



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2023 Rhif 42 (Cy. 5)

2023 No. 42 (W. 5)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2023**

**The Agricultural Holdings (Units of
Production) (Wales) Order 2023**

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 ar gyfer y cyfnodau o 12 Medi 2021 hyd at 11 Medi 2022 ac o 12 Medi 2022 hyd at 11 Medi 2023, 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 "commercial unit of agricultural land" ("*uned fasnachol o dir amaethyddol*") ai peidio at ddibenion y darpariaethau olynu yn Neddf 1986; yn benodol adrannau 36(3) a 50(2) sy'n ymdrin â'r cwestiwn hwn. 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. Mae paragraff 3 o Atodlen 6 i Ddeddf 1986 yn rhoi diffiniad o "commercial unit of agricultural land".

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 bennir yng ngholofn 2 a'r incwm blynyddol net a bennir yng ngholofn 3 neu 4 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 periods 12 September 2021 to 11 September 2022 and 12 September 2022 to 11 September 2023, 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) which address this question. 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 provides a definition of "commercial unit of agricultural land".

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 specified in column 2 and the net annual income specified in column 3 or 4 will form the basis of the assessment.

Mae'r Gorchymyn hwn yn cynnwys ffigurau incwm blynyddol net ar gyfer tir a oedd, yn 2020 neu 2021, yn hectar 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. 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 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 2020 or 2021, 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. 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.

2023 Rhif 42 (Cy. 5)

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LANDLORD A THENANT,
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LANDLORD AND TENANT,
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Gorchymyn Daliadau Amaethyddol
(Unedau Cynhyrchu) (Cymru) 2023

The Agricultural Holdings (Units of
Production) (Wales) Order 2023

Gwnaed 17 Ionawr 2023

Made 17 January 2023

*Gosodwyd gerbron Senedd
Cymru* 19 Ionawr 2023

Laid before Senedd Cymru 19 January 2023

Yn dod i rym 10 Chwefror 2023

Coming into force 10 February 2023

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) 2023, mae'n gymwys o ran Cymru, a daw i rym ar 10 Chwefror 2023.

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) Order 2023, it applies in relation to Wales and comes into force on 10 February 2023.

(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;

“disadvantaged land” (“*tir dan anfantais*”) (except in the expression “severely disadvantaged land”)

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 o'r Ddeddf honno.
(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.

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

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 17/2013*”) 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);

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), (3) a (4) 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 Taliadau 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 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,
- (b) y swm a bennir ar gyfer y cyfnod o 12 mis sy’n dechrau â 12 Medi 2021 fel yr incwm blyneddol net o’r uned gynhyrchu honno yn y cyfnod hwnnw yw’r swm yn y cofnod cyfatebol yng ngholofn 3, ac
- (c) y swm a bennir ar gyfer y cyfnod o 12 mis sy’n dechrau â 12 Medi 2022 fel yr incwm blyneddol net o’r uned gynhyrchu honno yn y cyfnod hwnnw yw’r swm yn y cofnod cyfatebol yng ngholofn 4.

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);

“severely disadvantaged land” (“*tir dan anfantais ddifrifol*”) means any area of land shown coloured pink on the designated maps.

Assessment of the productive capacity of land

2.—(1) Paragraphs (2), (3) and (4) 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 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,
- (b) the amount determined for the period of 12 months, beginning with 12 September 2021, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 3, and
- (c) the amount determined for the period of 12 months, beginning with 12 September 2022, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 4.

(1) EUR 2013/1307, a ddiwygiwyd gan O.S. 2020/1556; mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn. Ymgorfforwyd y Rheoliad hwn mewn cyfraith ddomestig gan adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020 (p. 2).

(1) EUR 2013/1307, amended by S.I. 2020/1556; there are other amending instruments but none is relevant to these Regulations. This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(3) Os oedd tir sy'n gallu cynhyrchu incwm blynyddol net, pan gaiff ei ffermio o dan reolaeth gymwys, yn hecтар cymwys yn 2020 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 2021 fel yr incwm blynyddol net o'r uned gynhyrchu honno yn y cyfnod hwnnw yw'r swm yn y cofnod cyfatebol yng ngholofn 3.

(4) Os oedd tir sy'n gallu cynhyrchu incwm blynyddol net, pan gaiff ei ffermio o dan reolaeth gymwys, yn hecтар cymwys yn 2021 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 2022 fel yr incwm blynyddol net o'r uned gynhyrchu honno yn y cyfnod hwnnw yw'r swm yn y cofnod cyfatebol yng ngholofn 4.

(3) Where land capable, when farmed under competent management, of producing a net annual income was an eligible hectare in 2020 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 2021, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 3.

(4) Where land capable, when farmed under competent management, of producing a net annual income was an eligible hectare in 2021 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 2022, as the net annual income from that unit of production in that period is the amount in the corresponding entry in column 4.

