WELSH STATUTORY INSTRUMENTS

2002 No. 1806 (W.176)

AGRICULTURE, WALES

The Tir Mynydd (Wales) (Amendment) Regulations 2002

Made - - - -	*9th July 2002*
Coming into force - -	*10th July 2002*

The National Assembly for Wales, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Tir Mynydd (Wales) (Amendment) Regulations 2002 and shall come into force on 10th July 2002.

Amendment of the Tir Mynydd (Wales) Regulations 2001

2. The Tir Mynydd (Wales) Regulations 2001(**3**) shall be amended in accordance with regulations 3 to 18 of these Regulations.

3. In paragraph (1) of regulation 2 (Definitions)—

(a) the following definitions shall be inserted before the definition of "agriculture"—

> ""the 1994 Regulations" ("*Rheoliadau 1994*") means the Hill Livestock (Compensatory Allowances) Regulations 1994(**4**);
>
> "1996 Regulations"("*Rheoliadau 1996*") means the Hill Livestock (Compensatory Allowances) Regulations 1996(**5**);
>
> "the 1999 Regulations" ("*Rheoliadau 1999*") means the Hill Livestock (Compensatory Allowances) Regulations 1999(**6**) ;";

(**1**) By virtue of the European Communities (Designation) (No. 3) Order (S.I.1999/2788) ("the Order"). The National Assembly's power to make, as a body designated in relation to the common agricultural policy of the European Community, regulations which extend to holdings which include land situated within the United Kingdom but outside of Wales is confirmed by paragraph 2(b) of Schedule 2 to the Order.
(**2**) 1972 c. 68.
(**3**) S.I. 2001/496 (W.23).
(**4**) S.I. 1994/2740, amended by S.I. 1995/100, 1481, 2778 and S.I. 1996/27 and revoked by S.I. 1996/1500.
(**5**) S.I. 1996/1500, amended by S.I. 1997/33, 1998/206, 1999/375; S.I. 1996/1500 ceased to apply by virtue of S.I. 1999/3316.
(**6**) S.I. 1999/3316.

(b) in the definition of "claimant" the words "called a Tir Mynydd Payment" shall be deleted;

(c) the following definition shall be inserted after the definition of "claimant" ("*ceisydd*")—

> ""claimed forage area" ("*arwynebedd porthiant y gwneir cais amdano*") means in relation to a claim for a compensatory allowance, land which has been entered as forage area in an area aid application for the relevant scheme year;";

(d) the following definition shall be inserted after the definition of "Commission Regulation 1750/1999"—

> ""compensatory allowance" ("*lwfans iawndal*") means a compensatory allowance payable in accordance with Chapter V of Title II of Council Regulation 1257/1999;";

(e) in the definition of "Council Regulation 3508/92" after the word "for" there shall be inserted the word "certain";

(f) the following definition shall be substituted for the definition of "eligible land"—

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

(g) the following definition shall be inserted after the definition of "ewe"—

> ""first compensatory payment" ("*taliad iawndal cyntaf*") means the first Tir Mynydd payment payable under these Regulations or where a compensatory allowance has been paid under the Hill Livestock (Compensatory Allowances) Regulations, the first payment of that allowance;";

(h) the following definition shall be substituted for the definition of "forage land"—

> ""forage area" ("*arwynebedd porthiant*") has the same meaning as in Article 12(2)(b) of Council Regulation (EC) 1254/1999;";

(i) the following definition shall be inserted after the definition of "heifer"—

> ""Hill Livestock (Compensatory Allowances) Regulations" ("*Rheoliadau Da Byw Tir Uchel (Lwfansau Iawndal*") means the 1994 Regulations, the 1996 Regulations or the 1999 Regulations, as the case may be;";

(j) in the definition of "livestock unit" ("*uned da byw*") for paragraphs (a), (b) and (c) there shall be substituted the following paragraphs—

> "(a) one suckler cow or a heifer aged 24 months or over;
>
> (b) 1.67 heifers under the age of 24 months;
>
> (c) 6.67 ewes;";

(k) the following definitions shall be inserted after the definition of "livestock unit"—

> ""the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;
>
> "other competent authority" ("*awdurdod cymwys arall*") means the Secretary of State for the Environment, Food and Rural Affairs, the Scottish Ministers or, in Northern Ireland, the Department of Agriculture and Rural Development;";

(l) the following definitions shall be inserted after the definition of "production unit"—

> ""qualifying land" ("*tir cymhwysol*") means the relevant land or, in relation to a claimant in relation to whom regulation 3A applies, such part of the relevant land as results from the deductions made to the relevant land in accordance with that regulation;
>
> "related less favoured area" ("*tir llai ffafriol sy'n perthyn*") means, in relation to a claimant, all that claimed forage area, excluding less favoured area, in respect of

which the National Assembly has been advised by any other competent authority that the claimant is eligible for a related less favoured area allowance;

"related less favoured area allowance" ("*lwfans tir llai ffafriol sy'n perthyn*") means—

in relation to England, the Hill Farm Allowance;

in relation to Scotland, the Less Favoured Area Support Scheme; and

in relation to Northern Ireland, the Less Favoured Area Compensatory Allowance;"

"relevant land" ("*tir perthnasol*") means any claimed forage area situated in Wales;";

(m) the following definition shall be inserted after the definition of "severely disadvantaged land"—

""sheep annual premium" ("*premiwn blynyddol defaid*") means the premium payable under the Sheep Annual Premium Regulations 1992(**7**);";

(n) the following definitions shall be inserted after the definition of "suckler cow"—

""Suckler Cow Premium" ("*Premiwm Buchod Sugno*") means the premium payable under the Suckler Cow Premium Regulations 2001(**8**);

"Tir Mynydd payment" ("*Taliad Tir Mynydd*") means the compensatory allowance payable in accordance with these Regulations;".

4. After regulation 2, the following regulation shall be inserted—

"**Power to make payments**

2A. The National Assembly shall make, in respect of a scheme year, a Tir Mynydd payment, calculated in accordance with the Schedule, to eligible claimants in respect of their eligible land.".

5. For regulation 3 (Qualifying claimants) there shall be substituted the following regulation—

"**Eligible claimants**

3.—(1) Claimants shall be eligible for a Tir Mynydd payment in respect of a scheme year provided—

(a) a claim for payment has been made in respect of that scheme year in a valid area aid application and the claimed forage area, if any, complies with one of the conditions specified in paragraph (2); and

(b) the claimant has submitted a claim for livestock aid in relation to sheep or suckler cows or both in respect of the year for which a claim has been submitted for a Tir Mynydd payment; and

(c) he or she has applied usual good farming practices compatible with the need to safeguard the environment and maintain the countryside, in particular by sustainable farming; and

(d) the claimant has given a written undertaking to continue farming for a period of 5 years from the date of the first compensatory payment, at least 3 hectares of land which is either eligible land or related less favoured area, and that claimant is not in breach of that undertaking at the date of payment.

(**7**) S.I. 1992 / 2677, amended by S.I. 1994 / 2741, S.I. 1995 / 2779; S.I. 1996 / 49, S.I. 1997 / 2500 and S.I. 2001 / 281.
(**8**) S.I. 2001/1370.