



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2005 Rhif 3367 (Cy.264)**

**2005 No. 3367 (W.264)**

**AMAETHYDDIAETH, CYMRU**

**AGRICULTURE, WALES**

**Rheoliadau Cynllun Taliad Sengl a  
Chynlluniau Cymorth y Polisi  
Amaethyddol Cyffredin  
(Trawsgydymffurfio) (Cymru)  
(Diwygio) 2005**

**The Common Agricultural Policy  
Single Payment and Support  
Schemes (Cross Compliance)  
(Wales) (Amendment) Regulations  
2005**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2004 ("y Prif Reoliadau").

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2004 ("the Principal Regulations").

Mae rheoliad 2(1) yn diweddarau cyfeiriadau at yr offerynnau Cymunedol yn y Prif Reoliadau i fod yn gyfeiriadau at yr offerynnau Cymunedol fel y'u diwygiwyd ar y dyddiad y mae'r Rheoliadau hyn yn cael eu gwneud.

Regulation 2(1) updates references to the Community instruments in the Principal Regulations to references to the Community Instruments as amended at the date these Regulations are made.

Mae rheoliadau 2(2), (3) a (4) yn cywiro mân wallau drafftio.

Regulations 2(2), (3) and (4) correct minor drafting errors.

Mae rheoliad 2(4) yn egluro pwerau personau awdurdodedig yn rheoliad 7 o'r Prif Reoliadau.

Regulation 2(4) clarifies the powers of authorised persons in regulation 7 of the Principal Regulations.

Mae Rheoliad 2(5) yn cyflwyno safon newydd o ran cyflwr amaethyddol ac amgylcheddol da ("CAAD") ac yn disodli'r gofyniad blaenorol i ffermwr lenwi ffurflen wirio ynghylch rheoli pridd yn 2005. Yn ôl y gofyniad newydd rhaid i ffermwr gwblhau llyfryn cofnodi asesiadau o'r pridd. Rhaid i'r llyfryn hwn gael ei ddiweddarau gan y ffermwr a'i roi ar gael i staff y Cynulliad Cenedlaethol os gofynnir iddo wneud hynny. Caiff ffermwr ei esemptio rhag y rhwymedigaeth hon os bydd wedi cwblhau [cynllun rheoli adnoddau o dan Reoliadau Tir Cynnal (Cymru) 2005].

Regulation 2(5) introduces a new standard of good agriculture and environmental condition ("GAEC") and replaces the previous requirement upon a farmer to complete a soil management checklist form in 2005. The new requirement requires a farmer to complete a soil assessment record booklet. This booklet must be updated by the farmer and made available to staff of the National Assembly upon request. A farmer is exempted from this obligation if the farmer has completed a resource management plan under the Tir Cynnal (Wales) Regulations 2005.

Mae rheoliad 2(6) yn diwygio'r safon CAAD o ran gorborti a dulliau porthi atodol anaddas ("overgrazing

Regulation 2(6) amends the GAEC standard of "overgrazing and unsuitable supplementary feeding

and unsuitable supplementary feeding methods") i atal sathru difrifol sy'n peri i bridd redeg i mewn i gyrsiau dŵr.

Mae rheoliadau 2(7) a 2(9) yn diwygio'r safonau CAAD o ran gwrychoedd neu berthi ("hedgerows"). Os bydd ffermwr yn caniatáu i gystadleuaeth neu ddigwyddiad hyfforddi gael ei chynnal neu ei gynnal ar ei fferm rhwng 1 Mawrth a 30 Ebrill a hynny'n ddarostyngedig i gymeradwyaeth ysgrifenedig y Cynulliad Cenedlaethol, caiff y ffermwr blygu gwrychoedd a pherthi a choedlannu. Caniateir bellach i ffermwr sy'n plannu cnydau gaeaf â'r ar dir â'r dorri neu docio gwrychoedd neu berthi perthnasol ar y tir hwnnw yn ystod mis Awst.

methods" to prevent severe poaching which results in soil run off into watercourses.

Regulations 2(7) to 2(9) amend the GAEC standards in respect of "Hedgerows". If a farmer hosts a competition or training event on his or her farm between 1 March and 30 April and subject to the written approval of the National Assembly, the farmer may carry out hedge-laying and coppicing. A farmer who is planting arable winter crops on arable land is now permitted to cut or trim relevant hedgerows on that land during August.

**2005 Rhif 3367 (Cy.264)****2005 No. 3367 (W.264)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES****Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2005****The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2005***Wedi'u gwneud**6 Rhagfyr 2005**Made**6 December 2005**Yn dod i rym**1 Ionawr 2006**Coming into force**1 January 2006*

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â Pholisi Amaethyddol Cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran honno, drwy hyn yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, being designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred upon it by that section hereby makes the following Regulations:

**Enwi, cychwyn a chymhwyso**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2005.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ionawr 2006 ac maent yn gymwys o ran Cymru.

**Title, commencement and application**

1.-(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2005.

(2) These Regulations come into force on 1 January 2006 and apply in relation to Wales.

**Diwygio Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2004**

2. Mae Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2004(3) yn cael eu diwygio fel a ganlyn-

(1) Yn rheoliad 2(2), rhodder y canlynol yn lle'r testun presennol-

"(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date the Common Agricultural Policy Single Payment and Support

**Amendment of the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2004**

2. The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004(3) are amended as follows-

(1) In regulation 2(2), substitute the following-

"(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date the Common Agricultural Policy Single Payment and Support

(1) O.S. 2005/1971.

