

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2005 No. (W.)

AGRICULTURE, WALES

**The Tir Mynydd (Wales)
(Amendment) Regulations 2005**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 5 May 2005, amend the Tir Mynydd (Wales) Regulations 2001 (“the Principal Regulations”) so as to:

- (a) make consequential amendments as a result of changes to the common agricultural policy with regard to the Single Payment Scheme.
- (b) provide that Tir Mynydd payments may be made to claimants who received Hill Livestock Compensatory Allowances for the 2000 scheme year even if they have not claimed livestock aid in relation to sheep or suckler cows or both during the year in which the Tir Mynydd claim is submitted.(Reg 4(4)).
- (c) remove Regulation 8(b) so as to avoid the potential for double funding. (Reg 6).
- (d) make scheme eligibility subject to compliance with the provisions of the Code of Good Farming Practice set out in the Rural Development Plan for Wales 2000 – 2006, and to make provision for the establishment of a system of proportionate penalties to be applied in cases of non compliance with the Code (Reg 4(3) and Reg 8).

**(E) P R O V I D E F O R M I N O R
A N D D E F I N I T I O N A L
C H A N G E S C O N S E Q U E N T
U P O N T H E A M E N D M E N T S
D E T A I L E D A B O V E .**

2005 No. (W.)

AGRICULTURE, WALES

**The Tir Mynydd (Wales)
(Amendment) Regulations 2005**

Made 2005

Coming into force 5th May 2005

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, commencement and application

1. The title of these Regulations is the Tir Mynydd (Wales) (Amendment) Regulations 2005. They come into force on 5th May 2005 and apply in relation to Wales.

Amendment of the Tir Mynydd (Wales) Regulations 2001

2. The Tir Mynydd (Wales) Regulations 2001⁽³⁾ are amended in accordance with regulations 3 to 9 of these Regulations.

3. In regulation 2 (Definitions), in paragraph (1) –

- (a) the definition of “area aid application” (“*cais am gymorth arwynebedd*”) is deleted;
- (b) in the definition of “claimed forage area” (“*arwynebedd porthiant y gwneir cais amdano*”) for the words “an area aid application” substitute the words “a single application”;
- (c) insert the following definitions in the appropriate place in accordance with the alphabet –

⁽¹⁾ By virtue of the European Communities (Designation) (No. 3) Order (S.I. 1999/2788) (“the Order”).

⁽²⁾ 1972 c.68.

⁽³⁾ S.I. 2001/496 (W.23).

““Code of Good Farming Practice” (“*Cod Ymarfer Ffermio Da*”) means the Good Farming Practice provisions set out in section 9.1 of the Rural Development Plan for Wales 2000 – 2006(4);

“Commission Regulation 796/2004” (“*Rheoliad y Comisiwn 796/2004*”) means Commission Regulation (EC) No 796/2004(5) laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation 1782/2003;”;

- (d) substitute the following definition for the definition of “Commission Regulation 1750/1999” (“*Rheoliad y Comisiwn 1750/1999*”) –

““Commission Regulation 817/2004” (“*Rheoliad y Comisiwn 817/2004*”) means Commission Regulation (EC) No 817/2004(6) laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF);”;

- (e) insert the following definition in the appropriate place in accordance with the alphabet –

““Council Regulation 1254/1999” (“*Rheoliad y Cyngor 1254/1999*”) means Council Regulation (EC) No 1254/1999(7) on the common organisation of the market in beef and veal;”;

- (f) the definition of “Council Regulation 3508/92” (“*Rheoliad y Cyngor 3508/92*”) is deleted;

- (g) insert the following definition in the appropriate place in accordance with the alphabet –

““Council Regulation 1782/2003” (“*Rheoliad y Cyngor 1782/2003*”) means Council Regulation (EC) No

-
- (4) Prepared by the National Assembly for Wales and approved by the European Commission initially on 11 October 2000 by way of Commission Decision C(2000) 2932 with subsequent modifications approved by Commission Decisions C(2002) 1743 and C(2003) 1432.
- (5) OJ No. L141, 30.4.2004, p.18 as last amended by Commission Regulation (EC) No. 239/2005 (OJ No. L042, 12.2.2005, p.3).
- (6) OJ No. L153, 30.4.2004, p.30 as corrected by a Corrigendum (OJ No. L231, 30.6.2004, p.24).
- (7) OJ No. L160, 26.6.1999, p.21 as last amended by Commission Regulation (EC) No. 1899/2004 (OJ No. L328, 30.10.2004, p.67).

