafriol sy'n perthyn" ("*related less favoured area*") yw, mewn perthynas â cheisydd, yr holl arwynebedd porthiant y gwneir cais amdano, ac eithrio tir llai ffafriol, y cynghorodd awdurdod cymwys arall y Cynulliad Cenedlaethol fod y ceisydd yn gymwys i gael lwfans tir llai ffafriol sy'n perthyn amdano;

ystyr "tir perthnasol" ("*relevant land*") yw unrhyw arwynebedd porthiant y gwenir cais amdano sydd wedi'i leoli yng Nghymru;";

- (h) yn y diffiniad o "uned da byw" ("*livestock unit*")

(*Lwfansau Iawndal*") means the 1994 Regulations, the 1996 Regulations or the 1999 Regulations, as the case may be;";

- (j) in the definition of "livestock unit" ("*uned da byw*") for paragraphs (a), (b) and (c) there shall be substituted the following paragraphs -

"(a) one suckler cow or a heifer aged 24 months or over;

(b) 1.67 heifers under the age of 24 months;

(c) 6.67 ewes;";

- (k) the following definitions shall be inserted after the definition of "livestock unit" -

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

"other competent authority" ("*awdurdod cymwys arall*") means the Secretary of State for the Environment, Food and Rural Affairs, the Scottish Ministers or, in Northern Ireland, the Department of Agriculture and Rural Development;";

- (l) the following definitions shall be inserted after the definition of "production unit" -

"qualifying land" ("*tir cymhwysol*") means the relevant land or, in relation to a claimant in relation to whom regulation 3A applies, such part of the relevant land as results from the deductions made to the relevant land in accordance with that regulation;

"related less favoured area" ("*tir llai ffafriol sy'n perthyn*") means, in relation to a claimant, all that claimed forage area, excluding less favoured area, in respect of which the National Assembly has been advised by any other competent authority that the claimant is eligible for a related less favoured area allowance;

"related less favoured area allowance" ("*lwfans tir llai ffafriol sy'n perthyn*") means -

in relation to England, the Hill Farm Allowance;

in relation to Scotland, the Less Favoured Area Support Scheme; and

in relation to Northern Ireland, the Less Favoured Area Compensatory Allowance;";

"relevant land" ("*tir perthnasol*") means any claimed forage area situated in Wales;";

- (m) the following definition shall be inserted after the definition of "severely disadvantaged land" -

"sheep annual premium" ("*premiwn*")

(a) O.S. 1996/1500, a ddiwygiwyd gan O.S. 1997/33, 1998/206, 1999/375; yn rhinwedd O.S. 1999/3316, nid yw O.S. 1996/1500 bellach yn gymwys.

(b) O.S. 1999/3316

yn lle paragraffau (a), (b) ac (c) rhowch y paragraffau canlynol -

- "(a)un fuwch sugno neu heffer sy'n 24 mis oed neu'n hŷn;
- (b) 1.67 heffer o dan 24 mis oed;
- (c) 6.67 mamog;"

4. Mewnosodwch y rheoliad canlynol ar ôl rheoliad 2 -

#### **"Pŵer i wneud taliadau**

2A. Bydd y Cynulliad Cenedlaethol, mewn perthynas â blwyddyn gynllun, yn gwneud taliad Tir Mynydd sydd wedi'i gyfrifo yn unol â'r Atodlen â'r i geiswyr cymwys ynglyn â'u tir cymwys."

5. Rhowch y rheoliad canlynol yn lle rheoliad 3 (Ceiswyr cymwys) -

#### **"Ceiswyr cymwys**

3.- (1) Bydd ceiswyr yn gymwys i gael taliad Tir Mynydd mewn perthynas â blwyddyn gynllun ar yr amod bod -

- (a) cais am daliad wedi'i wneud mewn perthynas â'r flwyddyn gynllun honno drwy gais am gymorth arwynebedd dilys a bod yr arwynebedd porthiant y gwneir cais amdano, os o gwbl, yn cydymffurfio ag un o'r amodau a bennir ym mharagraff (2); a
- (b) y ceisydd wedi cyflwyno cais am gymorth da byw mewn perthynas â defaid neu fuchod sugno neu'r ddau ohonynt mewn perthynas â'r flwyddyn y cyflwynwyd cais yn ei chylch am daliad Tir Mynydd; ac
- (c) y ceisydd wedi defnyddio arferion ffermio da arferol sy'n cyd-fynd â'r angen i ddiogelu'r amgylchedd a chynnal cefn gwlad, yn benodol drwy ffermio cynaliadwy; a
- (ch) y ceisydd wedi rhoi ymrwymiad ysgrifenedig y bydd yn ffermio o leiaf 3 hectar o dir sydd naill ai'n dir cymwys neu'n dir llai ffafriol sy'n perthyn a pharhau i wneud hynny am gyfnod o 5 mlynedd o ddyddiad y taliad iawndal cyntaf ac nad yw'r ceisydd hwnnw'n

