



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 2825 (Cy.232)

2010 No. 2825 (W.232)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru)
2010**

**The Agricultural Holdings (Units
of Production) (Wales) Order
2010**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(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 pennu'r swm sydd i'w ystyried yn incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2010 i 11 Medi 2011 yn gynwysedig, at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986"). Mae'r Gorchymyn hwn yn dirymu Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2009.

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 2010 to 11 September 2011 inclusive for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act"). This Order revokes the Agricultural Holdings (Units of Production) (Wales) Order 2009.

Mae'n ofynnol asesu gallu cynhyrchiol tir amaethyddol er mwyn penderfynu pa un 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 llawnamser 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.

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.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd, yn 2009, yn hectar cymwys at ddibenion Rheoliad y Cyngor (EC) Rhif

This Order includes net annual income figures for land which was, in 2009, 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), sy'n sefydlu'r Cynllun Taliad Sengl. Rhoddir ffigurau ar wahân yn yr Atodlen ar gyfer tir dan anfantais ddifrifol, tir dan anfantais a thir arall. Rhoddir ffigurau ar wahân hefyd ar gyfer tir a oedd wedi ei neilltuo rhag cynhyrchu yn 2009.

Ni pharatowyd Asesiad Effaith Rheoleiddiol ar gyfer yr offeryn hwn gan na ragwelir unrhyw effaith ar fusnes na'r sector preifat na'r sector gwirfoddol.

No L 30, 31.1.2009, p.16), which establishes the Single Payment Scheme. There are separate figures in the Schedule for severely disadvantaged land, disadvantaged land and other land. There are also separate figures for land which was set aside from production in 2009.

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

2010 Rhif 2825 (Cy.232)

**LANDLORD A THENANT,
CYMRU**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru)
2010**

Gwnaed 23 Tachwedd 2010
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 25 Tachwedd 2010
Yn dod i rym 6 Ionawr 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan baragraff 4 o Atodlen 6 i Ddeddf Daliadau Amaethyddol 1986(1) ac a freiniwyd bellach ynddynt hwy(2), a chan baragraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(3), yn gwneud y Gorchymyn a ganlyn.

Mae'r Gorchymyn hwn yn gwneud darpariaeth ar gyfer bwriad a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac ymddengys i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau yn y Gorchymyn hwn at offerynnau'r Gymuned Ewropeaidd gael eu dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Enwi, cychwyn a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2010, mae'n gymwys o ran Cymru, a daw i rym ar 6 Ionawr 2011.

(2) Yn y Gorchymyn hwn—

ystyr "ardaloedd llai ffafriol" ("*less favoured areas*") yw tir dan anfantais neu dir dan anfantais ddifrifol;

(1) 1986 p.5.

(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 i'r Gorchymyn hwnnw. Trosglwyddwyd y swyddogaethau hynny wedyn i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

(3) 1972 p.68. Mewnosodwyd paragraff 1A gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p.51).

2010 No. 2825 (W.232)

**LANDLORD AND TENANT,
WALES**

**The Agricultural Holdings (Units
of Production) (Wales) Order
2010**

Made 23 November 2010
*Laid before the National
Assembly for Wales* 25 November 2010
Coming into force 6 January 2011

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) and by paragraph 1A of Schedule 2 to the European Communities Act 1972(3), make the following Order.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the references to European Community instruments in this Order to be construed as references to those instruments as amended from time to time.

Title, commencement and interpretation

1.—(1) The title of this Order is The Agricultural Holdings (Units of Production) (Wales) Order 2010, it applies in relation to Wales, and it comes into force on 6 January 2011.

(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

(1) 1986 c. 5.

(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 were subsequently transferred to the Welsh Ministers by section 162 and paragraph 30 of Schedule 11 of the Government of Wales Act 2006 (c. 32).

