

Basic Payment Scheme Transfer of Entitlements

2018 Frequently Asked Questions

- Q. I am not registered on agfood.ie, is it possible to submit a paper version of the application form?**
- A. Applications for the Transfer of Entitlements must be made via the Department's online system during 2018. Instructions on submitted a Transfer of Entitlements application can be found on www.agriculture.gov.ie.
- Q. I have applied for my herd number or to transfer an existing herd number but my application has not yet been approved. As such, I am unable to register on agfood.ie, what options are available to me?**
- A. In this case you can authorise an agricultural consultant or Teagasc advisor to apply online on your behalf by generating a BPS Reference number. Instructions can be found on www.agfood.ie or you can contact: agfood Online Services Helpdesk in the Department's Portlaoise Office, Lo call 0761 064424 or email agfood@agriculture.gov.ie.
- Q. I do not currently hold a herd number. How do I apply for one?**
- A. You will need to contact your Regional Veterinary Office (RVO) who will advise you on the requirements to obtain a herd number.
- Q. A name has been added or removed from the herd number. What do I need to do?**
- A. It will be necessary to submit a Transfer of Entitlements online application to change the registration details of the herd number from previous owner(s) to current owner(s).
- Q. I am the authorised agent for Farmer A whose herd number has now expired. I am also the authorised agent for Farmer B who has taken ownership of this herd number. Can I submit an online Transfer of Entitlements application for Farmer A or Farmer B?**
- A. Yes, an authorised agent can act on behalf of the expired and open herd number to submit a Transfer of Entitlements application using the online facility on Agfood.ie.
- Q. I do not currently hold a herd number and I am inheriting entitlements? What are my options?**
- A. If you intend to farm you will need to contact your Regional Veterinary Office who will advise you on the requirements to obtain a herd number or the process involved in transferring the herd number into your name.
- If you do not intend to farm you can apply for a BPS Transfer Number herd number from Department of Agriculture, Food and the Marine, Inheritance Enquiry Unit, Knockmay Road, Portlaoise, Co. Laois to allow you to inherit entitlements first and then subsequently transfer them online to a third party.

Q. I do not currently hold a herd number and I am inheriting entitlements and I intend to lease them to a third party? What are my options?

A. If you do not intend to farm you can apply for a BPS Transfer Number herd number to allow you to firstly inherit entitlements and then transfer them online to a third party. (see above)

Q. I completed the application online, how do I know it has been submitted? Can I contact the Transfer of Entitlements Section to get confirmation?

A. Once an application is submitted online both the transferor and transferee will receive an acknowledgement receipt in their online Correspondence and also via SMS text. All farmers should ensure that the correct mobile phone details are registered with the Department.

Q. Can I submit hardcopies of the supporting documentation?

A. Supporting documentation should be submitted online at time of application.

Q. The Department has asked me for supporting documentation, how can I submit this?

A. To avoid unnecessary delays all supporting documentation should be submitted online at time of application. If supporting documentation is requested by the Department it can also be submitted online.

Q. Can I transfer National Reserve entitlements?

A. National Reserve entitlements can be transferred.

Q. Can entitlements be transferred by lease from the name of a deceased person?

A. No, entitlements must be first inherited by the rightful beneficiary, who may then subsequently transfer them to a third party.

Q. Can I sell entitlements without land?

A. Yes. Please note that the sale of entitlements without land will be subject to a 'clawback' of 20% of the number of entitlements sold.

Q. Can I lease entitlements without land?

A. Entitlements can be leased with or without land.

Q. Does the closing date set out in the Terms and Conditions refer to the application only?

A. The closing date for the scheme is 15 May 2018. Any application submitted online after this date will be treated as a late application. Late applications should be accompanied by a letter of appeal with supporting documentation and or evidence of why the application was not submitted on time. Supporting documentation in respect of late applications should also be submitted online.

Q. Can I withdraw my application?

A. An application can be withdrawn once written confirmation has been received for this request and signed by both parties prior to payment issuing. This documentation can be uploaded using the online system.

Q. I understand that there are revised rules regarding the inheritance of Entitlements, what has changed?

A. On 21 November 2017, Statutory Instrument (SI) No. 639 of 2017 came into force. This SI provides a legal basis to the Department in relation to the inheritance of Basic Payment Scheme entitlements where the will of a deceased farmer is silent regarding these entitlements. The SI provides for the entitlements to transfer with the land in such circumstances.

Therefore, for Transfers of Entitlements applications via inheritance, where the date of death is after 21 November 2017, and, if the will is silent, the entitlements will transfer with the land, unless there is a legal impediment preventing the transfer.

Q. I have been named as the beneficiary of entitlements in a will. Will the new SI affect this?

A. No. If the will of a deceased individual specifies the beneficiaries of the entitlements then the entitlements will transfer as the will dictates, unless there is a legal impediment preventing the transfer. You should submit a Transfer of Entitlements application via the online system with the required supporting documentation.

