

Basic Payment Scheme

2016 Transfer of Entitlements

Please read 'Notes' and 'Terms and Conditions' before completing this Form

SECTION 1:

<p>Transferor</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 10%;">Herd Number</td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> </tr> </table> <p>Tel. No. _____ Mob. No. _____</p>	Herd Number											<p>Transferee</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 10%;">Herd Number</td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> <td style="width: 5%;"></td> </tr> </table> <p style="margin-top: 10px;">Awaiting Assignment of Herd Number <input style="width: 40px; height: 20px;" type="checkbox"/></p> <p>Transferee must hold, or have applied for, a valid herd number by 16 May 2016.</p> <p>Tel. No. _____ Mob. No. _____</p>	Herd Number										
Herd Number																							
Herd Number																							

Where the application for Transfer of Entitlements involves one or more of the following methods please tick appropriate box(es).

<p>1. Inheritance of Entitlements <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>2. Gift of Entitlements <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>3. Lease / Rental of Entitlements <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>4. Sale / Purchase of Entitlements <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>5. Division of Entitlements (Scission) <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>6. Merger of 2 or more holdings / Partnership <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>7. Change of Legal Entity (formation of a company) <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>8. Change of Registration Details of Herd Number <input style="width: 40px; height: 15px;" type="checkbox"/></p>	<p>Complete sections 1, and 2 and enclose necessary documentation (see page 8)</p> <p>Complete sections 1 and 3</p> <p>Complete sections 1 and 4 and enclose necessary documentation (see page9)</p> <p>Complete sections 1 and 5</p>
--	---

<p>Completed application forms must be returned on or before the Closing Date of 16th May 2016 to:</p> <p style="text-align: center;">Transfer of Entitlement Section, Department of Agriculture, Food and the Marine, Knockmay Road, Portlaoise, Co. Laois. (Lo-Call – 0761-064430)</p>	<p style="text-align: right;"><i>Office Use Only</i></p> <p>Seq. No.: _____</p> <p>Date Received: _____</p>
--	---

SECTION 2:

Transfer of Entitlements by way of Gift / Inheritance / Lease

Number of Entitlements Transferred	Unit Value Per Entitlement in 2016 Scheme Year	Method of Transfer (Place X in the relevant box)			If Leasing Please insert Lease end date
		Gift*	Inheritance	Lease / Rental	Lease End Date Please Tick
					31/12/2016
					31/12/2017
					31/12/2018
					31/12/2019
					If Lease for more than 4 years please indicate end date 31/12/20_____

- **For transfer by gift, please state relationship between parties for example Parent to son/daughter**

From	To
-------------	-----------

Declaration: We (the parties to this agreement) hereby declare that we have read and understand the Terms and Conditions governing the Transfer of Entitlements and we agree to be bound by them. We declare that the information given by us in this application is complete and accurate in all respects. We acknowledge that the Department reserves the right to reverse a transfer of entitlement if the information supplied is found to be false or inaccurate.

Signature(s) of Transferor(s)
(Or Legal Personal Representative in case of Inheritance)
(in applicant's normal handwriting) ↓

Signature(s) of Transferee(s)
(in applicant's normal handwriting) ↓

Herd Number									
-------------	--	--	--	--	--	--	--	--	--

Herd Number									
-------------	--	--	--	--	--	--	--	--	--

Transferor's signature witnessed in the presence of:

Transferee's signature witnessed in the presence of:

BLOCK CAPITALS: _____

BLOCK CAPITALS: _____

Date ____ / ____ / **20** ____

Date ____ / ____ / **20** ____

Status: _____
(Member of Teagasc, Agriculture Consultant, or Solicitor)
Witness Stamp

Status: _____
(Member of Teagasc, Agriculture Consultant, or Solicitor)
Witness Stamp

SECTION 3:

Transfer of Entitlements by way of Sale

Please note that entitlements sold without land are subject to 50% claw back. The number of entitlements sold without land shall be reduced by 50% (see page 7). E.g. Seller sells 50 entitlements @ €100 each. Buyer receives 25 entitlements @ €100 each. To be considered as a sale of entitlements with land, one hectare of land must be sold per entitlement.

