WELSH STATUTORY INSTRUMENTS

2008 No. 3200 (W.285)

LANDLORD AND TENANT, WALES

The Agricultural Holdings (Units of Production) (Wales) (No.2) Order 2008

Made - - - -	*15 December 2008*
Laid before the National Assembly for Wales - -	*16 December 2008*
Coming into force - -	*8 January 2009*

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**), and by paragraph 1A of Schedule 2 to the European Communities Act 1972(**3**), make the following Order.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the references to European Community instruments in this Order to be construed as references to those instruments as amended from time to time.

Title, commencement and interpretation

1.—(1) The title of this Order is the Agricultural Holdings (Units of Production) (Wales) (No.2) Order 2008, comes into force on 8 January 2009 and applies in relation to Wales.

(2) In this Order—

"Council Regulation 1782/2003" ("*Rheoliad y Cyngor 1782/2003*") means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending certain Regulations(**4**);

"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

(**1**) 1986 c. 5.
(**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 were subsequently transferred to the Welsh Ministers by section 162 and paragraph 30 of Schedule 11 of the Government of Wales Act 2006 (c. 32).
(**3**) 1972 c. 68.
(**4**) OJ No. L270, 21.10.2003, p.1, as last amended by Commission Regulation (EC) No. 674/2008 (OJ No. L189, 17.7.2008, p.5).

and deposited at the offices of the Welsh Assembly Government Agriculture Department at Cathays Park, Cardiff, CF10 3NQ;

"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 44(2) of Council Regulation 1782/2003;

"eligible land" ("*tir cymwys*") means such part of the qualifying land as lies within a less favoured area;

"less favoured areas" ("*ardaloedd llai ffafriol*") means land that is disadvantaged or severely disadvantaged;

"severely disadvantaged land" ("*tir tan anfantais ddifrifol*") means the area of land shown coloured pink on the designated maps;

"Tir Mynydd payment" ("*taliad Tir Mynydd*) means financial assistance paid in accordance with regulation 3 of the Rural Development Programmes (Wales) Regulations 2006(**5**).

Assessment of productive capacity of land

2.—(1) Paragraphs (2) and (3) of this article 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 will be 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 2008, as the net annual income from that unit of production in that period will be 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 (as is mentioned in entry 4 in column 1 of the Schedule to this Order), or was set aside from production in 2007 (as is mentioned in entry 5 in that column), or was an eligible hectare in 2007 (as is mentioned in entry 6 of that column), then—

(a) the unit of production prescribed in relation to that use of the land will be 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 2008, as the net annual income from that unit of production in that period will be 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 2008(**6**) is revoked.

(**5**) S.I. 2006/3343 (W.304).
(**6**) S.I. 2008/253 (W.29).

Elin Jones
Minister for Rural Affairs, one of the Welsh Ministers

15 December 2008