OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2007 Rhif 2398 (Cy.199)

LANDLORD A THENANT, CYMRU

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2007

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn rhagnodi unedau cynhyrchu ar gyfer asesu capasiti cynhyrchiol tir amaethyddol a leolir yng Nghymru ac yn gosod y swm sydd i gael ei ystyried fel yr incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2006 i 11 Medi 2007 gan gynnwys y dyddiadau hynny.

Mae'r Gorchymyn hwn yn dirymu Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2006.

Mae asesiad o gapasiti cynhyrchiol tir amaethyddol yn ofynnol wrth benderfynu a yw'r tir o dan sylw yn "uned fasnachol o dir amaethyddol" ai peidio at ddibenion y darpariaethau olynu yn Neddf Daliadau Amaethyddol 1986: gweler yn benodol adrannau 36(3) a 50(2).

Mae "uned fasnachol o dir amaethyddol" yn dir sydd, pan gaiff ei ffermio o dan reolaeth gymwys, â'r gallu i gynhyrchu incwm blynyddol net nad yw'n llai nag agregiad enillion blynyddol cyfartalog dau weithiwr amaethyddol gwrywaidd amser-llawn 20 oed neu drosodd (paragraff 3 o Atodlen 6 i Ddeddf 1986).

Mae erthygl 2 o'r Gorchymyn hwn yn darparu wrth benderfynu'r ffigur incwm blynyddol hwn, pryd bynnag y bydd defnydd ffermio penodol a grybwyllir yng ngholofn 1 o'r Atodlen yn berthnasol i'r asesiad o gapasiti cynhyrchiol y tir dan sylw, yr unedau cynhyrchu a'r incwm net a bennir yng ngholofnau 2 a 3 yn ôl eu trefn fydd sail yr asesiad hwnnw.

2007 No. 2398 (W.199)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2007

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 2006 to 11 September 2007 inclusive.

This Order revokes the Agricultural Holdings (Units of Production) (Wales) Order 2006.

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 Agricultural Holdings Act 1986: see in particular sections 36(3) and 50(2).

A "commercial unit of agricultural land" is 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 ffigurau incwm blynyddol net yng ngholofn 3 o'r Atodlen yn rhagnodi'r incwm blynyddol net o un uned gynhyrchu. Mewn rhai achosion bydd yr incwm blynyddol net yn deillio o uned a fydd ar y tir am y cyfnod llawn o ddeuddeng mis. Mewn achosion eraill bydd yr incwm blynyddol net yn deillio o uned a fydd ar y tir am ran o'r flwyddyn yn unig, a gall y bydd mwy nag un gylchred gynhyrchu yn y cyfnod o ddeuddeng mis. Bydd yr asesiad o gapasiti cynhyrchu'r tir yn cymryd i ystyriaeth yr holl gynhyrchu yn ystod blwyddyn.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd yn 2005 yn hectar cymwys at ddibenion o Rheoliad y Cyngor (EC) Rhif 1782/2003 (O.J. Rhif L270, 21.10.2003, t.1), sy'n sefydlu'r Cynllun Taliad Sengl. Mae yna ffigurau ar wahân yn yr Atodlen ar gyfer tir tan anfantais ddifrifol, tir tan anfantais a thir arall. Mae yna hefyd ffigurau ar wahân ar gyfer tir a oedd wedi'i neilltuo rhag cynhyrchu yn 2005.

The net annual income figures in column 3 of the Schedule prescribe the net annual income from one unit of production. In some cases the net annual income is derived from a unit which will be on the land for the full twelve-month period. In other cases the net annual income is derived from a unit which will be on the land for only part of the year, and there may be more than one production cycle in the twelve-month period. The assessment of the productive capacity of the land will take account of the total production in the course of a year.

This Order includes net annual income figures for land which was in 2005 an eligible hectare for the purposes of Council Regulation (EC) No. 1782/2003 (O.J. No. L270, 21.10.2003, p.1), 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 2005.

OFFERYNNAU STATUDOL CYMRU

2007 Rhif 2398 (Cy.199)

LANDLORD A THENANT, CYMRU

Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2007

Wedi'i wneud	*14 Awst 2007*
Wedi'i osod gerbron Cynulliad Cenedlaethol Cymru	*14 Awst 2007*
Yn dod i rym	*7 Medi 2007*

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**) yn gwneud y Gorchymyn a ganlyn:-

Enwi, cychwyn a dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2007 a daw i rym ar [dyddiad]

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Yn y Gorchymyn hwn:

mae i'r ymadrodd "hectar cymwys" yr un ystyr ag sydd i'r ymadrodd "*eligible hectare*" yn Erthygl 44(2) o Reoliad y Cyngor 1782/2003;

ystyr "mapiau dynodedig ("*designated maps*") yw'r ddwy gyfrol o fapiau wedi'u rhifo 1 a 2 gyda phob cyfrol wedi'i marcio "Cyfrol o Fapiau ardaloedd ffermio llai ffafriol yng Nghymru" a chyda rhif y gyfrol dyddiedig 20 Mai 1999 wedi'i llofnodi gan

(**1**) 1986 p.5.

