

# 2016

## Guide to the Young Farmers' Payment/Regional Reserve



Department of  
**Agriculture and  
Rural Development**

[www.dardni.gov.uk](http://www.dardni.gov.uk)

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# 1. Introduction

In 2016 the Young Farmers' Payment and Regional Reserve will open for applications in March.

This guide sets out: -

- The eligibility criteria which must be met by applicants for the Young Farmers' Payment and / or to the Regional Reserve;
- Details on allocations which can be made from the Regional Reserve;
- Details on supporting evidence that must be submitted by applicants;
- Details on how to make an application for the Young Farmers' Payment and / or to the Regional Reserve.

It is one of a series of guidance booklets relating to the Basic Payment Scheme (BPS), referred to in the Guide to the Basic Payment Scheme Booklet. Applicants for the Young Farmers' Payment / Regional Reserve should also familiarise themselves with the contents of that booklet and the booklet "Notes: 2016 Area-Based Schemes Single Application Form".

Applicants who farm land in England, Scotland or Wales should refer to the Guide to the Basic Payment Scheme.

**Land in the Republic of Ireland cannot be included on Young Farmers' Payment or Regional Reserve applications made to DARD.**

Guidance Booklets and related forms are available on the DARD website <https://www.dardni.gov.uk/topics/grants-and-funding>. Each of the booklets is intended as an information guide to farmers and should not be regarded as a legal interpretation of the EU Regulations governing the BPS. Applicants are advised to take independent legal advice, as necessary, to ensure their interests are looked after.

In Northern Ireland from 1 January 2015, the Single Farm Payment Scheme was replaced by the Basic Payment Scheme (which includes the Regional Reserve), a Greening Payment and the Young Farmers' Payment.

## **Young Farmers' Payment**

The Young Farmers' Payment (YFP) provides an annual top-up to the BPS to those farmers who meet its eligibility requirements.

DARD has allocated 2% (the maximum possible) of its regional ceiling fund to the YFP in 2016 which equates to €6.53m. The level of top-up will be based on 25% of the total direct payments regional average per hectare. The top-up payment will be limited to 90 hectares and the rate per hectare will if necessary, be scaled back to respect the regional ceiling. The rate can vary between years depending on the number of young farmers claiming the payment. Details on eligibility and evidence requirements are provided in **Section 3**.

## **Regional Reserve**

As part of the BPS the European Commission requires all EU Member States to set up National or Regional Reserves to help farmers in certain situations. In the United Kingdom it was decided to establish Regional Reserves for each of the devolved administrations. This means that in Northern Ireland the Regional Reserve will be used to provide entitlements for Northern Ireland farmers under the BPS.

The Regional Reserve (RR) will provide funding which will allow the Department of Agriculture and Rural Development (DARD) to allocate entitlements or to top up existing entitlements to the 'regional average value of entitlements' for certain categories of farmers. It must be used to allocate payment entitlements to **young farmers** and **new entrants**. DARD may also use it to make awards to farmers who were prevented from being allocated entitlements as a result of force majeure or exceptional circumstances and farmers eligible for revised entitlements following a court ruling or administrative act by DARD. Details on eligibility and evidence requirements, for young farmers and new entrants, are provided in **Sections 3 and 4**.

The difference between the value of allocated entitlements and DARD's BPS ceiling in 2016 constitutes the funds in the RR.

In addition the RR can be replenished by reallocation of payment entitlements which were;

- (a) not activated in two consecutive years,
- (b) voluntarily returned,
- (c) removed because they were incorrectly issued, and
- (d) by further linear reduction of the value of payment entitlements to ensure the RR has sufficient funds to provide allocations for young farmers / new entrants and those required under definitive court rulings or administrative acts.

The 'regional average value of entitlements' may vary from year to year and for any given year will be calculated by dividing the regional ceiling for the BPS (excluding the amount for the RR) by the number of payment entitlements allocated (excluding the number of entitlements issued from the RR in that year).

The regional average may vary from year to year as a result of changes to the financial ceilings and, therefore, entitlements allocated from the RR may be subject to modification in subsequent years and will be reviewed annually under the BPS convergence process.

## Key dates for 2016 applications for the Young Farmers' Payment and / or to the Regional Reserve

Applications and submission of supporting evidence: can be submitted from: **1 March 2016**

**Date** for receipt of supporting evidence: **15 April 2016**

**Date** CAFRE will accept eligibility checks for qualifications to: **29 April 2016**

**Date** for receipt of SAF without penalty: **16 May 2016**

## 2. Regional Reserve Categories

There are four categories under which farmers can receive an allocation from the Regional Reserve (RR):

- (i) **Farmers who qualify as Young Farmers** (including those who never held entitlements and those who will otherwise have established entitlements with a unit value below the regional average) can apply to the RR to have entitlements allocated at the regional average value or to have the value of entitlements increased to the regional average in 2016;
- (ii) **Farmers who have commenced their agricultural activity and qualify as New Entrants** (including those who never held entitlements and those who will otherwise have established entitlements with a unit value below the regional average) can apply to the RR to have entitlements allocated at the regional average value or to have the value of entitlements increased to the regional average in 2016;
- (iii) **Farmers who were prevented from being allocated entitlements due to Force Majeure or Exceptional Circumstances;**
- (iv) **Farmers eligible for revised entitlements following a court ruling or administrative act by DARD.**

Further information on each of these categories is set out below.