Number of Entitlements Transferred	Unit Value Per Entitlement in 2016 Scheme Year	Method of Sale (Place X in the relevant box)	
		Sale <u>with</u> land	Sale <u>without</u> land

If entitlements are being sold with land please complete the table below for each land parcel sold (see page 7).

Parcel ID's	Townland Name	No. of Eligible Ha

Additional parcels should be listed on a separate sheet if necessary and have the sheet signed and witnessed as below.

Declaration: We (the parties to this agreement) hereby declare that we have read and understand the Terms and Conditions governing the Transfer of Entitlements and we agree to be bound by them. We declare that the information given by us in this application is complete and accurate in all respects. We acknowledge that the Department reserves the right to reverse a transfer of entitlement if the information supplied is found to be false or inaccurate.

Signature(s) of Transferor(s)
(Or Legal Personal Representative in case of Inheritance)
(in applicant's normal handwriting) ↓

Herd Number									
-------------	--	--	--	--	--	--	--	--	--

Transferor's signature witnessed in the presence of:

BLOCK CAPITALS: _____

Date ____/____/ 20__

Status: _____

(Member of Teagasc, Agriculture Consultant, or Solicitor)

Witness Stamp

Signature(s) of Transferee(s)
(in applicant's normal handwriting) ↓

Herd Number									
-------------	--	--	--	--	--	--	--	--	--

Transferee's signature witnessed in the presence of:

BLOCK CAPITALS: _____

Date ____/____/ 20__

Status: _____

(Member of Teagasc, Agriculture Consultant, or Solicitor)

Witness Stamp

SECTION 4:

Transfer of Entitlements by way of Scission / Merger / Partnership / Change of Legal Entity

Number of Entitlements Transferred	Unit Value Per Entitlement in 2016 Scheme Year	Method of Transfer (Place X in the relevant box)			
		Scission	Merger	Partnership	Change of Legal Entity

Declaration: We (the parties to this agreement) hereby declare that we have read and understand the Terms and Conditions governing the Transfer of Entitlements and we agree to be bound by them. We declare that the information given by us in this application is complete and accurate in all respects. We acknowledge that the Department reserves the right to reverse a transfer of entitlement if the information supplied is found to be false or inaccurate.

Signature(s) of Transferor(s)

(Or Company Secretary in case of Change of Legal entity)
(in applicant's normal handwriting) ↓

Signature(s) of Transferee(s)

(Or Company Secretary in case of Change of Legal entity)
(in applicant's normal handwriting) ↓

Herd Number									
-------------	--	--	--	--	--	--	--	--	--

Transferor's signature witnessed in the presence of:

BLOCK CAPITALS: _____

Date ____/____/ **20**____

Status: _____

(Member of Teagasc, Agriculture Consultant, or Solicitor)
Witness Stamp

Herd Number									
-------------	--	--	--	--	--	--	--	--	--

Transferee's signature witnessed in the presence of:

BLOCK CAPITALS: _____

Date ____/____/ **20**____

Status: _____

(Member of Teagasc, Agriculture Consultant, or Solicitor)
Witness Stamp

SECTION 5:

Transfer of Entitlements by way of Change of Registration Details

This section of the form should only be used in situations where a change to the registration details of the herd number is required. For example where a person is **added to or removed from** the Herd Number. Registration details of entitlements must always reflect the name(s) of the registered herd owner(s) associated with the herd number.

This section of the form should not be used where the transferor is deceased. Such transfers must be processed via inheritance – See Section 2.

Examples of Change of Registration details of Herd Number/Entitlements

The Basic Payment Scheme Entitlements were established in the name of 'John and Mary Murphy'. Mary Murphy has been removed from the herd number leaving John Murphy as the sole holder of the herd number. As Entitlements do not transfer automatically with the herd number, the Entitlements remain in the account of John and Mary Murphy but the herd number is now in John Murphy's name. It is necessary therefore to submit an application to change the registration details of the entitlements into John Murphy's name. John and Mary Murphy must sign the application as transferors and John Murphy must sign the application as transferee.