(**2**) Trosglwyddwyd swyddogaethau o dan Ddeddf Daliadau Amaethyddol 1986 i Gynulliad Cenedlaethol Cymru yn rhinwedd O.S. 1999/672 ac O.S. 2004/3044 ac maent yn arferadwy gan Weinidogion Cymru yn rhinwedd a. 162 a pharagraff 30 o Atodlen 11 i Deddf Llywodraeth Cymru 2006 p.32.

WELSH STATUTORY INSTRUMENTS

2007 No. 2398 (W.199)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2007

Made	*14 August 2007*
Laid before the National Assembly for Wales	*14 August 2007*
Coming into force	*7 September 2007*

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, commencement and interpretation

1.-(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) Order 2007 and it comes into force on [date]

(2) This Order applies in relation to Wales.

(3) In this Order:

"Council Regulation 1782/2003" ("*Rheoliad y Cyngor 1782/2003*") means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain direct schemes for farmers and amending certain regulations(**3**) as last amended by Commission Regulation (EC) No. 1156/2006 (**4**);

(**1**) 1986 c.5.

(**2**) Functions conferred under the Agricultural Holdings Act 1986 were transferred to the National Assembly for Wales by virtue of S.I. 1999/672 and S.I. 2004/3044 and are exercisable by the Welsh Ministers by virtue of s.162 and paragraph 30 of Schedule 11 of the Government of Wales Act 2006 c.32.

(**3**) O.J. No. L 270, 21.10.2003, p.1.

(**4**) O.J. No. L 208, 29.7.2006, p.3.

Ysgrifennydd Gwladol Cymru ac wedi'u hadneuo yn Swyddfeydd Adran Amaethyddiaeth Llywodraeth Cynulliad Cymru ym Mharc Cathays, Caerdydd, CF10 3NQ.

"ystyr "Rheoliad y Cyngor 1782/2003" ("*Council Regulation 1782/2003*") yw Rheoliad y Cyngor (EC) Rhif 1782/2003 sy'n sefydlu rheolau cyffredin ar gyfer cynlluniau cymorth uniongyrchol o dan y polisi amaethyddol cyffredin ac sy'n sefydlu cynlluniau uniongyrchol penodol i ffermwyr ac sy'n diwygio rheoliadau penodol(**1**) fel y'u diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1156/2006(**2**);

ystyr "Taliad Tir Mynydd" ("*Tir Mynydd payment*") yw cymorth ariannol a delir yn unol â rheoliad 3 o Reoliadau Rhaglenni Datblygu Gwledig (Cymru) 2006(**3**);

ystyr "tir cymwys" ("*eligible land*") yw'r rhan honno o'r tir cymhwysol sydd o fewn ardal lai ffafriol;

ystyr "tir llai ffafriol" ("*less favoured area*") yw tir tan anfantais neu dir tan anfantais ddifrifol;

ystyr "tir tan anfantais" ("*disadvantaged land*") (ac eithrio yn yr ymadrodd "tir tan anfantais ddifrifol") yw unrhyw ardal o dir a ddangosir â lliw glas ar y mapiau dynodedig;

ystyr "tir tan anfantais ddifrifol" ("*severely disadvantaged land*") yw'r ardal o dir a ddangosir â lliw pinc ar y mapiau dynodedig.

Asesiadau o gapasiti cynhyrchiol tir

2.-(1) Mae paragraffau (2) a (3) o'r erthygl hon yn cael effaith at ddibenion asesu cymhwysedd capasiti uned o dir amaethyddol a leolir yng Nghymru, er mwyn penderfynu a yw'r uned honno yn uned fasnachol o dir amaethyddol o fewn ystyr paragraff 3(1) o Atodlen 6 i Ddeddf Daliadau Amaethyddol 1986.

(2) Os gellir defnyddio'r tir dan sylw, pan gaiff ei ffermio dan reolaeth gymwys, i gynhyrchu unrhyw dda byw, cnwd âr fferm, cnwd garddwrol 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 o ran y defnydd hwnnw o'r tir yw'r uned yn y cofnod yng ngholofn 2 o Atodlen 1 gyferbyn â'r cofnod hwnnw, a

(b) y swm a bennir ar gyfer y cyfnod o 12 mis sy'n dechrau ar 12 Medi 2006 fel yr incwm blynyddol net o'r uned gynhyrchu honno yn y

(**1**) O.J. Rhif 270, 21.10.2003, t.1.