### **Categories (i) and (ii) Active farmers who qualify as Young Farmers (YF) and farmers who have commenced agricultural activity and qualify as New Entrants (NE)**

These categories can be applied for directly and farmers who meet the eligibility criteria for these categories can make an application to the RR up until 16 May 2016. Detailed information on the eligibility criteria, evidence requirements and how to apply for each are set out in **Sections 3, 4 and 5** of this guide document. Applicants should apply to the category for which they consider themselves eligible.

**If an applicant believes that they are eligible to apply to the RR, as a YF or as a NE, they are advised to apply as a YF and also to consider making an application for the YFP.**

**An applicant can successfully apply only once to the RR, under either the young farmer or new entrant categories, for either an allocation of entitlements and / or an increase in value of entitlements to the regional average value.**

For example: If an applicant received an allocation of entitlements from the RR in 2015 they cannot apply again in 2016 or future years.

YF/NE's applying to the RR in 2016 must also submit a Single Application Form (SAF) by the 2016 scheme year deadline (16 May 2016). **If a SAF is not submitted; no BPS entitlements will be activated and no award will be made from the RR.**

### **Category (iii) Force Majeure or Exceptional Circumstances**

DARD will only provide a Force Majeure or Exceptional Circumstances award from the RR where an active farmer has been prevented from being allocated BPS entitlements as a result of a force majeure or exceptional circumstances incident and their application cannot be adjusted under the BPS / RR rules. DARD may allocate entitlements or increase the value of entitlements. It is a requirement that DARD is informed of force majeure or exceptional circumstances within 15 days of the applicant being in a position to do so.

Full details of the force majeure or exceptional circumstances procedures, especially the notification requirements (using the **FML 1 Application Form**), are provided in the **Force Majeure Section** in the **Guide to the Basic Payment Scheme** which is available from the DARD website site <https://www.dardni.gov.uk/topics/grants-and-funding>

Once DARD has been notified of a force majeure or exceptional circumstances incident, it will consider the case and decide if the RR should be used to provide an allocation.

### **Category (iv) Court Ruling or Administrative Act**

Where DARD is required to allocate entitlements or revise the value of existing entitlements following a definitive court ruling or a definitive administrative act by DARD, the RR will be used to action these changes if the changes cannot be accommodated within the rules of the BPS. It is not necessary for farmers to apply to the RR in such cases. DARD will notify farmers of any changes which result from a court ruling or administrative act.



# 3. Young Farmers' Payment / Regional Reserve (Young Farmer) Eligibility and Evidence Requirements

## 3.1 Young Farmers' Payment

The Young Farmers' Payment (YFP) will provide an annual top-up to the BPS for those farmers who meet the YFP eligibility criteria. The CAP Regulations define "young farmers" as natural persons who are setting up for the first time an agricultural holding as head of the holding, or who have already set up such a holding during the five years preceding the first submission of an application under the BPS and who are no more than 40 years of age in the year of submission of their first application for the BPS. Legal persons may be granted access to the scheme if they meet similar conditions.

Applicants must apply for and activate entitlements under the BPS to be eligible for the YFP. **If applicants do not otherwise qualify for BPS entitlements, and wish to apply for the YFP they must apply to the RR for an allocation of entitlements.** Those who apply for an allocation of entitlements via the YF provisions in the RR will be assessed on the relevant criteria. Please refer to **Section 3 and 4**.

Applicants for the YFP in 2016 must also submit a Single Application Form (SAF) by the 2016 scheme year deadline (16 May 2016). **If a SAF is not submitted; no BPS entitlements will be activated and no YFP will be made.**

## 3.2 YFP - Eligibility Criteria

To be eligible for the YFP the applicant must:

- (i) Be an active farmer \* at the date of application to the BPS / YFP and have at least 3 hectares of eligible land on their holding which must be used to carry out an agricultural activity.**

Note\*: *An active farmer is the person / farm business enjoying the decision making power, the benefits and the financial risks in relation to agricultural activity being carried out on the land.*

- (ii) Be establishing, for the first time, an agricultural holding as Head of**

**Holding (HOH) \*\* or have already done so during the 5 years preceding their first successful application to the BPS.**

Note\*\*: *To be HOH means the applicant must be exercising effective and long-term control over the business in terms of decisions related to management, benefits and financial risks.*

To meet the HOH requirement applicants who make a successful application to the BPS for the first time in 2016 must have set up for the **first time** an agricultural holding **as HOH on or after 1 January 2011**. If 2017 is to be the first year of successful application to the BPS then applicants must have set up for the first time an agricultural holding as HOH on or after 1 January 2012. For 2018 applications the relevant date will be 1 January 2013.

