



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 643 (Cy. 32 )

2001 No. 643 (W. 32 )

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

Cynllun Grantiau Ailstrwythuro'r  
Diwydiant Moch (Cymru) 2001

The Pig Industry Restructuring  
Grant (Wales) Scheme 2001

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Cynllun hwn yn gymwys i Gymru'n unig.

This Scheme applies to Wales only.

Mae'n gwneud darpariaeth ar gyfer talu grantiau tuag at gost benthychiadau a dynnwyd mewn cysylltiad â:

It makes provision for the payment of grants towards the cost of loans incurred in connection with:

- gwariant cyfalaf a dynnwyd at ddibenion, neu mewn cysylltiad â, rhedeg busnes cynhyrchu moch; a
- gwariant nad yw o natur cyfalaf a dynnwyd at ddibenion, neu mewn cysylltiad â, sefydlu neu hybu busnesau fferm sydd yn atodol i fusnesau cynhyrchu moch ac sydd yn ymwneud â chynhyrchion cynhyrchu moch fel rhan o ailstrwythuro busnes cynhyrchu moch (paragraff 4).

- capital expenditure incurred for the purposes of, or in connection with the carrying on of a pig production business; and
- expenditure not of a capital nature incurred for the purposes of, or in connection with, the establishment or promotion of farm businesses which are ancillary to pig production businesses and relate to the products of pig production as part of the restructuring of a pig production business (paragraph 4).

Diffinir y personau hynny sy'n gymwys ar gyfer grantiau o dan y Cynllun ym mharagraff 4.

Those persons eligible for grants under the Scheme are described in paragraph 4.

Mae'r Cynllun yn darparu y bydd hawliadau am grant i gael eu gwneud ar ffurf y gall y Cynulliad Cenedlaethol ofyn yn rhesymol amdanynt (paragraff 5) ac yn caniatáu dal grant yn ôl neu ei adennill o dan rhai amgylchiadau (paragraff 6).

The Scheme provides that claims for grant shall be made in the form that the National Assembly for Wales may reasonably require (paragraph 5) and enables grant monies to be withheld or recovered in certain circumstances (paragraph 6).

Ni pharatowyd Arfarniad Rheoliadol ynghylch y Cynllun hwn.

No Regulatory Appraisal has been prepared in respect of this Scheme.

**2001 Rhif 643 (Cy. 32 )****2001 No. 643 (W. 32 )****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES****Cynllun Grantiau Ailstrwythuro'r  
Diwydiant Moch (Cymru) 2001****The Pig Industry Restructuring  
Grant (Wales) Scheme 2001***Wedi'i wneud* 28 Chwefror 2001*Made* 28th February 2001*Yn dod i rym* 1 Mawrth 2001*Coming into force* 1st March 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 1 o Ddeddf Tir Ffermio a Datblygu Gwledig 1988(a) ac adrannau 28 a 29 o Ddeddf Amaethyddiaeth 1970(b) yn gwneud y Cynllun canlynol:

The National Assembly for Wales, in exercise of the powers conferred on it by section 1 of the Farm Land and Rural Development Act 1988(a) and sections 28 and 29 of the Agriculture Act 1970(b) makes the following Scheme:

**Teitl, cymhwyso a chychwyn****Title, application and commencement**

1. Teitl y Cynllun hwn yw Cynllun Grantiau Ailstrwythuro'r Diwydiant Moch (Cymru) 2001, bydd yn gymwys i Gymru a daw i rym ar 1 Mawrth 2001.

1. This Scheme may be cited as the Pig Industry Restructuring Grant (Wales) Scheme 2001, shall apply to Wales and shall come into force on 1st March 2001.

**Dehongli****Interpretation**

2. -(1) Yn y Cynllun hwn, oni fydd y cyd-destun yn mynnu fel arall -

2. -(1) In this Scheme, unless the context otherwise requires -

ystyr "banc" ("bank") yw

"bank" ("*banc*") means

- (i) unrhyw sefydliad sydd am y tro wedi'i awdurdodi o dan Ddeddf Bancio 1987(c);
- (ii) unrhyw berson sydd am y tro wedi'i bennu mewn unrhyw un o baragraffau 2 i 10 o Atodlen 2 i'r Ddeddf honno (personau esempt),

- (i) any institution for the time being authorised under the Banking Act 1987(c);
- (ii) any person for the time being specified in any of the paragraphs 2 to 10 of Schedule 2 to that Act (exempt persons),

(a) 1998 p.16. Cafodd holl swyddogaethau un o Weinidogion y Goron o dan y Ddeddf hon, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(a) 1988 c.16. All functions of a Minister of the Crown under this Act, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) 1970 p.40; mae adran 28(1) yn diffinio "the appropriate authority" a "the appropriate Minister". Cafodd holl swyddogaethau un o Weinidogion y Goron o dan adran 28 a 29, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) 1970 c.40; section 28(1) defines "the appropriate authority" and "the appropriate Minister". All functions of a Minister of the Crown under section 28 and 29, in so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) 1987 p.22.