*blynyddol defaid*") means the premium payable under the Sheep Annual Premium Regulations 1992(a);";

- (n) the following definitions shall be inserted after the definition of "suckler cow" -

"Suckler Cow Premium" ("*Premiwm Buchod Sugno*") means the premium payable under the Suckler Cow Premium Regulations 2001(b);

"Tir Mynydd payment" ("*Taliad Tir Mynydd*") means the compensatory allowance payable in accordance with these Regulations;"

4. After regulation 2, the following regulation shall be inserted -

#### **"Power to make payments**

2A. The National Assembly shall make, in respect of a scheme year, a Tir Mynydd payment, calculated in accordance with the Schedule, to eligible claimants in respect of their eligible land."

5. For regulation 3 (Qualifying claimants) there shall be substituted the following regulation -

#### **"Eligible claimants**

3.- (1) Claimants shall be eligible for a Tir Mynydd payment in respect of a scheme year provided -

- (a) a claim for payment has been made in respect of that scheme year in a valid area aid application and the claimed forage area, if any, complies with one of the conditions specified in paragraph (2); and
- (b) the claimant has submitted a claim for livestock aid in relation to sheep or suckler cows or both in respect of the year for which a claim has been submitted for a Tir Mynydd payment; and
- (c) he or she has applied usual good farming practices compatible with the need to safeguard the environment and maintain the countryside, in particular by sustainable farming; and
- (d) the claimant has given a written undertaking to continue farming for a period of 5 years from the date of the first compensatory payment, at least 3 hectares of land which is either eligible land or related less favoured area, and that claimant is not in breach of that

(a) S.I. 1992 / 2677, amended by S.I. 1994 / 2741, S.I. 1995 / 2779; S.I. 1996 / 49, S.I. 1997 / 2500 and S.I. 2001 / 281.

(b) S.I. 2001/1370.

torri'r ymrwymiad hwnnw ar ddyddiad y taliad.

(2) Y canlynol yw'r amodau -

- (a) bod nid llai na 6 hectar o'r arwynebedd porthiant y gwneir cais amdano o fewn y tir llai ffafrïol; neu
- (b) os nad yw'r arwynebedd porthiant y gwneir cais amdano sy'n gorwedd o fewn y tir llai ffafrïol yn llai na 1 hectar ond yn llai na 6 hectar, mae cyfanswm yr arwynebedd porthiant y gwneir cais amdano yn cynnwys tir sydd wedi'i leoli o fewn tir llai ffafrïol sy'n perthyn ac sy'n gymwys i gael lwfans tir llai ffafrïol sy'n perthyn."

6. Mewnoddwch y rheoliad canlynol ar ôl rheoliad 3-

### "Gostyngiad yn y Tir Perthnasol"

3A.-(1) Pan fo gan geisydd swmp cyfeiriol unigol o laeth ar gael, bydd gostyngiad sy'n cael ei gyfrifo yn unol â darpariaethau paragraff (2) yn cael ei gymhwyso i dir perthnasol y ceisydd.

(2) Bydd y gostyngiad y cyfeirir ato ym mharagraff (1) yn cael ei gyfrifo yn unol ag is-baragraffau (i) i (iii)-

- (i) yn gyntaf, cyfrifir nifer yr unedau da byw yn y fuches laeth dybiannol drwy rannu'r swmp cyfeiriol unigol o laeth sydd ar gael i'r ceisydd gan 5730, sef nifer y litrau o laeth y tybir ei fod yn gyfwerth â chynnyrch blynyddol un fuwch odro;
- (ii) am bob hectar o ddaliad y ceisydd nad yw o fewn tir llai ffafrïol, gostyngir nifer yr unedau da byw a gyfrifir yn unol â pharagraff (i) o 2 uned;
- (iii) defnyddir nifer yr unedau da byw sy'n weddill ar ôl cymhwyso is-baragraff (ii) er mwyn cyfrifo'r gostyngiad yn y tir perthnasol drwy ostwng arwynebedd y tir hwnnw o 1 hectar ar gyfer pob 2 uned da byw sy'n weddill, ac mae'r gostyngiad i'w gymhwyso'n llawn mewn perthynas â thir dan anfantais cyn ei gymhwyso i dir dan anfantais difrifol.