Applicants who were HOH in 2015 and were allocated BPS entitlements in 2015 but not from the RR, may apply in 2016 and must have set up for the **first time** an agricultural holding **as HOH on or after 1 January 2010** (first successful application to BPS was in 2015).

### ***Sole-Trader***

If the young farmer is the sole owner of the business, the position is clear in that as the only member of the business they will be the HOH. However, the same evidence as that required for a partnership (with the exception of a partnership agreement/document) will still need to be provided to prove the authenticity of the business.

### ***Partnership (including Multi-Members Business)***

Young farmers may decide to undertake their farming activities as part of a group or with other family members, for example, father and son partnerships or where the applicant was a member of an existing business and subsequently becomes HOH.

The young farmer (or combination of young farmers) must exercise effective and long term control over the business in terms of decisions related to management, benefits and financial risks. A share of profit greater than 50% would normally indicate HOH status.

50:50 partnerships between a young farmer(s) and a person(s) who is / are not a young farmer(s) will only be acceptable if it is clear that the young farmer(s) can make such decisions without veto from the other partner(s). Alternatively, where 50:50 partnerships currently do not meet this requirement, it may be necessary for the partners to agree to modify the partnership to increase the young farmers share of the business to above 50% or to include a provision stating that the young

farmer(s) has long term control over the business in terms of decisions related to management, benefits and financial risks and can make such decisions without veto by the other partner(s). The young farmer will be regarded as HOH for the purposes of the YFP from the date at which the partnership complies with the requirements.

### **Category 3 DARD Business**

If the applicant has been involved in a Category 3 DARD Business they will need to demonstrate that this did not result in them being in control of agricultural activity otherwise the date, when they are considered to have become head of holding for the first time, may be taken as the date of commencement of the category 3 business.

In cases where a Category 3 DARD Business is replaced with a Category 1 DARD Business, DARD may take the date of becoming head of holding for the first time as the date of commencement of the category 1 business provided the applicant can demonstrate that their involvement with the category 3 business did not result in them being in control of agricultural activity. This will be judged on a case by case basis but a possible example may be where the category 3 business consisted of a very small number of livestock and was not a separate business in its own right.

Note: 'DARD business' means a farming activity issued with a business identification number by DARD or where appropriate the equivalent identification issued by the relevant authority in England, Scotland or Wales.

**(iii) Be no more than 40 years of age\*\*\* in the year of first successful application for the BPS.**

*Note\*\*\*: This applies for the entire scheme year in which the application is made. This means that for first time successful BPS applicants in 2016 must be born on or after 1 January 1976.*

*For example: if an application to the BPS and for the YFP/RR is made on 16 May 2016 and the applicant has their 41<sup>st</sup> birthday before 31<sup>st</sup> December 2016, they will not be eligible to be considered and will be excluded from applying for the YFP or to the RR as young farmer (YF).*

**(iv) Hold at least a Level II qualification\*\*\*\* in agriculture (or a related subject containing at least a farm business management module) at the BPS application closing date.**

*Note\*\*\*\*: The College of Agriculture, Food and Rural Enterprise (CAFRE) has compiled a*

*list of eligible qualifications which can be found on the CAFRE website <http://www.cafre.ac.uk/industry-support/level-2-agricultural-qualification-list>.*

*Applicants can access this list to check if qualifications already held by them will be accepted by DARD for the purposes of their YFP/RR application. The list of eligible qualifications is not exhaustive and if applicants hold a qualification which is not listed there are details on how to check the eligibility of qualifications on the CAFRE website.*

*Alternatively, applicants can contact CAFRE directly by e-mailing [Industry.TrainingAdmin@dardni.gov.uk](mailto:Industry.TrainingAdmin@dardni.gov.uk) or by telephoning 028 94 426880.*

*Equivalent or higher level agricultural qualifications are, of course acceptable for application for the YFP and / or to the RR. If applicants are in any doubt about whether their equivalent or higher qualification meets the requirements they should contact CAFRE, as above, to confirm.*

*Applicants who do not hold the minimum required agricultural qualification (as stipulated above), at the application closing date (16 May 2016) will be excluded from the YFP / RR in the 2016 application year and the earliest they could apply would be 2017, providing they attain the necessary qualification, and continue to meet the age and HOH requirements as necessary. This would not preclude them from applying for the BPS, Greening payments in 2016 if they can activate BPS entitlements without receiving an allocation from the RR.*

**(v) Have submitted a SAF by the scheme year deadline in the year of application for the YFP/RR.**

**(vi) Have established / activated payments under the BPS and / or have applied to the RR for allocation of payment entitlements as a young farmer.**

It would be advisable to discuss the financial and legal implications of any change, in respect of HOH, to a business with an accountant and / or solicitor.

# Examples

- (i) You establish a business in 2008 as head of holding. Not eligible as a young farmer as you became HOH prior to 1 January 2011.
- (ii) A business is established in 2008 and you are a junior partner / existing member in it (not HOH). You become HOH for the first time in 2012. As this is after 1 January 2011, you may qualify as a young farmer if you meet the age and educational qualification requirements in your year of first application to BPS.
- (iii) Where there are several young farmers and other persons involved in the business, then it must be clear that young farmers can control the business.