Q. I have been named as the beneficiary of land in a will, the date of death of the deceased party is before 21 November 2017 and the will does not mention entitlements. Does the new SI mean that I also inherit the entitlements?

A. No. For cases where the date of death is before 21 November 2017 the previous rules apply. For example, if the will is silent in relation to entitlements, then the entitlements will form part of the residue of the estate and the beneficiaries of the residue will inherit the entitlements.

Q. I have been named as the beneficiary of residue in a will. The date of death of the deceased party is before 21 November 2017 and the will does not mention entitlements. I do not have any interest in farming and my brother is the beneficiary of the land. I would prefer if the entitlements are transferred to him. What are my options?

A. You have two options available. Firstly, you can complete a waiver form and waive your rights to the entitlements, thereby allowing your brother to inherit the entitlements. Waiver forms are available on www.agriculture.gov.ie and should be submitted online as supporting documentation to the Transfer of Entitlements application.

Or, if you do not intend to farm but still wish to inherit the entitlements you can apply for a 700 series herd number from Department of Agriculture, Food and the Marine, Inheritance Enquiry Unit, Knockmay Road, Portlaoise, Co. Laois. This will allow you to inherit entitlements first and then subsequently transfer them online to a third party.

Q. My Sister and I have been named as the beneficiaries of land in a will, the date of death of the deceased party is after 21 November 2017 and the will does not mention entitlements. I understand that under the new SI we also inherit the entitlements but how will the entitlements be divided?

A. In cases where there is more than one beneficiary of the land and the entitlements are transferring with the land, the entitlements will transfer on a pro rata basis. For example, if the land is being divided equally between two beneficiaries then the entitlements will also be divided equally between the two beneficiaries.

Q. What is a Registered Single Herd Partnership?

A. A Registered Single Herd Partnership is where there may be multiple names on the partnership but there is only one herd number in the partnership. Registered Single Herd Partnerships can be processed in the same way as an individual herd number via online transfers as only one herd number is involved.

Q. What is a Registered Multi Herd Partnership?

A. A Registered Multi Herd is a registered partnership where more than one herd number is registered as part of the partnership. If you are transferring entitlements to a Multi Herd Partnership and, you are not a member of the Multi Herd Partnership, then you must indicate which individual herd number in the partnership the entitlements are to be transferred into.

Q. We are forming a new Registered Farm Partnership for 2018; what is the closing date for applying for a new Farm Partnership Number?

A. Those wishing to have their farm partnership placed on the Register should submit their application to the Department's Farm Partnership Unit - see Department's website:

<http://www.agriculture.gov.ie/farmingsectors/newfarmpartnershipregister/>. Please note that all applications to place farm partnerships on the Department's Register must be received by the Farm Partnership Registration Unit by 31 March 2018.

Any changes required to your herd number should be applied for via the RVO during the same time period.

Q. We are forming a new Registered Farm Partnership for 2018; we have applied to the RVO to change our herd numbers and the partnership office to get our partnership number. Do we need to submit an application to transfer entitlements?

A. Yes, an online transfer application needs to be submitted from each herd number in the partnership with entitlements.

Q. I have an existing registered Multi Herd Farm Partnership which I am dissolving for 2018; what I need to do from an entitlements perspective?

A. If you are dissolving an existing Multi Herd Registered Farm Partnership you must transfer the entitlements back to the individual herd numbers that were in the partnership using the Division of Entitlements (Scission) method. A division must be processed before any subsequent transfers can be made.

Q. I have an existing Registered Farm Partnership, I want to change the status of one of the partners (e.g. changing legal entity to a company) can I just request a change to the partner status?

A. No, any change to a partner (Change of Registration, Change of Legal Entity or adding a new partner) to an existing Registered Farm Partnership requires the existing partnership to be dissolved and a new partnership formed. Entitlements will need to be divided back to the original partners (via Division of Entitlements (Scission) method) before the new partnership is formed.

Q. I am transferring entitlements to an existing Registered Farm Partnership of which I am not a partner; can I process the transfer to the partnership number? (Please note partnership numbers all start with the relevant county code followed by FP and five digits– e.g. AFP00000).

A. In this scenario, the transferee must advise if there is more than one herd number involved in the partnership. If there are multiple herd numbers involved you will need to specify to which herd number the transfer of entitlements are to be applied. This is important as in a Multi Herd Partnership the entitlements and land are listed separately on BPS. The land and entitlements in each herd in the partnership need to correspond to ensure full payment and usage is achieved.

Q. We are part of an existing Registered Farm Partnership and want to transfer entitlements out to a third party; do we enter the farm partnership number as the transferor?

A. If there is more than one herd number involved in the partnership you will need to specify which herd number in the partnership the transfer is coming from. This is to ensure the entitlements herd under each herd and the land listed under each herd on BPS correspond to achieve full payment and usage.