Lesley Griffiths

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd, un o Weinidogion Cymru
17 Ionawr 2023

Minister for Rural Affairs, North Wales and Trefnydd,
one of the Welsh Ministers
17 January 2023

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 (£) ar gyfer y cyfnod o 12 mis sy'n dechrau â 12 Medi 2021</i>	<i>colofn 4</i> <i>Incwm blynyddol net o'r uned gynhyrchu (£) ar gyfer y cyfnod o 12 mis sy'n dechrau â 12 Medi 2022</i>
1. Da byw				
Buchod godro		buwch	641	813
Buchod bridio cig eidion:	ar dir mewn ardal lai ffafriol	buwch	-144	-106
	ar dir arall	buwch	-264	-156
Gwartheg pesgi cig eidion (lled-arddwys)		y pen	-149 ⁽¹⁾	-18 ⁽¹⁾
Buchod llaeth i lenwi bylchau		y pen	90 ⁽¹⁾	99 ⁽¹⁾
Mamogiaid:	ar dir mewn ardal lai ffafriol	mamog	-20	-12
	ar dir arall	mamog	3	23
Ŵyn stôr (gan gynnwys ŵyn benyw a werthir fel hesbinod)		y pen	5	9
Moch:	hychod a banwesod torrog	hwch neu fanwes	244	269
	moch porc	y pen	8	9.1
	moch torri	y pen	10.8	12.1
	moch bacwn	y pen	12.7	14.5
Dofednod:	ieir dodwy	aderyn	4.3	4.2
	brwyliaid	aderyn	0.3	0.3
	cywennod ar ddodwy	aderyn	0.8	0.8
Tyrcwn Nadolig		aderyn	10.5	12.5
2. Cnydau â'r fferm				
Haidd		hectar	145	397
Ffa		hectar	7	135
Rêp had olew		hectar	250	294
Pys sych		hectar	-20	-50
Tatws:	cynnar cyntaf	hectar	3,190	3,460
	prif gnwd (gan gynnwys hadyd)	hectar	2,410	2,410
Betys siwgr		hectar	160	460
Gwenith		hectar	370	480
3. Cnydau garddwriaethol awyr agored a ffrwythau				
Ffrwythau'r berllan		hectar	3,090	3,460
Ffrwythau meddal		hectar	14,720	15,460
4. Hectarau cymwys				
Tir a oedd yn 2020 (gweler	tir dan anfantais ddifrifol	hectar	132.70	114.98

colofn 3) neu yn 2021 (gweler colofn 4) yn hectar cymwys at ddibenion Rheoliad 1307/2013	tir dan anfantais	hectar	131.19	114.96
	pob tir arall	hectar	33.46	79.06

⁽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.

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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 (£) for the period of 12 months beginning with 12 September 2021</i>	<i>column 4</i> <i>Net annual income from unit of production (£) for the period of 12 months beginning with 12 September 2022</i>
1. Livestock				
Dairy cows		cow	641	813
Beef breeding cows:	on land in a less favoured area	cow	-144	-106
	on other land	cow	-264	-156
Beef fattening cattle (semi-intensive)		head	-149 ⁽¹⁾	-18 ⁽¹⁾
Dairy replacements		head	90 ⁽¹⁾	99 ⁽¹⁾
Ewes:	on land in a less favoured area	ewe	-20	-12
	on other land	ewe	3	23
Store lambs (including ewe lambs sold as shearlings)		head	5	9
Pigs:	sows and gilts in pig	sow or gilt	244	269
	porker	head	8	9.1
	cutter	head	10.8	12.1
	bacon	head	12.7	14.5
Poultry:	laying hens	bird	4.3	4.2
	broilers	bird	0.3	0.3
	point-of-lay pullets	bird	0.8	0.8
Christmas turkeys		bird	10.5	12.5
2. Farm arable crops				
Barley		hectare	145	397
Beans		hectare	7	135
Oilseed rape		hectare	250	294
Dried peas		hectare	-20	-50
Potatoes:	first early	hectare	3,190	3,460
	maincrop (including seed)	hectare	2,410	2,410
Sugar beet		hectare	160	460
Wheat		hectare	370	480
3. Outdoor horticultural crops and fruit				
Orchard fruit		hectare	3,090	3,460
Soft fruit		hectare	14,720	15,460
4. Eligible hectares				
Land which was in 2020	severely disadvantaged land	hectare	132.70	114.98

(see column 3) or in 2021 (see column 4), an eligible hectare for the purposes of Regulation 1307/2013	disadvantaged land	hectare	131.19	114.96
	all other land	hectare	33.46	79.06

⁽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.

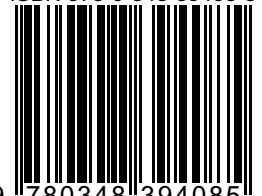
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