Business Share or share of profit / loss:

Farmer A	25%	Farmer B	30%
Farmer C	20%	Farmer D	25%

Farmers A and B are young farmers. Farmers C and D are not young farmers. This business could be eligible to apply as a young farmer if for example the business/partnership agreement contained a provision that Farmers A and B will vote / act together and thus control the business.

Where more than one young farmer is involved in a business, only the young farmer(s) controlling the business would need to have the educational qualification. In the example above both Farmers A and B would need to have the education qualification as neither of them can control the business on their own. If two young farmers were involved in a 50:50 partnership, but neither on their own control the business, then both would require the qualification.

## 3.3 YFP - Evidence Requirements

### A. Evidence for HOH

#### All applicants must: -

(1) Provide a statement / letter from a qualified independent accountant<sup>1</sup> confirming:

- That the applicant receives at least 50% of the profit (or loss) from the holding and that this is reflected in their tax return. Their most recent set of accounts<sup>2</sup> and corresponding tax return<sup>3</sup> should be provided in support of this statement. The accountant should specify in the statement / letter the percentage share of the profit (loss) going to the applicant and reference these figures in the accompanying accounts and tax returns.
- The date on which the applicant became HOH, based on when they began to take at least 50% of the profit (loss). This must be on or after 1 January 2011 with the exception of cases referred to in Section 3.2. The accounts and corresponding tax return from the year before the applicant became HOH should be provided to show that previously they received less than 50% of the profit (loss). Again these figures should be referenced in the statement / letter provided by the accountant.

If the applicant commenced their business recently and does not have previous years' accounts, then the accountant's statement / letter should confirm that they are appropriately registered for income tax and the date on which their holding / business was registered. A copy of the applicant's HMRC income tax registration must be provided showing that the applicant is undertaking agricultural activity. Accounts and tax returns must be provided as soon as they are available and be provided no later than 14 months after the applicants business commenced.

1. Qualified independent accountant, means someone who has qualified with and is a current full member of an organisation which is considered to be a member of CCAB or someone who is qualified with and is a current full member of CIMA, AAT or other equivalent accountancy institute or association which is a member of or affiliated to IFAC, including AIA or additionally someone who has qualified with and is a full and current member of CIOT and is independent of the applicant and the business and is not a member of the same household as the applicant. Other recognised accountancy institutes or associations will be considered on a case by case basis.

<sup>2</sup> Where prepared, business accounts should incorporate the Profit and Loss Account, Balance Sheet, Notes to the Accounts, Sole trader or Partner Approval Statement and Accountant's Report. Where for smaller traders, business accounts as outlined are not prepared, a Profit and Loss Statement approved by the trader and the accountant will be acceptable.

<sup>3</sup> Where applicants provide an extract from their tax return, they should confirm in writing that the extract provided is a true and fair copy of the original document referred to in the accountant's statement/letter.

- (2) Be named on and be responsible for all bank / building society accounts associated with their business and be authorised to make payments and transfer money from these accounts without requiring authorisation from anyone else. A letter from the provider\*\* must be presented to confirm this.

Note\*\*: *Provider can be a bank or a building society.*

- (3) Be named on the Herd / Flock Number and / or Milk Licence where applicable. If the applicant's business has no livestock they should be named on documentation associated with the Quality Assurance Scheme, Plant Health Registration Numbers or other relevant documentation.
- (4) Be one of the customer names associated with the DARD Business ID for the business before the application closing date – 16 May 2016.

#### *Partnerships (including Multi-member Businesses) and Limited Companies*

- (5) Where an applicant's business is operated as a partnership, or multi-member business, a business / partnership agreement or other document outlining details of the partnership / business must be provided.

The business partnership agreement/document must confirm: -

- a) The name under which the partnership/business operates;
- b) The names of all partners in the partnership/business;
- c) The date the partnership/business was established;
- d) Where the assets for the partnership/business came from;
- e) The percentage share of profit (loss) all partners receive from the partnership/business;
- f) The date the applicant became HOH for the partnership/business;
- g) That there is no limit to the level of expenditure/sales the applicant can make on behalf of the partnership/business;
- h) That the applicant is responsible for control of all bank/building society and loan accounts related to the partnership/business and can make decisions about transfer of funds from these without veto from the other

partner(s);

- i) That the applicant(s) has long term control over the business in terms of decisions related to management, benefits and financial risks and can make such decisions without veto by other partner(s);
- j) That the applicant has the final decision as regards decisions in relation to all business matters relating to the partnership/business and that their decisions cannot be vetoed by the other partner(s);
- k) That the partnership/business cannot be dissolved by any of the partners without the applicants agreement;
- l) Any other issues which the partners see as relevant to their partnership/business.

(6) Where an applicant's business is part of a Limited Company (Ltd) the applicant will have to provide evidence to show that they hold more than 50% of ordinary voting shares and that their decisions cannot be vetoed. Evidence will also be required of the date that the applicant obtained more than 50% of the ordinary voting shares. In cases where the applicant does not hold more than 50% of the ordinary voting shares it is unlikely that they will be considered to be in control of the business, the HOH.