(**2**) O.J. Rhif L 208, 29.7.2006, t.3.

(**3**) O.S. 2006/3343 (Cy.304).

"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 Agriculture Department at Cathays Park, Cardiff, CF10 3NQ;

"disadvantaged land" ("*tir tan 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 44(2) of Council Regulation 1782/2003;

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

"less favoured area" ("*tir llai ffafriol*") means land that is disadvantaged or severely disadvantaged;

"severely disadvantaged land" (*tir tan anfantais ddifrifol*") means the area of land shown coloured in pink on the designated maps;

"Tir Mynydd payment" ("*Taliad Tir Mynydd*") means financial assistance paid in accordance with regulation 3 of the Rural Development Programmes (Wales) Regulations 2006(**1**).

Assessment of productive capacity of land

2.-(1) Paragraphs (2) and (3) of this article 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 of 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 Schedule 1 opposite to that entry, and

(b) the amount determined for the period of 12 months beginning with 12 September 2006 as the net annual income from that unit of

(**1**) S.I. 2006/3343 (W.304).

cyfnod hwnnw fydd y swm yn y cofnod yng ngholofn 3 o'r Atodlen honno gyferbyn â'r cofnod hwnnw fel y'i darllenir gydag unrhyw nodyn perthnasol i'r Atodlen honno.

(3) Os yw tir, pan ffermir ef dan reolaeth gymwys, sy'n gallu cynhyrchu incwm blynyddol net yn derbyn taliad Tir Mynydd neu wedi'i neilltuo rhag cynhyrchu yn 2005 neu wedi bod yn hectar cymwys yn 2005 fel a grybwyllir yng nghofnodion 4, 5 a 6 yng ngholofn 1 o'r Atodlen, yna-

(a) yr uned gynhyrchu a ragnodir o ran y defnydd hwnnw o'r tir yw'r uned a bennir 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 sy'n dechrau ar 12 Medi 2006 fel yr incwm blynyddol net o'r uned gynhyrchu honno yn y cyfnod hwnnw yw'r swm yn y cofnod yng ngholofn 3 o'r Atodlen honno gyferbyn â'r cofnod hwnnw.

Dirymu

3. Dirymir Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2006(**1**).

production in that period is the amount in the entry in column 3 of that Schedule opposite to 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 in receipt of a Tir Mynydd payment or was set aside from production in 2005 or was an eligible hectare in 2005 as is mentioned in entries 4 , 5 and 6 in column 1 of the Schedule, then-

(a) the unit of production prescribed in relation to that use of the land is the unit specified 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 2006 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 2006(**1**) is revoked.

Elin Jones

Y Gweinidog dros Gynaliadwyedd a Datblygu Gweledig, un o Weinidogion Cymru

Minister for Sustainability and Rural Development, one of the Welsh Ministers

14 Awst 2007

14 August 2007

(**1**) 2006/2796 (Cy.133).

(**1**) 2006/2796 (W.133).

YR ATODLEN

Erthygl 2

UNEDAU CYNHYRCHU RHAGNODEDIG A PHENDERFYNU INCWM BLYNYDDOL

Colofn 1 *Defnydd Ffermio*		*Colofn 2* *Uned gynhyrchu*	*Colofn 3* *Incwm blynyddol net o'r uned gynhyrchu (£)*
1. Da byw			
Buchod godro (ac eithrio bridiau Ynysoedd y Sianel)		buwch	302
Buchod bridio cig eidion:			
	Ar dir sy'n "dir cymwys" at ddibenion taliad Tir Mynydd	buwch	-138
	Ar dir arall	buwch	-59
Gwartheg pesgi cig eidion (lled-arddwys)		pen	-57 (**1**)
Buchod llaeth i lenwi bylchau		pen	80 (**2**)
Mamogiaid:			
	Ar dir sy'n "dir cymwys" at ddibenion taliad Tir Mynydd	mamog	8
	Ar dir arall	mamog	19
Wyn stôr (gan gynnwys wyn benyw a werthir fel hesbinod)		pen	2
Moch:			
	Hychod a banwesi torrog	hwch neu fanwes dorrog	160
	Moch porc	pen	3
	Moch torri	pen	5.50
	Moch bacwn	pen	8.20
Dofednod:			
	Ieir dodwy	aderyn	2
	Brwyliaid/ieir bwyta	aderyn	0.24
	Cywennod ar ddodwy	aderyn	0.45
Tyrcwn Nadolig		aderyn	4.50
2. Cnydau âr fferm			
Haidd		hectar	24
Ffa		hectar	54.18 (**3**)
Had porfa		hectar	230
Rêp had olew		hectar	22