(c) 1987 c.22.

- (iii) unrhyw berson y mae ganddo hawl am y tro, yn rhinwedd Rheoliadau Cydgysylltu Bancio (Ail Gyfarwyddeb y Cyngor) 1992( a) i dderbyn adneuo (o fewn ystyr y Ddeddf) yn y Deyrnas Unedig;

ystyr "cynhyrchu moch" ("*pig production*") yw unrhyw fath o gynhyrchu moch gan gynnwys bridio, magu a gorffen;

ystyr "cynllun busnes" ("*business plan*") yw cynllun manwl sy'n nodi amcanion y busnes, y strategaeth a'r tactegau ar gyfer bodloni'r amcanion hynny, amcangyfrifon ynghylch amgylchiadau ariannol ac amgylchiadau eraill y busnes os digwydd i'r amcanion gael eu gwireddu a'r buddsoddi sy'n angenrheidiol i wireddu'r amcanion hynny; ac

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru.

- (2) Yn y Cynllun hwn, mae unrhyw gyfeiriad -
  - (a) at baragraff â rhif yn gyfeiriad at y paragraff yn y Cynllun hwn sy'n dwyn y rhif hwnnw;
  - (b) at is-baragraff â rhif (heb gyfeiriad cyfatebol at baragraff penodol) yn gyfeiriad at yr is-baragraff sy'n dwyn y rhif hwnnw yn y paragraff y gwelir y cyfeiriad ynddo.

### Talu'r grantiau a symiau'r grantiau

3. -(1) Yn ddarostyngedig i ddarpariaethau canlynol y Cynllun hwn, caiff y Cynulliad Cenedlaethol roi grant i unrhyw berson cymwys tuag at y gwariant a dynnir wrth dalu'r llogau ar y rhan berthnasol o fenthyciad cymwys.

(2) At ddibenion y Cynllun hwn, benthyciad cymwys yw benthyciad sydd wedi'i gael, neu sydd i'w gael, oddi wrth fanc er mwyn gweithredu cynllun busnes ar gyfer ailstrwythuro busnes cynhyrchu moch.

(3) At ddibenion y Cynllun hwn, y rhan berthnasol o fenthyciad cymwys, yn achos gwariant y mae'n ymddangos i'r Cynulliad Cenedlaethol ei fod yn wariant o natur gyfalaf neu'n wariant a dynnwyd mewn cysylltiad â gwariant o natur gyfalaf, yw'r rhan honno o'r benthyciad -

- (a) sydd wedi'i thynnu neu sydd i'w thynnu at ddibenion rhedeg busnes cynhyrchu moch neu mewn cysylltiad â'i redeg; a
- (b) sydd wedi'i gymeradwyo gan y Cynulliad Cenedlaethol at ddibenion grant o dan y Cynllun hwn.

- (iii) any person for the time being entitled by virtue of the Banking Coordination (Second Council Directive) Regulations 1992(a) to accept deposits (within the meaning of the Act) in the United Kingdom;

"business plan" ("*cynllun busnes*") means a detailed plan setting out the objectives of the business, the strategy and tactics to achieve those objectives, estimates as to the financial and other circumstances of the business in the event the objectives are achieved and the investment required to achieve those objectives;

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

"pig production" ("*cynhyrchu moch*") means any form of pig production including breeding, rearing and finishing.

- (2) In this Scheme, any reference to -
  - (a) a numbered paragraph is a reference to the paragraph in this Scheme so numbered;
  - (b) a numbered sub-paragraph (with no corresponding reference to a specific paragraph) is a reference to the sub-paragraph so numbered in the paragraph in which the reference appears.

### Payment and amounts of grants

3. -(1) Subject to the following provisions of this Scheme, the National Assembly may make to any eligible person a grant towards expenditure incurred in servicing the relevant part of a qualifying loan.

(2) For the purposes of this Scheme a qualifying loan is a loan which has been, or is to be, obtained from a bank for the purpose of implementing a business plan for the restructuring of a pig production business.

(3) For the purposes of this scheme the relevant part of a qualifying loan, in the case of expenditure which appears to the National Assembly to be of a capital nature or incurred in connection with expenditure of a capital nature, is that part of the loan which -

- (a) has been or is to be incurred for the purposes of, or in connection with the carrying on of a pig production business; and
- (b) is approved by the National Assembly for the purposes of a grant under this Scheme.