The requirement to provide evidence that the applicant received more than 50% of the distributed profit (loss) of the Ltd (including dividends) also applies. The evidence to be submitted is similar to that outlined for partnerships and must also show when the applicant began to receive more than 50% of the profit (loss).

In a case of a 50:50 partnership where there is equal division of the profit (loss) between the applicant(s) and a person(s) who is / are not eligible to be an applicant(s), the applicant(s) will be required to provide further evidence to demonstrate that despite the 50:50 nature of the partnership, the applicant(s) on their own can exercise effective and long-term control over the business in terms of decisions related to management, benefits and financial risks without a veto from the other partner(s) and when this control was acquired from. Required evidence is a business / partnership agreement containing such a clause, the previous business / partnership agreement and date of change.

50:50 partnerships between the applicant(s) and a person(s) who is / are not eligible to be an applicant(s) will only be acceptable if it is clear that the applicant(s) can make such decisions without veto from the other partner(s).



Alternatively, where 50:50 partnerships currently do not meet this requirement, it may be necessary for the partners to agree to modify the partnership to increase the applicants share of the business to above 50% or to include a provision stating that the applicant(s) has long term control over the business in terms of decisions related to management, benefits and financial risks and can make such decisions without veto by the other partner(s). The applicant(s) will be regarded as HOH for the purposes of the YFP and / or RR from the date at which the partnership complies with the requirements.

### *Authenticity of the Business*

The business and the area applied for on the application form must reflect what happens in practice. Therefore, the accounting information must be commensurate with the area declared on the application form.

Cases which appear to have a lower than normal gross turnover per hectare may be investigated further and applicants may be required to provide evidence that they are actually farming all of the area declared on their application. Failure to do so may result in the area on which entitlements are established and payment is made being reduced to the area actually farmed with penalties being applied or their application may be rejected in its entirety.

Applying for payment and / or entitlements on land that is not farmed may be investigated in relation to fraud.

DARD will check its records to ascertain whether the applicant has previously been involved in a DARD business\* as a HOH and may seek further evidence regarding when the applicant became HOH for their current business.

**Note\***: *'DARD business' means a farming activity issued with a business identification number by DARD or where appropriate the equivalent identification issued by the relevant authority in England, Scotland or Wales.*

### ***B. Evidence of Age / Identity***

All applicants must present proof of their date of birth and one of the following items of photographic identification **in person** at a DARD Direct office:

- Passport, or
- Driving Licence, or

- Electoral Identity Card

Only originals will be accepted. Where the name on the identification documents does not agree with the name shown on the qualification certificate or other documents, the applicant must provide evidence to explain the change, for example, a marriage certificate, or other official document(s).

### **C. Evidence of Qualification**

Subject to the type, size and Awarding Body for the qualifications held by applicants, the following forms of evidence will be required, from all applicants.

- (i) An original Certificate from the qualification Awarding Body for the qualification held which demonstrates that the applicant has achieved accreditation in an agricultural qualification at Level II or above (or in a related subject containing at least a farm business management module).

**or**

- (ii) An original Certificate from the qualification Awarding Body for the qualification held and a letter from CAFRE bearing the applicants name and address confirming that the qualification is deemed eligible for the purposes of the RR and / or YFP.

**or**

- (iii) An original Certificate from the qualification Awarding Body for the qualification held, plus an OCN NI Certificate for the Level II Agricultural Business Operations **Award** and a letter from CAFRE bearing the applicants name and address confirming that based on the main qualification held, only the Agricultural Business Operations **Award** was required to be completed.

**or**

- (iv) A letter from CAFRE signed by the College Director confirming that the applicant holds the qualification named on the letter. This will apply to applicants if they hold either a College Certificate in Agriculture (CCA) or a College Diploma in Agriculture (CD) or College Diploma units and they **cannot locate their original certificate**. These qualifications were awarded by DARD (DANI) and Certificates were issued by the Department. DARD no longer provides these qualifications. Therefore, providing that College records prove that the applicant holds either of these qualifications, CAFRE will provide a letter of authenticity.

**Note:** Applicants should ensure that if the name printed on the qualification certificate is different from the name, shown, on their BPS (SAF)/YFP/RR Form, that evidence is provided which demonstrates that the applicant and the qualification holder are the same person, for example, a copy of a marriage certificate or other official identification document.

#### *Existing students currently enrolled on eligible courses*

If the applicant is a final year student enrolled on an eligible agriculture education programme at CAFRE, or at other Colleges in Northern Ireland or Universities / Colleges in GB or ROI, they may know their final results but will not have received their course certificate from the course awarding body by the deadline (16th May 2016) for submission of an application for the YFP and / or to RR. In these cases, a letter, signed by the College Director / College Principal, indicating that the applicant has achieved their qualification can be submitted with the YFP/RR Form. This letter must be followed by the course certificate once it has been received. DARD will accept applications but will not process them until the course certificate has been received.