(3) 1972 c. 68. Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

mae "hectar cymwys" ("*eligible hectare*") i'w ddehongli yn unol ag Erthygl 34(2) o Reoliad y Cyngor 73/2009;

ystyr "mapiau dynodedig" ("*designated maps*") yw'r ddwy gyfrol o fapiau dyddiedig 20 Mai 1999, sydd wedi eu rhifo 1 a 2, y mae'r 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 Adran Materion Gwledig Llywodraeth Cynulliad Cymru ym Mharc 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;

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 y diben o asesu gallu cynhyrchiol uned o dir amaethyddol a leolir yng Nghymru, er mwyn penderfynu a yw'r uned honno'n 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 â'r fferm, cnwd garddwriaethol yn yr awyr agored, neu ffrwythau fel y crybwyllir yn unrhyw un o gofnodion 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 yn yr Atodlen honno gyferbyn â'r cofnod hwnnw, a
- (b) y swm a bennir, ar gyfer y cyfnod o 12 mis yn dechrau ar 12 Medi 2010, 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

(1) OJ Rhif L 30, 31.1.2009, t.16, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn 360/2010 (OJ Rhif L 106, 28.4.2010, t.1).

support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, and amending and repealing certain Regulations(1);

"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 1999 signed by the Secretary of State for Wales and deposited at the offices of the Welsh Assembly Government Rural Affairs Department 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*") is to be construed in accordance with Article 34(2) of Council Regulation 73/2009;

"less favoured areas" ("*ardaloedd llai 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.

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 2010, 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

(1) OJ No L 30, 31.1.2009, p.16, last amended by Commission Regulation 360/2010 (OJ No L 106, 28.4.2010, p.1).

hwnnw fel y'i darllenir gydag unrhyw nodyn perthnasol i'r Atodlen honno.

(3) Os yw tir sy'n gallu cynhyrchu incwm blynyddol net, pan ffermir ef dan reolaeth gymwys, yn gymwys i dderbyn taliad Tir Mynydd (fel y crybwyllir yng nghofnod 4 yng ngholofn 1 yn yr Atodlen i'r Gorchymyn hwn) neu os oedd yn hectar cymwys yn 2009 (fel y crybwyllir yng nghofnod 5 yn y golofn honno), 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 yn dechrau ar 12 Medi 2010, 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. Dirymir Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2009(1).

that entry as read with any relevant note to that Schedule.

(3) Where land capable, when farmed under competent management, of producing a net annual income is eligible to receive a Tir Mynydd payment (as is mentioned in entry 4 in column 1 of the Schedule to this Order), or was an eligible hectare in 2009 (as is mentioned in entry 5 of that column), 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 2010, 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 2009(1) is revoked.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weiniogion Cymru

23 Tachwedd 2010

Minister for Rural Affairs, one of the Welsh Ministers

23 November 2010

YR ATODLEN

Erthygl 2

UNEDAU CYNHYRCHU RHAGNODEDIG A PHENNU INCWM BLYNYDDOL NET

<i>Colofn 1</i> <i>Defnydd ffermio</i>		<i>Colofn 2</i> <i>Uned gynhyrchu</i>	<i>Colofn 3</i> <i>Incwm blynyddol net o'r uned gynhyrchu (£)</i>
1. Da byw			
Buchod godro		buwch	384.00
Buchod bridio cig eidion:	Ar dir sy'n gymwys at ddibenion taliad Tir Mynydd	buwch	—100.00
	Ar dir arall	buwch	—113.00
Gwartheg pesgi cig eidion (lled-arddwys)		y pen	—184.00 ⁽¹⁾
Buchod llaeth i lenwi bylchau		y pen	116.00 ⁽²⁾
Mamogiaid:	Ar dir sy'n gymwys at ddibenion taliad Tir Mynydd	mamog	9.00
	Ar dir arall	mamog	15.00
Ŵyn stôr (gan gynnwys ŵyn benyw a werthir fel hesbinod)		y pen	3.50
Moch:	hychod a banwesod torrog	Hwch neu fanwes	314.00
	moch porc	y pen	11.10
	moch torri	y pen	14.00
	moch bacwn	y pen	16.70
Dofednod:	ieir dodwy	aderyn	4.25
	brwyliaid	aderyn	0.35
	cywennod ar ddodwy	aderyn	0.75
Tyrewn Nadolig		aderyn	7.30
2. Cnydau â'r fferm			
Haidd		hectar	58.00
Ffa		hectar	23.00 ⁽³⁾
Rêp had olew		hectar	108.00
Pys sych		hectar	186.00 ⁽³⁾
Tatws:	cynnar cyntaf	hectar	2743.00
	prif gnwd (gan gynnwys hadyd)	hectar	2045.00
Betys siwgr		hectar	764.00
Gwenith		hectar	199.00