The Basic Payment Scheme Entitlements were established in the name of John Green. John's wife, Patricia, has now been added to the herd number so that it is now in the names of 'John and Patricia Green'. As Entitlements do not transfer automatically with the herd number, the Entitlements remain in the name of John Green. It is necessary therefore to submit an application to change the registration details of the Entitlements into the names of 'John and Patricia Green'. John Green must sign the application as transferor and John and Patricia Green must sign the application as transferees.

Number of Entitlements Transferred	Unit Value Per Entitlement in 2016 Scheme Year

Declaration: We (the parties to this agreement) hereby declare that we have read and understand the Terms and Conditions governing the Transfer of Entitlements and we agree to be bound by them. We declare that the information given by us in this application is complete and accurate in all respects. We acknowledge that the Department reserves the right to reverse a transfer of entitlement if the information supplied is found to be false or inaccurate.

Transferor Herd Number

--	--	--	--	--	--	--	--

Signature(s) of Transferor(s) of entitlements
(in applicant's normal handwriting)

--

Transferee Herd Number

--	--	--	--	--	--	--	--

Signature(s) of Transferee(s) of entitlements
(in applicant's normal handwriting)

--

Transferor's signature witnessed in the presence of:

--

Transferee's signature witnessed in the presence of:

--

BLOCK CAPITALS: _____

Date ____/____/ **20**____

Status: _____

(Member of Teagasc, Agriculture Consultant, or Solicitor)
Witness Stamp

BLOCK CAPITALS: _____

Date ____/____/ **20**____

Status: _____

(Member of Teagasc, Agriculture Consultant, or Solicitor)
Witness Stamp

Notes on Completing the 2016 Transfer of Entitlements Form

1. Completed application forms and any supporting documentation must be submitted on or before the closing date of the 16th May 2016.
2. If the application form is being posted to the Department, applicants are advised to obtain acceptable proof of postage, which can be used in the event of the application(s) not being received by the Department of Agriculture, Food and the Marine.

In 2016 the only acceptable proof of postage is as follows:

Swift post receipt or
Registered post receipt.

A certificate of posting is not acceptable as proof of postage.

3. Where a herd number is registered in two or more names, all persons must sign the application form. If the herd number is registered to a Company, the application form must be signed by the Company Secretary.
4. Where entitlements are transferred by gift, the relationship between parties must be stated at Section 2.
5. Where entitlements are being transferred by inheritance, the Executor(s), Administrator (s) must sign on behalf of the deceased person. Where two or more persons fulfil this role, all parties must sign. The Department may request details of land parcels inherited in certain cases.
6. All signatures must be witnessed by a Solicitor, Member of Teagasc or Agriculture Consultant. If the applicant is not known to the witness then the witness must request photographic proof of identification such as a Passport or Drivers License.
7. Entitlements may not be transferred by lease from the name of a deceased person. The rightful beneficiary should first inherit the entitlements and may then subsequently transfer them to a third party.
8. Entitlements may only be transferred to a person who holds a herd number or a BPS Transfer Number.
 - A person to whom a herd number is being transferred must be in possession of the herd number on or before the 16th May 2016 OR have submitted their herd number application to their Regional Veterinary Office (RVO) before the 16th May 2016. If you have applied for a herd number but have not yet received it, you should proceed with submitting your Transfer of Entitlements application prior to the closing date and notify the Transfer Section when the herd number has been assigned. **Failure to notify the Transfer Section that a herd number has been assigned may result in the rejection of your application.**
 - Where entitlements are being transferred by way of inheritance and the beneficiary is not the owner of a herd number, s/he may obtain a temporary BPS Transfer Number by contacting Inheritance Enquiry Unit on 0761 064 428. This BPS Transfer number can be used to inherit and subsequently transfer on the entitlements. **Payment cannot issue to a person holding a BPS Transfer Number.**
9. Failure to fully complete the application form and/or include supporting documentation (where applicable) will result in delay and could result in non-payment of your Basic Payment.
10. The transferor and transferee will be notified in writing when the transfer has been processed.
11. Request for withdrawal will not be accepted unless authorised by the transferor and transferee. Such requests will not be considered after processing has been completed and parties notified.