(3) Yn y rheoliad hwn, ystyr "y fuches laeth dybiannol" ("notional dairy herd") yw cyfanswm yr anifeiliad y bernir eu bod yn fuches laeth ar dir sy'n cael ei ffermio gan y ceisydd yng Nghymru fel y'i cyfrifwyd uchod ac mae i "swmp cyfeiriol unigol o laeth" yr un ystyr ag i "individual reference quantity of milk" yn Erthygl 31 o

undertaking at the date of payment.

(2) The conditions are -

- (a) that no less than 6 hectares of the claimed forage area lies within the less favoured area; or
- (b) where the claimed forage area lying within the less favoured area is not less than 1 hectare but less than 6 hectares, the total claimed forage area includes land situated in a related less favoured area which is eligible for a related less favoured area allowance."

6. After regulation 3, the following regulation shall be inserted -

### "Reduction of relevant land

3A.-(1) In relation to any claimant who has available an individual reference quantity of milk, a reduction calculated in accordance with the provisions of paragraph (2) shall be applied to that claimant's relevant land.

(2) The reduction referred to in paragraph (1) shall be calculated in accordance with sub-paragraphs (i) to (iii) -

- (i) firstly, the number of livestock units in the notional dairy herd is calculated by dividing the individual reference quantity of milk available to the claimant by 5730, being the number of litres of milk deemed to be equivalent to the annual production of one dairy cow;
- (ii) for each hectare of the claimant's holding that is not within a less favoured area, the number of livestock units calculated in accordance with sub-paragraph (i) shall be reduced by 2 units;
- (iii) the livestock units remaining following the application of sub-paragraph (ii) shall be used to calculate the reduction in relevant land by reducing the area of such land by 1 hectare for every 2 livestock units so remaining, such reduction to be applied fully to disadvantaged land before being applied to severely disadvantaged land.

(3) In this regulation "notional dairy herd" means the total number of animals deemed to constitute the dairy herd on land farmed by the claimant in Wales as calculated above and "individual reference quantity of milk" has the same meaning as in Article 31 of Commission

7. Mewnosodwch y paragraffau canlynol yn rheoliad 4 (Y dwysedd stocio isaf), ar ôl paragraff (2) -

"(3) Caiff y Cynulliad Cenedlaethol benderfynu bod dwysedd stocio o lai na 0.1 yn ddigonol at ddibenion paragraff (1) os yw wedi'i fodloni'n rhesymol ei bod yn addas gwneud hynny o ystyried holl amgylchiadau'r achos, ac o ddwyn i ystyriaeth, yn benodol, nifer y mamogiaid a/neu fuchod sugno nad ydynt yn destun cais am bremiwm o dan Gynllun Premiwm Blyneddol Defaid a/neu Gynllun Premiwm Buchod Sugno, ac unrhyw rwymedigaeth ar ran y ceisydd yngylch y nifer o famogiaid a/neu fuchod sugno y ceir eu cadw ar y tir sy'n cynnwys y tir cymwys, mewn perthynas â'r flwyddyn y mae'r cais am daliad Tir Mynydd yn cael ei gyflwyno ynddi.

(4) Er mwyn galluogi'r Cynulliad Cenedlaethol i ystyried a ddylai arfer ei ddisgresiwn o dan baragraff (3), rhaid i'r ceisydd ddarparu ar gyfer y Cynulliad Cenedlaethol y fath wybodaeth y gall yn rhesymol ei fynnu."

8. Mewnosodwch y paragraff canlynol yn rheoliad 6 (Cyfrifo taliadau arwynebedd - elfen 1), ar ôl paragraff (3) -

"(4) Wedi ymgymryd â'r cyfrifiad sylfaenol yn unol â Rhan A o'r Atodlen i'r Rheoliadau hyn, gall y Cynulliad Cenedlaethol, os gwêl yn dda, gynyddu'r swm a gyfrifwyd o ganran y gall benderfynu arni ar yr amod bod yr un cynnydd yn y ganran yn cael ei gymhwyso i bob ceisydd."

9. Yn rheoliad 7 (Taliad chwyddo amgylcheddol o dan elfen 2 o'r cynllun) -

- (a) ym mharagraff (2) cyn y geiriau "10 y cant", mewnosodwch y geiriau "hyd at";
- (b) ym mharagraff (3) cyn y geiriau "20 y cant", mewnosodwch y geiriau "hyd at".

