



OFFERYNNAU STATUDOL
CYMRU

2011 Rhif 2831 (Cy.304)

**LANDLORD A THENANT,
CYMRU**

Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru)
2011

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 pennu'r swm sydd i'w ystyried yn incwm blynnyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2011 i 11 Medi 2012, at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986"). Mae'r Gorchymyn hwn yn dirymu Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2010 (O.S. 2010/2825 (Cy.232)).

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 blynnyddol net nad yw'n llai na chyfanred emillion blynnyddol cyfartalog dau weithiwr amaethyddol gwrywaidd llawn amser sy'n 20 mlwydd oed neu drosodd (paragraff 3 o Atodlen 6 i Ddeddf 1986). Wrth benderfynu'r ffigur incwm blynnyddol 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 blynnyddol net a bennir yng ngholofnau 2 a 3, yn eu trefn, fydd sail yr asesiad hwnnw.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynnyddol net ar gyfer tir a oedd, yn 2010, yn hectar cymwys at ddibenion Rheoliad y Cyngor (EC) Rhif

WELSH STATUTORY
INSTRUMENTS

2011 No. 2831 (W.304)

**LANDLORD AND TENANT,
WALES**

The Agricultural Holdings (Units of Production) (Wales) Order 2011

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 2011 to 11 September 2012 for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act"). This Order revokes the Agricultural Holdings (Units of Production) (Wales) Order 2010 (S.I. 2010/2825 (W.232)).

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.

This Order includes net annual income figures for land which was, in 2010, 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). Rhoddir ffigurau ar wahân yn yr Atodlen ar gyfer tir dan anfantaïs ddifrifol, tir dan anfantaïs a thîr arall.

Ni pharafwyd asesiad effaith rheoleiddiol ar gyfer yr offeryn hwn oherwydd na ragwelier unrhyw effaith ar fusnes na'r sector preifat na'r sector gwirfoddol.

No L 30, 31.1.2009, p.16). There are separate figures in the Schedule for severely disadvantaged land, disadvantaged land and other land.

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

2011 Rhif 2831 (Cy.304)

LANDLORD A THENANT,
CYMRU

Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru)
2011

Gwnaed	22 Tachwedd 2011
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	24 Tachwedd 2011
Yn dod i rym	21 Rhagfyr 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), yn gwneud y Gorchymyn a ganlyn.

Enwi, cychwyn, cymhwysyo a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2011, mae'n gymwys o ran Cymru, a daw i rym ar 21 Rhagfyr 2011.

(2) Yn y Gorchymyn hwn—

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

mae i "hectar cymwys" yr un ystyr a roddir i "eligible hectare" yn 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 naill gyfrol a'r llall wedi eu marcio â "Volume of maps of less favoured

(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 (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. 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 i'r Ddeddf honno.

2011 No. 2831 (W.304)

LANDLORD AND TENANT,
WALES

The Agricultural Holdings (Units of Production) (Wales) Order 2011

Made	22 November 2011
Laid before the National Assembly for Wales	24 November 2011
Coming into force	21 December 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), make the following Order.

Title, commencement, application and interpretation

1.—(1) The title of this Order is The Agricultural Holdings (Units of Production) (Wales) Order 2011, it applies in relation to Wales, and comes into force on 21 December 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 support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, and amending and repealing certain Regulations(3);

"designated maps" ("mapiau dynodedig") means the two volumes of maps numbered 1 and 2 each volume being marked "Volume of maps of less

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

(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 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).

(3) OJ No L 30, 31.1.2009, p.16, last amended by Commission Implementing Regulation (EU) No 785/2011 (OJ No L 203, 6.8.2011, p.10).

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 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(2);

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 âr fferm, cnwd garddwriaethol yn yr awyr agored, neu ffrwythau fel y crybwylkir yn unrhyw un o'r cofnodion 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,
- (b) y swm a bennir, ar gyfer y cyfnod o 12 mis sy'n dechrau ar 12 Medi 2011, yn incwm blynnyddol 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 hwnnw fel y'i darllenir ynghyd ag unrhyw nodyn perthnasol i'r Atodlen honno.

(3) Os yw tir sy'n gallu cynhyrchu incwm blynnyddol net, pan ffermir ef dan reolaeth gymwys, yn gymwys i

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 Government, 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") has the same meaning as in 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(1).

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 2011, 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 as read with any relevant note to that Schedule.

(3) Where land capable, when farmed under competent management, of producing a net annual

(1) OJ Rhif L 30, 31.1.2009, t.16, a ddiwygiwyd ddiwethaf gan Reoliad Gweithredu'r Comisiwn (EU) Rhif 785/2011 (OJ Rhif L 203, 6.8.2011, t.10).