2016 Terms and Conditions for the Transfer of Basic Payment Entitlements

1. Basic payment entitlements may only be transferred to an active farmer in the same Member State, except in the case of Inheritance and Gift.
2. The transfer of National Reserve (NR) entitlements, allocated to a herd owner in 2015, will not be permitted unless the relevant educational qualification used to support the 2015 National Reserve Application has been achieved.
3. The transferor and transferee must apply to transfer entitlements by completing the Transfer of Entitlement application form.
4. The sale of entitlements without land will be subject to a “clawback” of 50% of the number of entitlements sold. E.g. Seller sells 50 entitlements @ €100 each. Buyer receives 25 entitlements @ €100 each.
5. To be considered as a sale of entitlements with land, one hectare of land must be sold per entitlement.
6. Entitlements may be leased with or without land. In that regard it is not necessary to provide details of the land parcels on the Transfer of Entitlements form, as all lease of entitlement requests shall be processed without land. However, to receive payment and use an entitlement, the transferee must declare one hectare of land to support each entitlement.
7. Leased/Rented entitlements will revert to the transferor at the end of the relevant scheme year. The reversion of entitlements on expiry of a Lease or Rental Agreement is not considered a form of transfer.
8. The effective date of transfer of entitlements in all cases is the closing date. However, if the entire holding/ownership of a herd number is transferred between the date of application for the Basic Payment Scheme and the 31st May 2016, the transferee must agree to succeed to the responsibilities of the transferor regarding compliance with the Terms and Conditions of the 2016 Basic Payment Scheme by completing a Declaration of Undertaking Form (BPS/UND/2016) available on the Department’s website at www.agriculture.gov.ie. This form must be completed by both the Transferor and Transferee and must be accompanied by a Transfer of Entitlement form (BPSTE2017). The transferee must fulfill the conditions for granting the aid and honour the undertakings given by the transferor and if otherwise in order, payment of 2016 Basic payment will issue to the transferee. If the entire holding/ownership of the herd number changes after the 31st May 2016, the 2016 Basic payment will issue to the Transferor.
9. EU regulations provide that any payment entitlements unduly allocated to a farmer may be recovered and allocated to the National Reserve. Where such payment entitlements have been transferred to another farmer the transferee must relinquish the unduly allocated entitlements to the National Reserve.
10. Basic Payment Scheme entitlements do not have a static value and are subject to a convergence path from 2015 to 2019. Entitlements that have a value below 90% of the national average value will converge upwards while entitlements that have a value above the national average will converge downwards.
11. All entitlements are subject to a two year usage rule. Any entitlement that remains unused for two consecutive years will revert to the National Reserve. The rotation of entitlements is not available under the Basic Payment Scheme. (Please note the onus is on a farmer to ensure that entitlements are used. In that regard it is advisable that farmers who are leasing out their entitlements ensure that the lessee is aware of the importance of usage and safeguards the leased entitlements by supporting each entitlement with the declaration of one hectare of eligible land. This arrangement is between the relevant parties).

CHECKLIST

Failure to fully complete application forms and to include supporting documentation (where applicable) will result in a delay in payment of your entitlements under the Single Payment Scheme.