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(a) O.S. 1992/3218.

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(a) S.I. 1992/3218.

(4) At ddibenion y Cynllun hwn, y rhan berthnasol o fenthyciad cymwys, yn achos gwariant y mae'n ymddangos i'r Cynulliad Cenedlaethol nad yw'n wariant o natur gyfalaf nac yn wariant wedi'i dynnu mewn cysylltiad â gwariant o natur gyfalaf, yw'r rhan honno o'r benthyciad cymwys sydd wedi'i thynnu neu sydd i'w thynnu at ddibenion ailstrwythuro, mewn cysylltiad ag ailstrwythuro neu mewn cysylltiad ag unrhyw gynigion ar gyfer ailstrwythuro, drwy'r canlynol -

- (a) sefydlu neu ehangu busnes fferm sy'n atodol i fusnes cynhyrchu moch ac sy'n gysylltiedig â chynhyrchion cynhyrchu moch;
- (b) hybu busnes fferm sy'n atodol i fusnes cynhyrchu moch ac sy'n ymwneud â chynhyrchion cynhyrchu moch; neu
- (c) marchnata unrhyw beth sy'n cael ei gynhyrchu neu ei gyflenwi yng nghwrs busnes fferm sy'n atodol i fusnes cynhyrchu moch ac sy'n gysylltiedig â chynhyrchion cynhyrchu moch.

(5) Os oes benthyciad wedi'i dynnu'n rhannol at ddibenion ailstrwythuro neu mewn cysylltiad ag ailstrwythuro busnes cynhyrchu moch ac yn rhannol at ddibenion eraill, at ddibenion grant o dan y paragraff hwn caiff y Cynulliad Cenedlaethol drin cymaint o'r benthyciad hwnnw ag y mae'n ymddangos i'r Cynulliad Cenedlaethol y gellir ei gyfeirio at yr ailstrwythuro hwnnw fel benthyciad cymwys.

(6) Caiff y Cynulliad Cenedlaethol dalu'r grant o dan is-baragraff (1) uchod yn ddarostyngedig i unrhyw amodau y mae'n rhesymol iddo eu pennu.

(7) Ni chaiff unrhyw grant o dan y Cynllun hwn fod yn fwy na 5% o'r benthyciad cymwys (heb gynnwys y llogau sydd wedi cronni).

#### **Personau cymwys**

4. -(1) Bydd y personau canlynol yn gymwys i gael grant o dan y Cynllun hwn -

- (a) unigolyn sy'n rhedeg busnes cynhyrchu moch, y mae benthyciad cymwys wedi'i roi neu i'w roi iddo ac sy'n ymrwymo, os yw ei gais yn llwyddiannus, i fynd ar drywydd amcanion ei gynllun busnes;
- (b) corff sy'n rhedeg busnes cynhyrchu moch, y mae benthyciad cymwys wedi'i roi neu i'w roi iddo ac y mae person sydd wedi'i awdurdodi'n briodol at y diben hwnnw yn ymrwymo ar ei ran i fynd ar drywydd amcanion y cynllun busnes os yw cais y corff yn llwyddiannus;

(4) For the purposes of this Scheme the relevant part of a qualifying loan, in the case of expenditure which appears to the National Assembly to be neither expenditure of a capital nature nor expenditure incurred in connection with expenditure of a capital nature, is that part of the qualifying loan which has been or is to be incurred for the purposes of, in connection with or in connection with any proposals for, restructuring by -

- (a) the establishment or expansion of a farm business ancillary to a pig production business and relating to the products of pig production;
- (b) the promotion of a farm business ancillary to a pig production business and relating to the products of pig production; or
- (c) the marketing of anything produced or supplied in the course of a farm business ancillary to a pig production business and relating to the products of pig production.

(5) Where a loan has been incurred partly for the purposes of or in connection with the restructuring of a pig production business and partly for other purposes the National Assembly may for the purposes of a grant under this paragraph treat as a qualifying loan so much of that loan as appears to it to be referable to that restructuring.

(6) The National Assembly may make the payment of grant under sub-paragraph (1) above subject to such conditions as it may reasonably determine.

(7) No grant under this scheme shall exceed 5% of the qualifying loan (excluding accrued interest).

#### **Eligible persons**

4. -(1) The following persons shall be eligible for a grant under this Scheme -

- (a) an individual carrying on a business of pig production, to whom a qualifying loan has been or is to be made and who undertakes, if his or her application is successful, to pursue the objectives of his or her business plan;
- (b) a body carrying on a business of pig production, to which a qualifying loan has been or is to be made and on behalf of which a person duly authorised for the purpose undertakes, if the body's application is successful, to pursue the objectives of the business plan;

- (c) personau sy'n rhedeg busnes cynhyrchu moch mewn partneriaeth, y mae benthyciad cymwys wedi'i roi neu i'w roi iddynt ac y mae'r ymrwymiad y mae paragraff (a) uchod yn gofyn i unigolyn ei roi yn cael ei roi ar eu rhan gan berson sydd wedi'i awdurdodi'n briodol at y diben hwnnw.