(2) 1972 p.68.

(3) O.S. 2004/3280 (Cy.284).

(1) S.I. 2005/1971.

(2) 1972 c.68.

(3) S.I. 2004/3280 (W.284).

Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2005 are made."

(2) Yn rheoliad 3, rhodder y canlynol yn lle'r testun presennol-

"3. The National Assembly is designated as the competent national authority for the purposes of Article 3(2) of the Council Regulation."

(3) Yn rheoliad 4(1), rhodder y canlynol yn lle'r testun presennol-

"The standards of good agricultural and environmental condition set out in the Schedule apply as minimum requirements for the purposes of Article 5(1) of the Council Regulation."

(4) Yn rheoliad 7-

- (a) ym mharagraff (2)(a), yn lle "a right", rhodder "the power";
- (b) ym mharagraff (2)(b), yn lle "may only do so", rhodder "has the power to";
- (c) ym mharagraff (3), yn lle "may", rhodder "has the power to";
- (ch) yn rheoliad 7(4), y tro cyntaf y ceir "may", rhodder "has the power to".

(5) Yn lle paragraff 1 o'r Atodlen, rhodder-

#### " Soil assessment record booklet

1.-(1) A farmer must, subject to sub-paragraph (3), complete a soil assessment record booklet.

(2) The soil assessment record booklet must-

- (a) be completed annually on or before the 31 January;
- (b) accurately reflect the position on the holding as of 1 January of the calendar year;
- (c) be signed and dated upon completion;
- (d) be updated as and when necessary; and
- (e) be made available to staff of the National Assembly upon request."

(3) If a farmer has completed a resource management plan in accordance with the requirements of the Tir Cynnal (Wales) 2006 Regulations(1) then the farmer does not have to comply with the other provisions of this regulation."

(6) Ym mharagraff 6(2) o'r Atodlen, cyn "(d)" dileer "or", ar ôl "provided" rhodder ";" yn lle "." ac ychwaneger-

"or (e) avoid poaching that leads to soil run off into watercourses."

(7) Ym mharagraff 12(2) o'r Atodlen- yn lle "or (4)" rhodder ",(4) or (5)".

Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2005 are made."

(2) In regulation 3, substitute the following-

"3. The National Assembly is designated as the competent national authority for the purposes of Article 3(2) of the Council Regulation."

(3) In regulation 4(1), substitute the following-

"The standards of good agricultural and environmental condition set out in the Schedule apply as minimum requirements for the purposes of Article 5(1) of the Council Regulation."

(4) In regulation 7-

- (a) in paragraph (2)(a), for "a right" substitute "the power";
- (b) in paragraph (2)(b), for "may only do so" substitute "has the power to";
- (c) in paragraph (3), for "may" substitute "has the power to";
- (d) in regulation 7(4), where "may" occurs in the first instance substitute "has the power to".

(5) For paragraph 1 of the Schedule, substitute-

#### " Soil assessment record booklet

1.-(1) A farmer must, subject to sub-paragraph (3), complete a soil assessment record booklet.

(2) The soil assessment record booklet must-

- (a) be completed annually on or before the 31 January;
- (b) accurately reflect the position on the holding as of 1 January of the calendar year;
- (c) be signed and dated upon completion;
- (d) be updated as and when necessary; and
- (e) be made available to staff of the National Assembly upon request."

(3) If a farmer has completed a resource management plan in accordance with the requirements of the Tir Cynnal (Wales) 2006 Regulations(1) then the farmer does not have to comply with the other provisions of this regulation."

(6) In paragraph 6(2) of the Schedule- before "(d)" delete "or", after "provided" substitute ";" for "." and add

"or (e) avoid poaching that leads to soil run off into watercourses."

(7) In paragraph 12(2) of the Schedule- for "or (4)" substitute ",(4) or (5)".

(1) O.S. 2006/41 (Cy.7).

(1) S.I. 2006/41 (W.7).

- (8) Yn lle paragraff 12(3) o'r Atodlen, rhodder-
- "(3) A farmer may carry out hedge-laying and coppicing-
- (a) during the period beginning on 1 March and ending on 31 March if the farmer does not disturb any birds nesting in the hedgerow; or
  - (b) during the period beginning on 1 March and ending on 30 April if the National Assembly has given the farmer written permission to do so because it considers that cutting or trimming is necessary for purposes of a competition or training event."

- (9) Ym mharagraff 12(4)-
- ar ôl "laid" rhodder ";" yn lle "." ac ychwaneger
- "(5) A farmer may cut or trim a hedgerow on arable land during August if the farmer is planting winter arable crops on that land as part of the farmer's normal farming practice."

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

6 Rhagfyr 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

- (8) For paragraph 12(3) of the Schedule substitute-
- "(3) A farmer may carry out hedge-laying and coppicing-
- (a) during the period beginning on 1 March and ending on 31 March if the farmer does not disturb any birds nesting in the hedgerow; or
  - (b) during the period beginning on 1 March and ending on 30 April if the National Assembly has given the farmer written permission to do so because the National Assembly considers it necessary for purposes of a competition or training event."

- (9) In paragraph 12(4)-
- after "laid" substitute ";" for "." and add
- "(5) A farmer may cut or trim a hedgerow on arable land during August if the farmer is planting winter arable crops on that land as part of the farmer's normal farming practice."

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

6 December 2005

The Presiding Officer of the National Assembly

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