1782/2003(8) establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers;”;

- (h) insert the following definition in the appropriate place in accordance with the alphabet –

““Hill Livestock Compensatory Allowances” (*“Lwfansau Iawndal Da Byw “*) or “HLCA” means allowances paid under the Hill Livestock (Compensatory Allowances) Regulations;”;

- (i) substitute the following definition for the definition of “IACS” –

““IACS” means the Integrated Administration and Control System established under Chapter 4 of Council Regulation 1782/2003;”;

- (j) insert the following definition in the appropriate place in accordance with the alphabet –

““single application” (*“cais sengl”*) has the meaning given to it in Article 2(11) of Commission Regulation 796/2004;”.

4. In regulation 3 (Eligible claimants), in paragraph (1) —

(1) in sub-paragraph (a), for the words “area aid” substitute the word “single”;

- (2) in sub-paragraph (b) —

- (a) before the words “the claimant” insert the words “subject to sub-paragraph (e) below;”;
- (b) after the words “has submitted a” insert the word “valid”;
- (c) before the word “year” insert the words “2004 scheme”;
- (d) delete the words “for which a claim has been submitted for a Tir Mynydd payment”.

(3) In sub-paragraph (c) after the words “sustainable farming” insert the words “and has complied with the provisions of the Code of Good Farming Practice”.

- (4) After sub-paragraph (d), there is inserted the following sub-paragraph –

(8) OJ No. L270, 21.10.2003, p.1 as last amended by Commission Regulation (EC) No. 118/2005 (OJ No. L024, 27.1.2005, p.15).

“(e) the requirement of sub-paragraph (b) above concerning the submission of a valid claim for livestock aid does not apply where —

- (i) the claimant claimed and received Hill Livestock Compensatory Allowances for the year 2000 and has claimed and received a Tir Mynydd payment for every subsequent intervening year; or
- (ii) where the claimant has not previously claimed a Tir Mynydd payment.”.

5. In regulation 4 (Minimum stocking density), in paragraph (1) —

(1) after the words “holding must have” there is inserted the word “had”;

(2) after the words “units per hectare” there is inserted the words “on the basis of the number of sheep and/or suckler cows that attracted premium under the sheep annual premium scheme and/or the Suckler Cow Premium scheme for the 2004 scheme year”.

6. In regulation 8 (Categories that qualify for the environmental enhancement), paragraph (b) is deleted.

7. In regulation 10 (Claims) —

(1) paragraph (2) is deleted;

(2) in paragraph (3), for the words “Article 13 of Commission Regulation (EC) No 2419/2001 of 11th December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation 3508/92” substitute the words “Article 21 of Commission Regulation 796/2004”.

8. After regulation 13 (Withholding or recovery of payments) the following regulation is inserted —

“Application of penalties

13A. Pursuant to Article 73 of Commission Regulation 817/2004 the National Assembly will establish, and publish in such manner as it thinks fit, a system of proportionate penalties to be applied in the cases where claimants fail to comply with the provisions of these Regulations.”.

9. In regulation 16 (Powers of authorised persons) in paragraph (3) —

(1) in sub-paragraph (c), delete the word “and”;

(2) in sub-paragraph (d), for the punctuation mark “.” substitute the punctuation mark and word “; and”;

(3) after sub-paragraph (d), insert the following sub-paragraph —

“(e) carry out any inspection or examination necessary for the purposes of determining whether the Code of Good Farming Practice has been complied with.”.

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998(9)

Date

Dafydd Elis Thomas

The Presiding Officer of the National Assembly