<p>INHERITANCE</p> <p>If the beneficiary does not have a herd number he/she may obtain a BPS Transfer number by contacting Inheritance Enquiry Unit at 0761 064428</p>	<p>Please Tick</p> <p style="text-align: center;">✓</p>
<p>A. Where the Deceased Person made a Will</p> <p>1. Are sections <u>1 and 2</u> of Transfer Form fully completed and signed by all parties? (The ‘Transferor Signature’ section of the form must be signed by the Executor(s) of the Will)</p> <p>2. Have you enclosed a copy of Will and a copy of Grant of Probate?</p> <p>3. If Probate has not issued, have you enclosed a completed <i>Transfer of Entitlements Indemnity Form</i> which has been witnessed by a solicitor? (available on the Department’s website at www.agriculture.gov.ie).</p> <p>4. Where relevant, have you enclosed a <i>Waiver form</i> signed by the person(s) legally entitled to inherit the entitlements waiving the right to the entitlements in favour of the transferee? The waiver form must be witnessed by a solicitor. (available on the Department’s website at www.agriculture.gov.ie).</p>	
<p>B. Where the Deceased Person died Intestate (No Will)</p> <p>1. Are pages <u>1 and 2</u> of Transfer Form fully completed and signed by all parties? (The ‘Transferor Signature’ section of the form must be signed by the Administrator(s) of the estate)</p> <p>2. Have you enclosed a copy of Letters of Administration?</p> <p>3. Where Letters of Administration have not issued, have you enclosed a <i>Transfer of Entitlements Indemnity Form</i> which has been completed and witnessed by a solicitor together with a letter from the solicitor administering the estate clearly identifying the next-of-kin of the deceased, who are the rightful beneficiaries? (available on the Department’s website at www.agriculture.gov.ie).</p> <p>4. Where relevant, have you enclosed a <i>Waiver form(s)</i> signed by the person(s) legally entitled to inherit the entitlements waiving the right to the entitlements in favour of the transferee? The waiver form(s) must be witnessed by a solicitor. (available on the Department’s website at www.agriculture.gov.ie).</p>	
<p>GIFT / LEASE</p>	
<p>Are sections <u>1 and 2</u> of Transfer Form fully completed and signed by all parties?</p>	
<p>Have signatures been witnessed by either a Member of Teagasc, Agriculture Consultant or Solicitor.</p>	
<p>SALE OF ENTITLEMENTS</p>	
<p>For Sale of Entitlements with land, parcel ID’s entered on section 3 of the transfer form should reflect the current parcel ID number and not the previous/old parcel ID number where possible.</p>	
<p>Are sections <u>1 and 3</u> of Transfer Form fully completed and signed by all parties?</p>	
<p>Have signatures been witnessed by a Member of Teagasc, an Agriculture Consultant, or Solicitor.</p>	
<p>Is the Sale of entitlements accompanied by an equal or greater Number of hectares of land?</p>	

CHECKLIST CONTINUED

SCISSION – Division of Entitlements	
Are sections <u>1 and 4</u> of Transfer Form fully completed and signed by all parties?	
Have you enclosed a <i>Dissolution of Partnership</i> which must be signed by both parties involved and witnessed by a member of Teagasc, Agriculture Consultant or Solicitor. (available on the Department’s website at www.agriculture.gov.ie)	
MERGER / PARTNERSHIP	
Are sections <u>1 and 4</u> of Transfer Form fully completed and signed by all parties?	
Have you enclosed a copy of <i>Partnership Agreement</i> witnessed by either a Member of Teagasc, an Agriculture Consultant, or Solicitor.(available on the Department’s website at www.agriculture.gov.ie).	
CHANGE OF LEGAL ENTITY	
Change of Legal Entity concerns farmers who change their legal status from a natural person to a legal person (Limited Company) or vice versa or where changes have occurred in the legal status of a legal person (Limited Company).	
Are sections <u>1 and 4</u> of Transfer Form fully completed and signed by all parties? Directors signing on behalf of Limited Company must be named in the Memorandum of Agreement and Articles of Association.	
Have you enclosed a copy of Memorandum of Agreement/Articles of Association? (this must state that the company will continue to conduct the business of farming and state the name of the Director(s) / Majority Shareholders)	
CHANGE OF REGISTRATION DETAILS	
Are sections <u>1 and 5</u> of Transfer Form fully completed and signed by all parties?	

Please note that copies of Transfer of Entitlements Indemnity Form, Waiver, Standard Dissolution of Partnership Agreement and Partnership Agreement Form are available on our Department website @ www.agriculture.gov.ie

PLEASE NOTE THIS CHECKLIST IS FOR YOUR REFERENCE / CONVENIENCE ONLY AND DOES NOT FORM PART OF YOUR TRANSFER APPLICATION