



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 1082 (Cy. 258)

2016 No. 1082 (W. 258)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2016**

**The Agricultural Holdings (Units of
Production) (Wales) Order 2016**

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 yn incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2016 i 11 Medi 2017, at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986").

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 olynau 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 nghlofn 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 nghlofnau 2 a 3, yn eu trefn, fydd sail yr asesiad hwnnw.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd, yn 2015, yn hectar cymwys o fewn ystyr Erthygl 32(2) o Reoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor sy'n sefydlu rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin (OJ Rhif L 347, 20.12.2013, t. 608). Rhoddir ffigurau ar wahân yn yr

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 2016 to 11 September 2017 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 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 2015, an eligible hectare within the meaning of Article 32(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (OJ No L 347, 20.12.2013, p. 608). There are separate figures in the Schedule for severely disadvantaged land,

Atodlen ar gyfer tir dan anfantais ddifrifol, tir dan anfantais, tir mewn ardal lai ffafriol a thir arall.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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.

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.

2016 Rhif 1082 (Cy. 258)

**LANDLORD A THENANT,
CYMRU**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2016**

Gwnaed 9 Tachwedd 2016

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 10 Tachwedd 2016

Yn dod i rym 2 Rhagfyr 2016

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, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2016, mae'n gymwys o ran Cymru, a daw i rym ar 2 Rhagfyr 2016.

(2) Yn y Gorchymyn hwn—

ystyr “ardal lai ffafriol” (“*less favoured area*”) yw tir dan anfantais neu dir dan anfantais ddirifrol;

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 wedi eu marcio â “Volume of maps of less

(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.

2016 No. 1082 (W. 258)

**LANDLORD AND TENANT,
WALES**

**The Agricultural Holdings (Units of
Production) (Wales) Order 2016**

Made 9 November 2016

*Laid before the National Assembly
for Wales* 10 November 2016

Coming into force 2 December 2016

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 2016, it applies in relation to Wales, and comes into force on 2 December 2016.

(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 (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).

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 sy’n sefydlu 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’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’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, a
- (b) y swm a bennir, ar gyfer y cyfnod o 12 mis sy’n dechrau ar 12 Medi 2016, 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 hwnnw fel y’i darllenir ynghyd ag unrhyw nodyn perthnasol i’r Atodlen honno.

(3) Os oedd tir sy’n gallu cynhyrchu incwm blynyddol net, pan ffermir ef dan reolaeth gymwys, yn hectar cymwys yn 2015 (gweler cofnod 4 yng ngholofn 1), yna—

(1) OJ Rhif L 347, 20.12.2013, t. 608, fel y’i diwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) 2016/142 (OJ Rhif L 28, 4.2.2016, t. 8) ac fel y’i cywirwyd gan Gorigendwm (OJ Rhif L 130, 19.5.2016, t. 8).

“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 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 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 the 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 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 2016, 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 income was an eligible hectare in 2015 (see entry 4 in column 1), then—

(1) OJ No L 347, 20.12.2013, p. 608, as last amended by Commission Delegated Regulation (EU) 2016/142 (OJ No L 28, 4.2.2016, p. 8) and corrected by Corrigendum (OJ No L 130, 19.5.2016, p. 8).

- (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 2016, 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.

- (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 2016, 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.

Lesley Griffiths

Ysgrifennydd y Cabinet dros yr Amgylchedd a
Materion Gwledig, un o Weinidogion Cymru
9 Tachwedd 2016

Cabinet Secretary for Environment and Rural Affairs, one
of the Welsh Ministers.
9 November 2016

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 | 420 |
| Buchod bridio cig eidion: | ar dir mewn ardal lai ffafriol | buwch | -157 |
| | ar dir arall | buwch | -127 |
| Gwartheg pesgi cig eidion (lled-arddwys) | | y pen | -71 ⁽¹⁾ |
| Buchod llaeth i lenwi bylchau | | y pen | 106 ⁽²⁾ |
| Mamogiaid: | ar dir mewn ardal lai ffafriol | mamog | -26 |
| | ar dir arall | mamog | -6 |
| Ŵyn stôr (gan gynnwys ŵyn benyw a werthir fel hesbinod) | | y pen | 4.6 |
| Moch: | hychod a banwesod torrog | hwch neu fanwes | 270 |
| | moch porc | y pen | 12.5 |
| | moch torri | y pen | 16.1 |
| | moch bacwn | y pen | 19.3 |
| Dofednod: | ieir dodwy | aderyn | 4.6 |
| | brwyliaid | aderyn | 0.80 |
| | cywennod ar ddodwy | aderyn | 0.40 |
| Tyrcwn Nadolig | | aderyn | 6 |
| 2. Cnydau â'r fferm | | | |
| Haidd | | hectar | -124 |
| Ffa | | hectar | -3 |
| Rêp had olew | | hectar | 11 |
| Pys sych | | hectar | -30 |
| Tatws: | cynnar cyntaf | hectar | 1,240 |
| | prif gnwd (gan gynnwys hadyd) | hectar | 2,420 |
| Betyw siwgr | | hectar | 300 |
| Gwenith | | hectar | 20 |
| 3. Cnydau garddwriaethol awyr agored a ffrwythau | | | |
| Ffrwythau'r berllan | | hectar | 2,370 |
| Ffrwythau meddal | | hectar | 7,480 |
| 4. Hectarau cymwys | | | |
| Tir a oedd, yn 2015, yn hectar cymwys at ddibenion Rheoliad 1307/2013 | tir dan anfantais ddifrifol | hectar | 62.21 |
| | tir dan anfantais | hectar | 78.19 |
| | pob tir arall | hectar | 2.69 |

⁽¹⁾ Dyma'r ffigur ar gyfer anifeiliaid a gedwir 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) 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 | 420 |
| Beef breeding cows: | on land in a less favoured area | cow -157 |
| | on other land | cow -127 |
| Beef fattening cattle (semi-intensive) | head | -71 ⁽¹⁾ |
| Dairy replacements | head | 106 ⁽²⁾ |
| Ewes: | on land in a less favoured area | ewe -26 |
| | on other land | ewe -6 |
| Store lambs (including ewe lambs sold as shearlings) | head | 4.6 |
| Pigs: | sows and gilts in pig | sow or gilt 270 |
| | porker | head 12.5 |
| | cutter | head 16.1 |
| | bacon | head 19.3 |
| Poultry: | laying hens | bird 4.6 |
| | broilers | bird 0.80 |
| | point-of-lay pullets | bird 0.40 |
| Christmas turkeys | bird | 6 |
| 2. Farm arable crops | | |
| Barley | hectare | -124 |
| Beans | hectare | -3 |
| Oilseed rape | hectare | 11 |
| Dried peas | hectare | -30 |
| Potatoes: | first early | hectare 1,240 |
| | maincrop (including seed) | hectare 2,420 |
| Sugar beet | hectare | 300 |
| Wheat | hectare | 20 |
| 3. Outdoor horticultural crops and fruit | | |
| Orchard fruit | hectare | 2,370 |
| Soft fruit | hectare | 7,480 |
| 4. Eligible hectares | | |
| Land which was in 2015, an eligible hectare for the purposes of Regulation 1307/2013 | severely disadvantaged land | hectare 62.21 |
| | disadvantaged land | hectare 78.19 |
| | all other land | hectare 2.69 |

⁽¹⁾ This is the figure for animals which are 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 are 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.

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