10. Mewnosodwch ym mharagraff (b) o reoliad 8 (Categoriâu sy'n gymwys ar gyfer y taliad chwyddo amgylcheddol) ar ôl y gair "thir" y geiriau "sydd wedi cwblhau'i drosi ac".

11. Yn rheoliad 9 (Taliadau), dilewch baragraffau (2) a (3).

12. Yn rheoliad 10 (Ceisiadau), rhowch y paragraff canlynol yn lle paragraff (3) -

"(3) Y dyddiad cau ar gyfer cyflwyno cais am daliad Tir Mynydd mewn perthynas â blwyddyn gynllun yw 15 Mai. Gall cyflwyno cais yn hwyr arwain at gosbau a fydd yn cael eu cyfrifo yn unol â darpariaethau Erthygl 13 o Reoliad y Comisiwn (EC) Rhif 2419/2001 dyddiedig 11 Rhagfyr 2001 sy'n cyflwyno rheolau

7. In regulation 4 (Minimum stocking density), after paragraph (2), there shall be inserted the following paragraphs -

"(3) The National Assembly may determine that a stocking density of less than 0.1 is sufficient for the purposes of paragraph (1) if it is reasonably satisfied that it is appropriate to do so in all circumstances of the case, having regard, in particular, to the number of ewes and/or suckler cows not subject to a claim for premium under the Sheep Annual Premium Scheme and/or the Suckler Cow Premium Scheme, and any obligation of the claimant as to the number of ewes and / or suckler cows that may be kept on the land comprising the eligible land, in respect of the year during which the claim for a Tir Mynydd payment is submitted.

(4) In order to enable it to consider whether to exercise its discretion under paragraph (3), the claimant shall provide the National Assembly with such information as it reasonably may require."

8. In regulation 6 (Calculation of area payments - element 1), after paragraph (3), there shall be inserted the following paragraph -

"(4) After undertaking the basic calculation in accordance with Part A of the Schedule to these Regulations, the National Assembly may, if it thinks fit, increase the amount so calculated by a percentage that it may determine provided that the same percentage increase is applied in respect of each claimant."

9. In regulation 7 (Environmental enhancement under Element 2 of the Scheme) -

- (a) in paragraph (2), before the words "10 per cent", there shall be inserted the words "up to";
- (b) in paragraph (3), before the words "20 per cent", there shall be inserted the words "up to".

10. In regulation 8 (Categories that qualify for environmental enhancement), in paragraph (b), after the word "land" there shall be inserted the words "which has completed conversion and is".

11. In regulation 9 (Payments), paragraphs (2) and (3) shall be deleted.

12. In regulation 10 (Claims), the following paragraph shall be substituted for paragraph (3) -

"(3) The closing date for the submission of a claim for a Tir Mynydd payment in respect of a scheme year shall be 15th May. Late submission shall render the claim subject to penalties calculated in accordance with the provisions of Article 13 of Commission Regulation (EC) No.



manwl er mwyn cymhwyso'r system integredig gweinyddu a rheoli ar gyfer rhai cynlluniau o blith Cynlluniau cymorth y Gymuned a sefydlwyd gan Reoliad y Cyngor 3508/1992(a).".

**13.** Dilëwch Reoliad 11 (Ceisiadau hwyr).

**14.** Yn rheoliad 12 (Rhyddhau o ymrwymadau)

- (a) yn lle'r geiriau "rheoliad 9(2)" rhowch y geiriau "rheoliad 3(1)(ch)", a
- (b) ym mharagraff (c) yn lle'r gair "chwe" rhowch y gair "dri" ac ar ôl y gair "cymwys" rhowch y geiriau "neu unrhyw dir llai ffafriol sy'n perthyn".

**15.** Yn rheoliad 13 (Cadw'n ôl neu adennill taliadau) ym mharagraff (a), yn lle'r geiriau "reoliad 9(2)" rhowch y geiriau "reoliad 3(1)(ch)".

**16.** Yn rheoliad 14 (Cyfradd Llog)-

yn lle'r geiriau "adeg talu i'r ceisydd" rhowch y geiriau "ddyddiad yr hysbysiad i'r ceisydd o fwrriad y Cynulliad Cenedlaethol i adennill yn y fath fodd".

