



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 1180 (Cy. 291)

2021 No. 1180 (W. 291)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) (Rhif
2) 2021**

**The Agricultural Holdings (Units of
Production) (Wales) (No. 2) Order
2021**

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 fel yr incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2020 i 11 Medi 2021 at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986").

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; 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 (fel y'i diffinnir ym mharagraff 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.

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 2020 to 11 September 2021 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 of the 1986 Act; 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 (as defined in 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 2019, yn hecтар cymwys o fewn ystyr Erthygl 32(2) o Reoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 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), fel y mae'n cael effaith yng nghyfraith yr UE. Rhoddir ffigurau ar wahân yn yr Atodlen ar gyfer tir dan anfantais a thir dan anfantais ddifrifol, 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 aseiad 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 2019, an eligible hectare within the meaning of Article 32(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 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), as it has effect in EU law. There are separate figures in the Schedule for disadvantaged land and severely 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.

2021 Rhif 1180 (Cy. 291)

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**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) (Rhif
2) 2021**

**The Agricultural Holdings (Units of
Production) (Wales) (No. 2) Order
2021**

Gwnaed 22 Hydref 2021

Made 22 October 2021

*Gosodwyd gerbron Senedd
Cymru* 26 Hydref 2021

Laid before Senedd Cymru 26 October 2021

Yn dod i rym 1 Rhagfyr 2021

Coming into force 1 December 2021

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.

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.

Enwi, cymhwyso, cychwyn a dehongli

Title, application, commencement and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) (Rhif 2) 2021, mae'n gymwys o ran Cymru, a daw i rym ar 1 Rhagfyr 2021.

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) (No. 2) Order 2021, it applies in relation to Wales and comes into force on 1 December 2021.

(2) Yn y Gorchymyn hwn—

(2) In this Order—

ystyr “ardal lai ffafriol” (“*less favoured area*”) yw unrhyw ardal o dir dan anfantais neu dir dan anfantais ddifrifol;

“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;

mae i “hectar cymwys” yr un ystyr ag a roddir i “eligible hectare” yn Erthygl 32(2) o Reoliad 1307/2013;

(1) 1986 p. 5; diffinnir “the Minister” yn adran 96(1) o'r Ddeddf honno.

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

(2) Trosglwyddwyd swyddogaethau a roddwyd o dan Ddeddf Daliadau Amaethyddol 1986 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.

(2) Functions conferred under the Agricultural Holdings Act 1986 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 dyddiedig 17 Rhagfyr 2013 sy’n gosod rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin(1), fel y mae’n cael effaith yng nghyfraith yr UE;

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 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 2020, fel yr incwm blynyddol 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.

(1) OJ Rhif L 347, 20.12.2013, t. 608 fel y’i diwygiwyd ddiwethaf gan Reoliad (EU) 2020/2220 Senedd Ewrop a’r Cyngor dyddiedig 23 Rhagfyr 2020 (OJ Rhif L 437, 28.12.2020, t. 1); 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 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 of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(1), as it has effect in EU law;

“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 2020, 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 No L 347, 20.12.2013, p. 608 as last amended by Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 (OJ No L 437, 28.12.2020, 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 hectar cymwys yn 2019 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 2020, 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 2019 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 2020, 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

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r
Trefnydd, un o Weinidogion Cymru
22 Hydref 2021

Minister for Rural Affairs and North Wales, and
Trefnydd one of the Welsh Ministers
22 October 2021

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</i> <i>o'r uned gynhyrchu</i> <i>(£)</i>
1. Da byw			
Buchod godro		buwch	587.00
Buchod bridio cig eidion:	ar dir mewn ardal lai ffafriol	buwch	-174.00
	ar dir arall	buwch	-239.00
Gwartheg pesgi cig eidion (lled-arddwys)		y pen	-178.00 ⁽¹⁾
Buchod llaeth i lenwi bylchau		y pen	99.00 ⁽¹⁾
Mamogiaid :	ar dir mewn ardal lai ffafriol	mamog	-31.00
	ar dir arall	mamog	-0.50
Ŵyn stôr (gan gynnwys ŵyn benyw a werthir fel hesbinod)		y pen	5.00
Moch:	hychod a banwesod torrog	hwch neu fanwes	304.00
	moch porc	y pen	9.70
	moch torri	y pen	13.10
	moch bacwn	y pen	15.70
Dofednod:	ieir dodwy	aderyn	3.80
	brwyliaid	aderyn	0.40
	cywennod ar ddodwy	aderyn	0.70
Tyrcewn Nadolig		aderyn	7.70
2. Cnydau â'r fferm			
Haidd		hectar	144.00
Ffa		hectar	179.00
Rêp had olew		hectar	83.00
Pys sych		hectar	550.00
Tatws:	cynnar cyntaf	hectar	3,690.00
	prif gnwd (gan gynnwys hadyd)	hectar	3,390.00
Betys siwgr		hectar	410.00
Gwenith		hectar	260.00
3. Cnydau garddwriaethol awyr agored a ffrwythau			
Ffrwythau'r berllan		hectar	3,170.00
Ffrwythau meddal		hectar	15,370.00
4. Hectarau cymwys			
Tir a oedd, yn 2019, yn hectar cymwys at ddibenion Rheoliad 1307/2013	tir dan anfantais ddifrifol	hectar	125.71
	tir dan anfantais	hectar	125.34
	pob tir arall	hectar	46.09

⁽¹⁾ 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	587.00	
Beef breeding cows:	on land in a less favoured area	cow	-174.00
	on other land	cow	-239.00
Beef fattening cattle (semi-intensive)	head	-178.00 ⁽¹⁾	
Dairy replacements	head	99.00 ⁽¹⁾	
Ewes:	on land in a less favoured area	ewe	-31.00
	on other land	ewe	-0.50
Store lambs (including ewe lambs sold as shearlings)	head	5.00	
Pigs:	sows and gilts in pig	sow or gilt	304.00
	porker	head	9.70
	cutter	head	13.10
	bacon	head	15.70
Poultry:	laying hens	bird	3.80
	broilers	bird	0.40
	point-of-lay pullets	bird	0.70
Christmas turkeys	bird	7.70	
2. Farm arable crops			
Barley	hectare	144.00	
Beans	hectare	179.00	
Oilseed rape	hectare	83.00	
Dried peas	hectare	550.00	
Potatoes:	first early	hectare	3,690.00
	maincrop (including seed)	hectare	3,390.00
Sugar beet	hectare	410.00	
Wheat	hectare	260.00	
3. Outdoor horticultural crops and fruit			
Orchard fruit	hectare	3,170.00	
Soft fruit	hectare	15,370.00	
4. Eligible hectares			
Land which was in 2019, an eligible hectare for the purposes of Regulation 1307/2013	severely disadvantaged land	hectare	125.71
	disadvantaged land	hectare	125.34
	all other land	hectare	46.09

⁽¹⁾ 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.

£6.90

<http://www.legislation.gov.uk/id/wsi/2021/1180>

ISBN 978-0-348-39145-9



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