
WELSH STATUTORY INSTRUMENTS

2001 No. 1154 (W.61)

AGRICULTURE, WALES

The Tir Mynydd (Cross-border Holdings) (Wales) Regulations 2001

Made - - - - - *22nd March 2001*

Coming into force - - - - - *23rd March 2001*

The National Assembly for Wales (“the National Assembly”), having been designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ as regards the common agricultural policy of the European Community, hereby makes the following regulations:

Name, commencement and application

1.—(1) These Regulations are called the Tir Mynydd (Cross-border Holdings) (Wales) Regulations 2001 and come into force on 23rd March 2001.

(2) These Regulations apply in relation to Wales.

Definitions

2.—(1) In these Regulations unless the context otherwise requires, the terms used shall be as defined in the Tir Mynydd (Wales) Regulations 2001 (3) “the principal Regulations”.

(2) “Claimed forage area” (“*arwynebedd porthiant y gwneir cais amdano*”) means land which has been entered as forage area in an area aid application for the year 2000.

Cross Border Holdings

3. The principal Regulations shall apply to holdings situated partly outside Wales and partly within Wales except in so far as these Regulations otherwise provide and as adapted by these Regulations.

(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).

Definition of competent authority

4.—(1) In these regulations “competent authority” in relation to a holding, means the authority responsible for determining the area aid application submitted in respect of the holding.

(2) The competent authorities are—

- (a) in Wales, the National Assembly for Wales;
- (b) in Scotland, the Scottish Ministers;
- (c) in England, the Minister of Agriculture, Fisheries and Food; and
- (d) in Northern Ireland, the Department of Agriculture and Rural Development.

Agency arrangements

5.—(1) The National Assembly may, with the agreement of any other competent authority, arrange for any of its functions in relation to any claims to be exercised on its behalf by that competent authority.

(2) The National Assembly may also agree to exercise functions on behalf of another competent authority corresponding to those which are exercisable by the National Assembly under these or the principal regulations.

(3) Any such an arrangement shall be in writing and be signed by or on behalf of the competent authorities concerned and such arrangement may be subject to such conditions (including conditions as to the costs and charge for costs) as may be agreed.

Set-off

6. Without prejudice to the amount of any sum payable by the National Assembly to any other competent authority, the amount of any sum payable by the National Assembly, whether as principal or agent, by way of a specified payment may be set-off against the amount of any sum recoverable by the National Assembly, whether as principal or agent.

Apportionment of livestock units grazed on holdings situated partly outside Wales

7. Where any holding in respect of which a claim has been made is situated partly outside Wales, the number of livestock units grazed on that part of the holding that is situated in Wales shall be calculated as follows:

$$N = U \times X \div Y$$

when

- “N” is the number of livestock units grazed on that part of the holding situated in Wales;
- “U” is the total number of livestock units grazed on that holding;
- “X” is the claimed forage area in hectares of that part of the holding that is situated in Wales;
- and
- “Y” is the total claimed forage area in hectares of that holding.

Apportionment of individual reference quantity of milk on holdings situated partly outside Wales

8. Where any holding in respect of which a claim has been made is situated partly outside Wales, the individual reference quantity of milk that shall be regarded as available to a claimant in relation to the land in Wales shall be calculated as follows:—

$$A = B \times X \div Y$$

and:

“X” is the claimed forage area in hectares of that part of the holding that is situated in Wales;

“Y” is the total claimed forage area in hectares of that holding;

“B” is the total individual reference quantity of milk that is available to the claimant in respect of that holding; and

“A” is the individual reference quantity of milk that is regarded as available to the claimant in respect of that part of the holding that is situated in Wales.

Final closing date

9. In regulation 10 of the principal Regulations the following is added:—

“(4) If a claim has been made for one or more enhancements under Element 2 of the Scheme for 2001, but supporting information to substantiate the claim to the satisfaction of the National Assembly has not been received by it by the 31st March of 2001, the National Assembly may reject the claim and distribute the budget for Element 2 amongst claimants whose claims have been substantiated by that date.

(5) No claims for Element 2 enhancements for 2001 may be made after 31st March 2001.”

HLCA only claims

10. In regulation 3 of the principal Regulations the following is added:—

“(9) Despite the provisions of paragraph 3(1)(c) of this regulation, a claimant shall be eligible for payments under the Tir Mynydd scheme even if no such claim for livestock aid has been submitted if:

- (a) the claimant claimed and was paid Hill Livestock Compensatory Allowances for the year 2000; and
- (b) has claimed and received payments under the Tir Mynydd scheme for any subsequent intervening years.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

22nd March 2001

D. Elis Thomas
The Presiding Officer of the National Assembly
for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

The Tir Mynydd (Wales) Regulations 2001 (“the principal Regulations”) were made by the National Assembly for Wales on the 15th February 2001.

Regulation 15 of the principal Regulations explained that: “These Regulations do not apply to holdings that include land in one or more of England, Scotland and Northern Ireland as well as Wales.”

The current Regulations now deal with the application of the principal Regulations to “cross-border holdings”.

The principal Regulations apply to such holdings except to the extent that their application is varied by these regulations.

Similar provisions in relation to cross border holdings are included in regulations made in the other parts of the United Kingdom.

The opportunity has been taken to clarify two points in relation to the principal Regulations:—

- (a) Regulation 9 provides a closing date of 31st March 2001 for the submission of claims and supporting evidence to enable Element 2 enhancements to be calculated and paid to claimants in respect of the scheme for 2001.
- (b) Regulation 10 confirms that Tir Mynydd payments may be made to claimants who received Hill Livestock Compensatory Allowances for 2000 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. The stocking requirements for Tir Mynydd will still need to be met.