**17.** Dilëwch reoliad 15 (Daliadau Trawsffiniol).

**18.** Yn yr Atodlen -

- (a) rhowch y canlynol yn lle Rhan A -

#### **"Rhan A**

1. Cyfrifir y taliad sylfaenol o dan elfen un y cynllun Tir Mynydd drwy luosi tir cymwys ceisydd wrth y gyfradd neu'r cyfraddau priodol a nodir ym mharagraff 2.
2. Y cyfraddau y cyfeirir atynt ym mharagraff 1 yw -
  - (a) £23.00 yr hectar ar gyfer tir tan anfantais; a
  - (b) £35.00 yr hectar ar gyfer tir tan anfantais ddifrifol."
  - (b) yn lle paragraff 4 o Ran C, rhowch y paragraff canlynol -

"4. Ym mlwyddyn 2003, bydd gan y ceisydd yr hawl i swm ychwanegol a fyddai, pan fydd wedi'i ychwanegu at y taliad Tir Mynydd yn creu cyfanswm o 50% o'r swm a dalwyd i'r ceisydd ar gyfer HLCA ym mlwyddyn 2000."

2419/2001 of the 11th December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid Schemes established by Council Regulation 3508/92(a).".

**13.** Regulation 11 (Late claims), shall be deleted.

**14.** In regulation 12 (Release from undertakings) -

- (a) for "regulation 9(2)" there shall be substituted "regulation 3(1)(d)", and
- (b) in paragraph (c) for the word "six" there shall be substituted the word "three", and after the word "land" there shall be inserted the words "or any related less favoured area".

**15.** In regulation 13 (Withholding or recovery of payments), in paragraph (a), for "regulation 9(2)" there shall be substituted "regulation 3(1)(d)".

**16.** In regulation 14 (Rate of Interest) -

For the words "payment to the claimant" there shall be substituted the words "the date of notification to the claimant of its intention to so recover".

**17.** Regulation 15 (Cross Border Holdings), shall be deleted.

**18.** In the Schedule -

- (a) for Part A there shall be substituted the following-

#### **"Part A**

1. The basic payment under element one of the Tir Mynydd scheme shall be calculated by multiplying a claimant's eligible land by the appropriate rate or rates as provided for in paragraph 2.
2. The rates referred to in paragraph 1 are -
  - (a) £23.00 per hectare for disadvantaged land; and
  - (b) £35.00 per hectare for severely disadvantaged land."
  - (b) For paragraph 4 of Part C there shall be substituted-

"4. In the year 2003 the claimant shall be entitled to an additional sum that when added to the Tir Mynydd payment would bring the total up to 50% of the sum paid to the claimant for HLCA in 2000."

---

(a) O.J. Rhif L327, 12.12.2001, t.11.

---

(a) O.J. No. L327, 12.12.2001, p.11.

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

**19.** Diwygir Rheoliadau Tir Mynydd (Daliadau Trawsffiniol) (Cymru) 2001 (a) yn unol â rheoliadau 20 a 21 o'r rheoliadau hyn.

**20.** Yn rheoliad 2 (Diffiniadau), dilewch baragraff (2).

**21.** Yn rheoliad 4 (Diffiniad o awdurdod cymwys) ym mharagraff 2(c) yn lle'r geiriau "y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd" rhwch y geiriau "yr Ysgrifennydd Gwladol dros yr Amgylchedd, Bwyd a Materion Gwledig".

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

9 Gorffennaf 2002

**Amendment of the Tir Mynydd (Cross Border Holdings)(Wales) Regulations 2001**

**19.** The Tir Mynydd (Cross Border Holdings)(Wales) Regulations 2001(a) shall be amended in accordance with regulations 20 and 21 of these Regulations.

**20.** In regulation 2 (Definitions), paragraph (2) shall be deleted.

**21.** In regulation 4 (Definition of competent authority), in paragraph 2(c), for "the Minister of Agriculture, Fisheries and Food" there shall be substituted "The Secretary of State for Environment, Food and Rural Affairs".

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

9th July 2002

*John Marek*

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

---

(a) O.S. 2001/1154 (Cy.61)

(b) 1998 p.38.

---

(a) S.I. 2001 / 1154 (W.61).

(b) 1998 c.38.



---

OFFERYNNAU STATUDOL

---

**2002 Rhif 1806 (Cy.176)**

**AMAETHYDDIAETH, CYMRU**

Rheoliadau Tir Mynydd (Cymru)  
(Diwygio) 2002

---

STATUTORY INSTRUMENTS

---

**2002 No. 1806 (W.176)**

**AGRICULTURE, WALES**

The Tir Mynydd (Wales)  
(Amendment) Regulations 2002

©© Hawlfraint y Goron 2002

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.

**£2.50**

T137/08/02

ON

© Crown copyright 2002

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 0-11-090531-8



9 780110 905310