If the applicant has final exams to take and will not know their final results by the 16th May 2016 deadline but their results and attainment of the qualification can be confirmed by a letter from the relevant College Director / College Principal by 10th June 2016, their application can be accepted provided it is received on or before 10 June 2016 but late claim penalties may apply. This letter must be followed by the course certificate once it has been received. Applications will not be processed until the course certificate has been received.

If results are not known until after 10 June 2016 applicants will not be eligible to apply to for the YFP and / or to the RR in the 2016 scheme year.

CAFRE has compiled a list of eligible qualifications which can be found on its website [www.cafre.ac.uk/young-farmers-payment-regional-reserve/](http://www.cafre.ac.uk/young-farmers-payment-regional-reserve/). If an applicant holds a qualification which is not listed, details on how to check its eligibility can be found on the CAFRE website (under Industry Support page). Applicants can also contact CAFRE by calling 028 94 426880 or by emailing [Industry.TrainingAdmin@dardni.gov.uk](mailto:Industry.TrainingAdmin@dardni.gov.uk).

**All queries to CAFRE regarding the eligibility of qualifications must be submitted either electronically or in writing by 29 April 2016. Enquiries received by CAFRE after this date may not be responded to by 16 May 2016.**

### 3.4. RR - Young Farmer (YF)

The eligibility and evidence requirements for young farmers applying to the RR are the same as for YFP applicants.

Please refer to **Sections 3.2 and 3.3** for the eligibility and evidence conditions applicable for those wishing to apply to the RR for an award as a YF.

Applicants applying to the RR in 2016, as a YF, must also submit a SAF by the 2016 scheme year deadline (16 May 2016). **If a SAF is not submitted; no BPS entitlements will be activated and no RR allocation will be made.**

If you applied successfully for the YFP in 2015 but **did not apply** for the RR in 2015, you **must complete the YFP/RR Form** and provide all the necessary supporting evidence if you wish to apply for the RR in 2016 as well as submitting a SAF by the 2016 scheme year deadline (16 May 2016).

## 4. Regional Reserve (New Entrant) – Eligibility and Evidence Requirements

### 4.1 RR (NE) - Eligibility Criteria

To be eligible as an RR New Entrant (NE) the applicant must: -

- (i) **Be an active farmer\* at the date of their application to the BPS / RR and have at least 3 hectares of eligible land on their holding which must be used to carry out an agricultural activity.**

Note\*: *An active farmer is the person / farm business enjoying the decision making power, the benefits and the financial risks in relation to agricultural activity being carried out on the land.*

- (ii) **Have commenced their agricultural activity on or after 1 January 2014 and in the 5, complete calendar years preceding commencement of this agricultural activity not have had any agricultural activity in their own name, or at their own risk, or have had control of a legal person exercising agricultural activity.**

The applicant must not have been involved in any agricultural activity / business, in the 5 calendar years prior to commencing their agricultural activity, in a controlling capacity where they were exercising effective and long-term control over the business in terms of decisions related to management, benefits and financial risks.

If the applicant has not been listed in a DARD business\*\* or involved in any other agricultural activity / business in the 5 calendar years preceding the commencement of their current DARD business then they will be regarded as a new entrant from the date of commencement of their current DARD business provided this is on or after 1 January 2014.

Note\*\*: *'DARD business' means a farming activity issued with a business identification number by DARD or where appropriate the equivalent identification issued by the relevant authority in England, Scotland or Wales.*

**Note:** *Exercising agricultural activity is a requirement to have received Single Farm Payment so any business that received Single Farm Payment in the past will be deemed to be exercising agricultural activity.*

If an applicant has been listed in a DARD business or involved in another agricultural business in the 5 calendar years preceding their commencement of agricultural activity, then they will generally not be regarded as a new entrant from the date of commencement of their current DARD business unless they **can demonstrate** that either:

- (a) In the 5 years preceding commencement of their current DARD business, the DARD business in which they were listed did not exercise any agricultural activity e.g. after setting up, the business did not acquire any livestock, did not grow any crops and did not receive any EU CAP payments.

or,

- (b) In the 5 years preceding the commencement of their current DARD business they did not control the DARD business in which they were listed. The onus is on applicants to demonstrate that they did not control the DARD business.

**Note:** Applicants will need to submit accounts corresponding to all of the years in the 5 year period in which they were listed in this business in the format referred to in **Section 3.3**, demonstrating that another person received and paid tax on more than 50% of the profit (loss) in each of those years.

### *Category 3 DARD Business*

If the applicant has been involved in a Category 3 DARD Business they will need to demonstrate that this did not result in them being in control of agricultural activity in the 5 years preceding commencement of their current DARD Business.

In cases where a Category 3 DARD Business is replaced with a Category 1 DARD Business, DARD may take the date of commencement of the applicant's agricultural activity as the date of commencement of the category 1 business provided the applicant can demonstrate that their involvement with the category 3 business did not result in them being in control of agricultural activity. This will be judged on a case by case basis but a possible example may be where the category 3 business consisted of a very small number of livestock and was not a separate business in its own right.

