



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2024 Rhif 10 (Cy. 4)

2024 No. 10 (W. 4)

LANDLORD A THENANT,
CYMRU

LANDLORD AND TENANT,
WALES

Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2024

The Agricultural Holdings (Units of
Production) (Wales) Order 2024

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 nodi'r swm sydd i'w ystyried fel yr incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2023 i 11 Medi 2024 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; 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 (fel y'i diffinnir ym mharagraff 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.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd, yn 2022, yn hectar cymwys o fewn ystyr Erthygl 32(2) o Reoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 sy'n gosod rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o

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 2023 to 11 September 2024 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 of the 1986 Act; 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 (as defined in 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.

This Order includes net annual income figures for land which was, in 2022, an eligible hectare within the meaning of Article 32(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes

fewn fframwaith y polisi amaethyddol cyffredin. Rhoddir ffigurau ar wahân yn yr Atodlen ar gyfer tir dan anfantais a thir dan anfantais ddifrifol, 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.

within the framework of the common agricultural policy. There are separate figures in the Schedule for disadvantaged land and severely 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.

2024 Rhif 10 (Cy. 4)

LANDLORD A THENANT,
CYMRU

Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2024

Gwnaed 8 Ionawr 2024
*Gosodwyd gerbron Senedd
Cymru* 10 Ionawr 2024
Yn dod i rym 7 Chwefror 2024

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.

Enwi, cymhwyso, dod i rym a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2024, mae'n gymwys o ran Cymru, a daw i rym ar 7 Chwefror 2024.

(2) Yn y Gorchymyn hwn—

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

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

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

(1) 1986 p. 5; diffinnir “the Minister” yn adran 96(1) o'r Ddeddf honno.
(2) Trosglwyddwyd swyddogaethau a roddwyd o dan Ddeddf Daliadau Amaethyddol 1986 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.

2024 No. 10 (W. 4)

LANDLORD AND TENANT,
WALES

The Agricultural Holdings (Units of
Production) (Wales) Order 2024

Made 8 January 2024
Laid before Senedd Cymru 10 January 2024
Coming into force 7 February 2024

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, application, coming into force and interpretation

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) Order 2024, it applies in relation to Wales and comes into force on 7 February 2024.

(2) In this Order—

“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;

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

(2) Functions conferred under the Agricultural Holdings Act 1986 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).

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 dyddiedig 17 Rhagfyr 2013 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 Taliadau Amaethyddol 1986.

(2) Os gellir defnyddio’r tir 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 2023, 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 of 17 December 2013 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 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 2023, 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) EUR 2013/1307, a ddiwygiwyd gan O.S. 2020/1556; mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn. Ymgorfforwyd y Rheoliad hwn mewn cyfraith ddomestig gan adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020 (p. 2).

(1) EUR 2013/1307, amended by S.I. 2020/1556; there are other amending instruments but none is relevant to these Regulations. This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(3) Os oedd tir sy'n gallu cynhyrchu incwm blynyddol net, pan gaiff ei ffermio o dan reolaeth gymwys, yn hectar cymwys yn 2022 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 2023, 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 2022 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 2023, 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

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r
Trefnydd, un o Weinidogion Cymru
8 Ionawr 2024

Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers
8 January 2024

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	967.00
Buchod bridio cig eidion:	ar dir mewn ardal lai ffafriol	5.00
	ar dir arall	-28.00
Gwartheg pesgi cig eidion (lled-arddwys)	y pen	-24.00 ⁽¹⁾
Buchod llaeth i lenwi bylchau	y pen	154.00 ⁽¹⁾
Mamogiaid :	ar dir mewn ardal lai ffafriol	mamog
	ar dir arall	mamog
Ŵyn stôr (gan gynnwys ŵyn benyw a werthir fel hesbinod)	y pen	12.00
Moch:	hychod a banwesod torrog	hwch neu fanwes
	moch porc	y pen
	moch torri	y pen
	moch bacwn	y pen
Dofednod:	ieir dodwy	aderyn
	brwyliaid	aderyn
	cywennod ar ddodwy	aderyn
Tyrcwn Nadolig	aderyn	14.90
2. Cnydau â'r fferm		
Haidd	hectar	334.00
Ffa	hectar	181.00
Rêp had olew	hectar	164.00
Pys sych	hectar	200.00
Tatws:	cynnar cyntaf	hectar
	prif gnwd (gan gynnwys hadyd)	hectar
Betys siwgr	hectar	620.00
Gwenith	hectar	540.00
3. Cnydau garddwriaethol awyr agored a ffrwythau		
Ffrwythau'r berllan	hectar	4,460.00
Ffrwythau meddal	hectar	17,870.00
4. Hectarau cymwys		
Tir a oedd, yn 2022, yn hectar cymwys at ddibenion Rheoliad 1307/2013	tir dan anfantais ddifrifol	hectar
	tir dan anfantais	hectar
	pob tir arall	hectar

⁽¹⁾ Dyma'r ffigur ar gyfer anifeiliaid (faint bynnag fo'u hoed) a gedwir am 12 mis. Yn achos anifeiliaid a gedwir am lai na 12 mis, rhaid gwneud addasiad pro rata o'r ffigur hwn.

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	967.00	
Beef breeding cows:	on land in a less favoured area	5.00	
	on other land	-28.00	
Beef fattening cattle (semi-intensive)	head	-24.00 ⁽¹⁾	
Dairy replacements	head	154.00 ⁽¹⁾	
Ewes:	on land in a less favoured area	-15.00	
	on other land	10.00	
Store lambs (including ewe lambs sold as shearlings)	head	12.00	
Pigs:	sows and gilts in pig	sow or gilt	265.00
	porker	head	9.90
	cutter	head	13.00
	bacon	head	15.60
Poultry:	laying hens	bird	4.60
	broilers	bird	0.30
	point-of-lay pullets	bird	0.90
Christmas turkeys	bird	14.90	
2. Farm arable crops			
Barley	hectare	334.00	
Beans	hectare	181.00	
Oilseed rape	hectare	164.00	
Dried peas	hectare	200.00	
Potatoes:	first early	hectare	2,650.00
	maincrop (including seed)	hectare	3,060.00
Sugar beet	hectare	620.00	
Wheat	hectare	540.00	
3. Outdoor horticultural crops and fruit			
Orchard fruit	hectare	4,460.00	
Soft fruit	hectare	17,870.00	
4. Eligible hectares			
Land which was, in 2022, an eligible hectare for the purposes of Regulation 1307/2013	severely disadvantaged land	hectare	116.18
	disadvantaged land	hectare	116.07
	all other land	hectare	50.76

⁽¹⁾ This is the figure for animals (irrespective of age) which are kept for 12 months. In the case of animals kept less than 12 months, a pro-rata adjustment of this figure is to be made.

£8.14

<http://www.legislation.gov.uk/id/wsi/2024/10>

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