



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 1218 (Cy. 291)

2017 No. 1218 (W. 291)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2017**

**The Agricultural Holdings (Units of
Production) (Wales) Order 2017**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Order)

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 2017 i 11 Medi 2018 at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986").

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 2017 to 11 September 2018 for certain purposes of the Agricultural Holdings Act 1986 ("the 1986 Act").

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: 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'n hŷn (paragraff 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.

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 the assessment.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd, yn 2016, yn hectar cymwys o fewn ystyr Erthygl 32(2) o Reoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor sy'n gosod 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 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 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.

This Order includes net annual income figures for land which was, in 2016, 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, 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.

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**LANDLORD A THENANT,
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**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2017**

Gwnaed 5 Rhagfyr 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 8 Rhagfyr 2017

Yn dod i rym 5 Ionawr 2018

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) 2017, mae'n gymwys o ran Cymru, a daw i rym ar 5 Ionawr 2018.

(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;

2017 No. 1218 (W. 291)

**LANDLORD AND TENANT,
WALES**

**The Agricultural Holdings (Units of
Production) (Wales) Order 2017**

Made 5 December 2017

*Laid before the National Assembly for
Wales* 8 December 2017

Coming into force 5 January 2018

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 2017, it applies in relation to Wales and comes into force on 5 January 2018.

(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 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 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.

(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).

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 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 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 Daliadau Amaethyddol 1986.

(2) Os gellir defnyddio’r tir o 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 2017, 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 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 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 corresponding entry in column 2, and
- (b) the amount determined, for the period of 12 months beginning with 12 September 2017, 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) OJ Rhif L 347, 20.12.2013, t. 608, fel y’i diwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) 2017/1155 (OJ Rhif L 167, 30.6.2017, t. 1) ac fel y’i cywirwyd gan Gorigendwm (OJ Rhif L 130, 19.5.2016, t. 8).

(1) OJ No L 347, 20.12.2013, p. 608, as last amended by Commission Delegated Regulation (EU) 2017/1155 (OJ No L 167, 30.6.2017, p.1) and corrected by Corrigendum (OJ No L 130, 19.5.2016, p. 8).

(3) Os oedd tir sy'n gallu cynhyrchu incwm blynyddol net, pan gaiff ei ffermio o dan reolaeth gymwys, yn hecтар cymwys yn 2016 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 2017, 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 2016 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 2017, 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

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru
5 Rhagfyr 2017

Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
5 December 2017

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	450
Buchod bridio cig eidion:	ar dir mewn ardal lai ffafriol	buwch	-111
	ar dir arall	buwch	-137
Gwartheg pesgi cig eidion (lled-arddwys)		y pen	-72 ⁽¹⁾
Buchod llaeth i lenwi bylchau		y pen	87 ⁽²⁾
Mamogiaid:	ar dir mewn ardal lai ffafriol	mamog	-27
	ar dir arall	mamog	-6
Ŵyn stôr (gan gynnwys ŵyn benyw a werthir fel hesbinod)		y pen	4.2
Moch:	hychod a banwesod torrog	hwch neu fanwes	270
	moch porc	y pen	7.8
	moch torri	y pen	11
	moch bacwn	y pen	13.9
Dofednod:	ieir dodwy	aderyn	4.4
	brwyliaid	aderyn	0.8
	cywennod ar ddodwy	aderyn	0.3
Tyrcwn Nadolig		aderyn	9.6
2. Cnydau â'r fferm			
Haidd		hectar	-48
Ffa		hectar	-152
Rêp had olew		hectar	32
Pys sych		hectar	150
Tatws:	cynnar cyntaf	hectar	3,690
	prif gnwd (gan gynnwys hadyd)	hectar	3,440
Betys siwgr		hectar	280
Gwenith		hectar	100
3. Cnydau garddwriaethol awyr agored a ffrwythau			
Ffrwythau'r berllan		hectar	2,450
Ffrwythau meddal		hectar	7,310
4. Hectarau cymwys			
Tir a oedd, yn 2016, yn hectar cymwys at ddibenion Rheoliad 1307/2013	tir dan anfantais ddifrifol	hectar	112.40
	tir dan anfantais	hectar	66.53
	pob tir arall	hectar	47.31

⁽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	450	
Beef breeding cows:	on land in a less favoured area	cow	-111
	on other land	cow	-137
Beef fattening cattle (semi-intensive)	head	-72 ⁽¹⁾	
Dairy replacements	head	87 ⁽²⁾	
Ewes:	on land in a less favoured area	ewe	-27
	on other land	ewe	-6
Store lambs (including ewe lambs sold as shearlings)	head	4.2	
Pigs:	sows and gilts in pig	sow or gilt	270
	porker	head	7.8
	cutter	head	11
	bacon	head	13.9
Poultry:	laying hens	bird	4.4
	broilers	bird	0.8
	point-of-lay pullets	bird	0.3
Christmas turkeys	bird	9.6	
2. Farm arable crops			
Barley	hectare	-48	
Beans	hectare	-152	
Oilseed rape	hectare	32	
Dried peas	hectare	150	
Potatoes:	first early	hectare	3,690
	maincrop (including seed)	hectare	3,440
Sugar beet	hectare	280	
Wheat	hectare	100	
3. Outdoor horticultural crops and fruit			
Orchard fruit	hectare	2,450	
Soft fruit	hectare	7,310	
4. Eligible hectares			
Land which was in 2016, an eligible hectare for the purposes of Regulation 1307/2013	severely disadvantaged land	hectare	112.40
	disadvantaged land	hectare	66.53
	all other land	hectare	47.31

⁽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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