Pys:			
	Sych	hectar	14.18 (**3**)
	Dringo	hectar	350
Tatws:			
	Cynnar cyntaf	hectar	1800
	Prif gnwd (gan gynnwys hadyd)	hectar	1500
Betys siwgr		hectar	250
Gwenith		hectar	35
3. Cnydau garddwriaethol awyr aagored a ffrwythau			
Gwreiddlysiau a nionod/winwns		hectar	2500
Cnwd bresych		hectar	1750
Pys a ffa ffres		hectar	1100
Ffrwythau'r Berllan		hectar	1300
Ffrwythau meddal		hectar	3600
4. Tir Porthiant			
Ar dir sy'n "dir cymwys" 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 Rhaglenni (Cymru) 2006
5. Neilltir			
Tir a oedd yn 2005 wedi'i neilltuo rhag cynhyrchu o dan Erthygl 54(3) o reoliad y Cyngor 1782/2003			
	Tir tan anfantais ddifrifol	hectar	-19.91
	Tir tan anfantais	hectar	-16.77
	Pob tir arall	hectar	-120.77
6. Hectarau cymwys			
Tir a oedd yn 2005 yn hectar cymwys at ddibenion Rheoliad y Cyngor 1782/2003 ac eithrio tir a oedd wedi'i neilltuo rhag cynhyrchu o dan Erthygl 54(3) o'r Rheoliad hwnnw:			
	Tir tan anfantais ddifrifol	hectar	104.20
	Tir tan anfantais	hectar	121.22
	Pob tir arall	hectar	69.96

NODIADAU I'R ATODLEN

(**1**) Dyma'r ffigur ar gyfer anifeiliaid a fyddai'n cael eu cadw am 12 mis. Yn achos anifeiliaid a gedwir am lai 12 mis rhaid gwneud addasiad pro rata ohono.

(**2**) Dyma'r ffigur ar gyfer anifeiliaid (waeth beth fo'u hoed) a fyddai'n cael eu cadw am 12 mis. Yn achos anifeiliaid a gedwir am lai 12 mis rhaid gwneud addasiad pro rata ohono.

(**3**) Mae'r ffigur hwn yn cynnwys y premiwm cnwd protein y darperir ar ei gyfer yn Erthygl 76 o Reoliad y Cyngor 1782/2003.

SCHEDULE

Article 2

PRESCRIBED UNITS OF PRODUCTION AND DETERMINATION OF NET ANNUAL INCOME

Column 1 *Farming use*		*Column 2* *Unit of production*	*Column 3* *Net annual income from unit of production (£)*
1. Livestock			
Dairy cows (other than Channel Islands breeds)		cow	302
Beef breeding cows :			
	On land which is "eligible land" for the purposes of a Tir Mynydd payment	cow	-138
	On other land	cow	-59
Beef fattening cattle (semi-intensive)		head	-57 (**1**)
Dairy replacements		head	80 (**2**)
Ewes:			
	On land which is "eligible land" for the purposes of a Tir Mynydd	ewe	8
	On other land	ewe	19
Store lambs (including ewe lambs sold as shearlings)		head	2
Pigs:			
	Sows and gilts in pig	sow or gilt	160
	Porker	head	3
	Cutter	head	5.50
	Bacon	head	8.20
Poultry:			
	Laying hens	bird	2
	Broilers	bird	0.24
	Point-of-lay pullets	bird	0.45
Christmas turkeys		bird	4.50

2. Farm arable crops

Barley		hectare	24
Beans		hectare	54.18 (**3**)
Herbage seed		hectare	230
Oilseed rape		hectare	22
Peas:			
	Dried	hectare	14.18 (**3**)
	Vining	hectare	350
Potatoes:			
	First early	hectare	1800
	Maincrop (including seed)	hectare	1500
Sugar Beet		hectare	250
Wheat		hectare	35

3. Outdoor horticultural crops aand fruit

Root vegetables and onions		hectare	2500
Brassicas		hectare	1750
Fresh peas and beans		hectare	1100
Orchard fruit		hectare	1300
Soft fruit		hectare	3600

4. Forage Land

On land which is "eligible land" 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

5. Set-aside

Land which was in 2005 set-aside from production under Article 54(3) of Council Regulation 1782/2003			
	Severely disadvantaged land	hectare	-19.91
	Disadvantaged land	hectare	-16.77
	All other land	hectare	-120.77

6. Eligible hectares

Land which was in 2005 an eligible hectare for the purposes of Council Regulation 1782/2003 except land which was set aside from production under Article 54(3) of that Regulation:

Severely disadvantaged land	hectare	104.20
Disadvantaged land	hectare	121.22
All other land	hectare	69.96

NOTES TO THE SCHEDULE

(**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 76 of Council Regulation 1782/2003.

WELSH STATUTORY INSTRUMENTS

2007 No. 2398 (W.199)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2007

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