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

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

dderbyn taliad Tir Mynydd (gweler cofnod 4 yng ngholofn 1 yn yr Atodlen i'r Gorchymyn hwn) neu os oedd yn hectar cymwys yn 2010 (gweler cofnod 5 yng ngholofn 1), yna—

- (a) yr uned gynhyrchu a ragnodir o ran y defnydd hwennw o'r tir fydd yr uned yn y cofnod yng ngholofn 2 o'r Atodlen honno gyferbyn â'r cofnod hwennw, a
- (b) y swm a bennir, ar gyfer y cyfnod o 12 mis yn dechrau ar 12 Medi 2011, yn incwm blynnyddol net o'r uned gynhyrchu honno yn y cyfnod hwennw fydd y swm yn y cofnod yng ngholofn 3 yn yr Atodlen honno gyferbyn â'r cofnod hwennw.

Dirymu

3. Dirymir Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2010(1).

income is eligible to receive a Tir Mynydd payment (see entry 4 in column 1 of the Schedule to this Order), or was an eligible hectare in 2010 (see entry 5 in column 1), 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 2011, 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 2010(1) is revoked.

Alun Davies

Y Dirprwy Weinidog Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd, o dan awdurdod y Gweinidog Busnes, Menter, Technoleg a Gwyddoniaeth, un o Weinidogion Cymru

Deputy Minister for Agriculture, Food, Fisheries and European Programmes, under authority of the Minister for Business, Enterprise, Technology and Science, one of the Welsh Ministers

22 Tachwedd 2011

22 November 2011

(1) O.S. 2010/2825 (Cy.232).

(1) S.I. 2010/2825 (W.232).

YR ATODLEN

Erthygl 2

UNEDAU CYNHYRCHU RHAGNODEDIG A PHENNU INCWM BLYNYDDOL NET

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
<i>Defnydd ffermio</i>	<i>Uned gynhyrchu</i>	<i>Incwm blynyddol net o'r uned gynhyrchu (£)</i>
1. Da byw		
Buchod godro	buwch	288
Buchod bridio cig eidion:	ar dir mewn ardal lai ffafriol	buwch
	ar dir arall	buwch
Gwartheg pesgi cig eidion (lled-arddwys)	y pen	-80 ⁽¹⁾
Buchod llaeth i lenwi bylchau	y pen	94 ⁽²⁾
Mamogiaid:	ar dir mewn ardal lai ffafriol	mamog
	ar dir arall	mamog
Ŵyn stôr (gan gynnwys ūyn benyw a werthir fel hesbinod)	y pen	3.60
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	5.30
2. Cnydau âr fferm		
Haiðd	hectar	160
Ffa	hectar	78.19 ⁽³⁾
Rêp had olew	hectar	241
Pys sych	hectar	209.19 ⁽³⁾
Tatws:	cynnabar cyntaf	hectar
	prif gnwd (gan gynnwys hadyd)	hectar
Betys siwgr	hectar	640
Gwenith	hectar	374
3. Cnydau garddwriaethol awyr agored a ffrwythau		
Ffrwythau'r berllan	hectar	2850
Ffrwythau meddal	hectar	7350

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
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5. Hectarau cymwys

Tir a oedd, yn 2010, yn hectar cymwys at ddibenion Rheoliad y Cyngor 73/2009	tir dan anfantais ddifrifol, ac eithrio rhostrir	hectar	134.22
	tir dan anfantais	hectar	173.11
	pob tir arall	hectar	122.46

⁽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.

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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	288
Beef breeding cows:	on land in a less favoured area	cow
	on other land	cow
Beef fattening cattle (semi-intensive)	head	-80 ⁽¹⁾
Dairy replacements	head	94 ⁽²⁾
Ewes:	on land in a less favoured area	ewe
	on other land	ewe
Store lambs (including ewe lambs sold as shearlings)	head	3.60
Pigs:	sows and gilts in pig	sow or gilt
	porker	head
	cutter	head
	bacon	head
Poultry:	laying hens	bird
	broilers	bird
	point-of-lay pullets	bird
Christmas turkeys	bird	5.30
2. Farm arable crops		
Barley	hectare	160
Beans	hectare	78.19 ⁽³⁾
Oilseed rape	hectare	241
Dried peas	hectare	209.19 ⁽³⁾
Potatoes:	first early	hectare
	maincrop (including seed)	hectare
Sugar beet	hectare	640
Wheat	hectare	374
3. Outdoor horticultural crops and fruit		
Orchard fruit	hectare	2850

Soft fruit	hectare	7350
4. Forage land		
On land which is eligible for the purposes of a Tir Mynydd payment	hectare	the amount of Tir Mynydd payment required to be paid under regulation 3 of the Rural Development Programmes (Wales) Regulations 2006
5. Eligible hectares		
Land which was in 2010 an eligible hectare for the purposes of Council Regulation 73/2009	severely disadvantaged land, excluding moorland	hectare 134.22
	disadvantaged land	hectare 173.11
	all other land	hectare 122.46

⁽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.

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