3. Cnydau garddwriaethol awyr agored a ffrwythau			
Ffrwythau'r berllan	hectar		2790.00
Ffrwythau meddal	hectar		6470.00
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 ⁽⁴⁾
5. Hectarau cymwys			
Tir a oedd, yn 2009, yn hectar cymwys at ddibenion Rheoliad y Cyngor 73/2009			
	tir dan anfantais ddifrifol, ac eithrio rhostir	hectar	147.55
	tir dan anfantais	hectar	185.48
	pob tir arall	hectar	135.20

(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.

(3) Mae'r ffigur hwn yn cynnwys y premiwm cnwd protein y darperir ar ei gyfer yn Erthygl 79 o Reoliad y Cyngor 73/2009.

(4) O.S. 2006/3343 (Cy.304).

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SCHEDULE

Article 2

PRESCRIBED UNITS OF PRODUCTION AND DETERMINATION OF NET ANNUAL INCOME

<i>Column 1</i> <i>Farming use</i>		<i>Column 2</i> <i>Unit of production</i>	<i>Column 3</i> <i>Net annual income from unit of production (£)</i>
1. Livestock			
Dairy cows		cow	384.00
Beef breeding cows:	On land which is eligible for the purposes of a Tir Mynydd payment	cow	—100.00
	On other land	cow	—113.00
Beef fattening cattle (semi-intensive)		head	—184.00 ⁽¹⁾
Dairy replacements		head	116.00 ⁽²⁾
Ewes:	On land which is eligible for the purposes of a Tir Mynydd payment	ewe	9.00
	On other land	ewe	15.00
Store lambs (including ewe lambs sold as shearlings)		head	3.50
Pigs:	sows and gilts in pig	sow or gilt	314.00
	porker	head	11.10
	cutter	head	14.00
	bacon	head	16.70
Poultry:	laying hens	bird	4.25
	broilers	bird	0.35
	point-of-lay pullets	bird	0.75
Christmas turkeys		bird	7.30
2. Farm arable crops			
Barley		hectare	58.00
Beans		hectare	23.00 ⁽³⁾
Oilseed rape		hectare	108.00
Dried peas		hectare	186.00 ⁽³⁾
Potatoes:	first early	hectare	2743.00
	maincrop (including seed)	hectare	2045.00
Sugar beet		hectare	764.00
Wheat		hectare	199.00

3. Outdoor horticultural crops and fruit			
Orchard fruit		hectare	2790.00
Soft fruit		hectare	6470.00
4. Forage land			
On land which is eligible for the purposes of a Tir Mynydd payment		hectare	The amount of the Tir Mynydd payment required to be paid under regulation 3 of the Rural Development Programmes (Wales) Regulations 2006 ⁽⁴⁾
5. Eligible hectares			
Land which was, in 2009, an eligible hectare for the purposes of Council Regulation 73/2009			
	severely disadvantaged land,	hectare	147.55
	excluding moorland		
	disadvantaged land	hectare	185.48
	all other land	hectare	135.20

(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.

(3) This figure includes the protein crop premium provided for in Article 79 of Council Regulation 73/2009.

(4) S.I. 2006/3343.(W.304).

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