## *Sole-Trader*

In these circumstances, the position is clear in that as the only member of the business, they will be in control of the business, the HOH. However, the same evidence as that required for a partnership (with the exception of a partnership agreement/document) will still need to be provided to prove the authenticity of the business.

## *Partnerships (including Multi-Member Businesses) and Limited Companies*

The rules on previous agricultural activity apply to the person who controls the partnership or limited company. If more than one person controls the business, then all of the persons with a controlling interest must comply with the rules on previously agricultural activities i.e. they would all have to demonstrate that they did not exercise any agricultural activity in their own name and at their own risk or had control of a legal person exercising agricultural activity in the previous 5 years (complete calendar years).

- (iii) Have established / activated payment entitlements under the BPS, submitted a SAF by the scheme year deadline in the year of application to the RR as a NE and have first applied successfully to the BPS within 2 years of commencing agricultural activity.**
  
- (iv) Hold at least a Level II qualification in Agriculture (or a related subject containing at least a farm business management module) at the closing date for applications – 16 May 2016.**

The College of Agriculture, Food and Rural Enterprise (CAFRE) has compiled a list of eligible qualifications which can be found at:

<http://www.cafre.ac.uk/industry-support/level-2-agricultural-qualification-list>

Applicants can access this list to check if a qualification already held by them will be accepted by DARD for the purposes of their application to the Reserve as a new entrant. The list of eligible qualifications is not exhaustive and if an applicant holds a qualification which is not listed there are details on how to check the eligibility of qualifications on the CAFRE website. Alternatively, applicants can contact CAFRE directly by emailing [Industry.TrainingAdmin@dardni.gov.uk](mailto:Industry.TrainingAdmin@dardni.gov.uk) or by telephoning: 028 94 426880.

Equivalent or higher level agriculture qualifications are, of course acceptable for application to the RR. If applicants are in any doubt about whether their equivalent or higher qualification meets the requirements for new entrants applying to the RR, they should contact CAFRE to confirm that it meets the eligibility conditions.

Applicants who do not hold the minimum required agricultural qualification (as stipulated above) will be excluded from the RR in the 2016 application year and the earliest they could apply would be 2017 providing they have attained the necessary qualification and continue to meet new entrant requirements. This may not preclude them from applying for the BPS and Greening payments in 2016, if they are eligible to establish BPS entitlements without receiving an allocation from the RR.

It would be advisable to discuss the financial and legal implications of any change, in respect of HOH, to a business with an accountant and / or solicitor.



# Examples

Commenced your agricultural activity on or after 1 January 2014 and in the 5, complete calendar, years preceding commencement of this agricultural activity not have had any agricultural activity in your own name, or at your own risk, or have had control of a legal person exercising agricultural activity.

(a) Your current DARD business was established on or after 1 January 2014 or your current DARD business commenced agricultural activity on or after 1 January 2014.

The 5 year period is the 5 previous complete calendar years prior to the commencement of your current DARD business. For example if your current DARD Business commenced in 2014, then the 5 year period is 1 January 2009 – 31 December 2013 (inclusive). For Businesses which commenced in 2016, it is 1 January 2011 - 31 December 2015 (inclusive).

For Example:

(i) Your DARD business commenced on 20 June 2015 and you were not listed in a DARD business prior to 20 June 2015. You meet the requirement to have commenced agricultural activity on or after 1 January 2014.

(ii) Your current DARD business commenced on 15 September 2015 but you previously controlled a DARD business from 10 January 2003 - 5 September 2007. As the period of time elapsed between 1 January 2008 and 31 December 2014 is greater than 5 years, the date of commencement of your agricultural activity is 15 September 2015. You meet the requirement to have commenced agricultural activity on or after 1 January 2014.

(iii) Your current DARD business commenced on 24 February 2015 but you previously controlled a DARD business from 7 July 2003 – 18 March 2012. As the period of time elapsed between 1 January 2013 and 31 December 2014, is less than 5 years, the date of commencement of your agricultural activity is 7 July 2003. You do not meet the requirement to have commenced agricultural activity on or after 1 January 2014 and are not eligible for the new entrant category.

- (iv) Your current DARD business commenced on 12 September 2015 but you were previously listed in another DARD business from 9 June 2004 – 11 September 2015. You demonstrate that you did not control this business. The date of commencement of your agricultural activity is 12 September 2015. You meet the requirement to have commenced agricultural activity on or after 1 January 2014.
- (v) Your current DARD business commenced on 5 October 2003 and you were first listed in this business on 21 March 2014. As this business commenced agricultural activity prior to 1 January 2014, you are not a new entrant.
- (vi) On 18 August 2015, you inherited a business which commenced on 5 June 2003. Inheritance of a business will normally be considered to be a continuing business. As the business being inherited commenced agricultural activity prior to 1 January 2014, you would not normally be considered as a new entrant.