### **Hawliadau grant**

5. Rhaid i unrhyw hawliadau am grant o dan y Cynllun hwn gael eu gwneud ar y ffurf, yn y modd ac ar yr adeg y gall y Cynulliad Cenedlaethol ofyn yn rhesymol amdanynt o dro i dro, a rhaid i'r hawliwr grant roi'r holl fanylion a'r holl wybodaeth ynghylch yr hawliad a chopïau o'r dogfennau a chofnodion sy'n gysylltiedig ag ef y gall y Cynulliad Cenedlaethol ofyn amdanynt.

### **Dal y grant yn ôl neu ei adennill**

6.-(1) Caiff y Cynulliad Cenedlaethol ddal y cyfan neu unrhyw ran o grant sy'n daladwy o dan y Cynllun hwn yn ôl neu adennill ar gais swm sy'n gyfartal â'r taliad sydd wedi'i wneud o dan y Cynllun hwn, neu unrhyw ran ohono y gall ei phennu, os yw'n ymddangos i'r Cynulliad Cenedlaethol -

- (a) nad ydys yn cydymffurfio neu na chydymffurfiwyd ag unrhyw amod y mae'r grant i'w dalu neu wedi'i dalu odano;
- (b) bod y person cymwys wedi rhoi gwybodaeth am unrhyw fater sy'n berthnasol i'w gymhwyster i gael grant o dan y Cynllun hwn, neu sy'n berthnasol i'r hawliad am daliad, sy'n ffug neu'n gamarweiniol mewn ystyr berthnasol; neu
- (c) bod y person cymwys wedi methu â chydymffurfio â'i ymrwymiad i fynd ar drywydd amcanion ei gynllun busnes.

(2) Cyn dal y cyfan neu unrhyw ran o grant yn ôl neu adennill unrhyw swm sy'n gyfartal â'r taliad sydd wedi'i wneud neu ran o'r taliad sydd wedi'i wneud o dan ddarpariaethau paragraff (1) uchod, rhaid i'r Cynulliad Cenedlaethol -

- (a) rhoi hysbysiad ysgrifenedig o'r rhesymau am y camau y bwriedir eu cymryd i'r person y byddai unrhyw daliad grant yn daladwy iddo, neu y gellid adennill unrhyw swm o'r fath oddi arno;
- (b) rhoi cyfle i'r person hwnnw ymddangos gerbron person a benodir at y diben gan y Cynulliad Cenedlaethol a chael ei wrando ganddo; ac

- (c) persons carrying on a business of pig production in partnership, to whom a qualifying loan has been or is to be made and on whose behalf the undertaking required of an individual by paragraph (a) above is given by a person duly authorised for that purpose.

### **Claims for grant**

5. Any claims for grant under this Scheme shall be made in the form and manner and at the time the National Assembly may from time to time reasonably require, and the claimant for grant shall furnish all such particulars and information relating to the claim and copies of the documents and records relating thereto that the National Assembly may require.

### **Withholding or recovery of grant**

6.-(1) The National Assembly may withhold the whole or any part of a grant payable under this Scheme or recover on demand an amount equal to the payment which has been made under this Scheme, or such part as it may specify, where it appears to it -

- (a) that any condition subject to which the grant is to be or has been paid is not being or has not been complied with;
- (b) that the eligible person gave information on any matter relevant to his or her eligibility for a grant under this Scheme, or the claim for payment, which is false or misleading in a material respect; or
- (c) that the eligible person has failed to comply with his or her undertaking to pursue the objectives of his or her business plan.

(2) Before withholding the whole or any part of a grant or recovering any amount equal to the payment which has been made or part of the payment which has been made under the provisions of paragraph (1) above, the National Assembly -

- (a) shall give to the person to whom a payment of grant would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken;
- (b) shall afford to that person the opportunity of appearing before and being heard by a person appointed for the purpose by the National Assembly; and

(c) ystyried adroddiad person a benodir felly a rhoi copi ohono i'r person a grybwyllir ym mharagraff (a) o'r paragraff hwn.

(c) shall consider the report of a person so appointed and give a copy of it to the person mentioned in paragraph (a) of this paragraph.

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

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

28 Chwefror 2001

28th February 2001

*D Elis Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(a) 1998 p.38.

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(a) 1998 c.38.



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**£2.00**

W/223/06/01

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ISBN 0-11-090218-1



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