WELSH STATUTORY INSTRUMENTS

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 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;

(**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).

"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(**4**).

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 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(**5**) is revoked.

(**4**) S.I. 2006/3343 (W. 304)
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(**5**) S.I. 2010/2825 (W.232)
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Alun Davies
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 November 2011