## 4.2 RR (NE) - Evidence Requirements

### A. Evidence for Control of Business (HOH)

All applicants must: -

(1) Provide a statement / letter from a qualified independent accountant<sup>1</sup> confirming: -

- That the applicant receives at least 50% of the profit (or loss) from the holding and that this is reflected in their tax return. Their most recent set of accounts<sup>2</sup> and corresponding tax return<sup>3</sup> should be provided in support of this statement. The accountant should specify in the statement / letter the percentage share of the profit (loss) going to the applicant and reference these figures in the accompanying accounts and tax returns.
- The date on which the applicant took control of the business (became HOH), based on when they began to take at least 50% of the profit (loss). This must be on or after 1 January 2014. Where the applicant became HOH during 2015 the accounts and corresponding tax return from the year before the applicant became HOH should be provided to show that previously they received less than 50% of the profit (loss). Again these figures should be referenced in the statement / letter provided by the accountant.

If the applicant commenced their business recently and does not have previous years' accounts, then the accountant's statement / letter should confirm that they are appropriately registered for income tax and the date on which their holding / business was registered. A copy of the applicant's HMRC income tax registration must be provided showing that the applicant is undertaking agricultural activity. Accounts and tax returns must be provided as soon as they are available and be provided no later than 14 months after the applicants business commenced.

<sup>1</sup> Qualified independent accountant, means someone who has qualified with and is a current full member of an organisation which is considered to be a member of CCAB or someone who is qualified with and is a current full member of CIMA, AAT or other equivalent accountancy institute or association which is a member of or affiliated to IFAC, including AIA or additionally someone who has qualified with and is a full and current member of CIOT and is independent of the applicant and the business and is not a member of the same household as the applicant. Other recognised accountancy institutes or associations will be considered on a case by case basis.

<sup>2</sup> Where prepared, business accounts should incorporate the Profit and Loss Account, Balance Sheet, Notes to the Accounts, Sole trader or Partner Approval Statement and Accountant's Report. Where for smaller traders, business accounts as outlined are not prepared, a Profit and Loss Statement approved by the trader and the accountant will be acceptable.

<sup>3</sup> Where applicants provide an extract from their tax return, they should confirm in writing that the extract provided is a true and fair copy of the original document referred to in the accountant's statement/letter.

Notes:

*(i) Where the applicant has previously been a 'partner' in another business before commencing their own business, accounts and taxation information should be provided for the years the applicant was in the other business - to confirm they were not in control of that business (HOH), in the 5 years prior to commencing their own business.*

*(ii) An applicant applying to the RR as a NE cannot become HOH for any business if that business was in existence prior to 1 January 2014.*

- (2) Be named on and be responsible for all bank / building society accounts associated with their business and be authorised to make payments and transfer money from these accounts without requiring authorisation from anyone else. A letter from the provider\*\* must be presented to confirm this.

Note\*\*: *Provider can be a bank or a building society.*

- (3) Be named on the Herd / Flock Number and / or Milk Licence where applicable. If the applicant's business has no livestock they should be named on documentation associated with the Quality Assurance Scheme, Plant Health Registration Numbers or other relevant documentation.

- (4) Be one of the customer names associated with the DARD Business ID for the business before the application closing date – 16 May 2016.

#### *Partnerships (including Multi-Member Businesses) and Limited Companies*

- (5) Where the applicant's business is operated as a partnership, or multi-member business, a business/partnership agreement or other document outlining details of the partnership / business must be provided.

The business partnership agreement/document must confirm: -

- a) The name under which the partnership/business operates;
- b) The names of all partners in the partnership/business;
- c) The date the partnership/business was established;
- d) Where the assets for the partnership/business came from;
- e) The percentage share of profit (loss) all partners receive from the partnership/business;

- f) The date the applicant became HOH for the partnership/business;
- g) That there is no limit to the level of expenditure/sales the applicant can make on behalf of the partnership/business;
- h) That the applicant is responsible for control of all bank/building society and loan accounts related to the partnership/business and can make decisions about transfer of funds from these without veto from the other partner(s);
- i) That the applicant(s) has long term control over the business in terms of decisions related to management, benefits and financial risks and can make such decisions without veto by other partner(s);
- j) That the applicant has the final decision as regards decisions in relation to all business matters relating to the partnership/business and that their decisions cannot be vetoed by the other partner(s);
- k) That the partnership cannot be dissolved by any of the partners/business without the applicant's agreement;
- l) Any other issues which the partners see as relevant to their business.

(6) Where the applicant's business is part of a Limited Company (Ltd) the applicant will have to provide evidence to show that they hold more than 50% of ordinary voting shares and that their decisions cannot be vetoed. Evidence will also be required of the date that the applicant obtained more than 50% of the ordinary voting shares. In cases where the applicant does not hold more than 50% of the ordinary voting shares it is unlikely that they will be considered to be in control of the business, the HOH.

The requirement to provide evidence that the applicant received more than 50% of the distributed profit (loss) of the Ltd (including dividends) also applies. The evidence to be submitted is similar to that outlined for partnerships and must also show when the applicant began to receive more than 50% of the profit (loss).

In a case of a 50:50 partnership where there is equal division of the profit (loss) between the applicant(s) and a person(s) who is / are not eligible to be an applicant(s), the applicant(s) will be required to provide further evidence to demonstrate that despite the 50:50 nature of the partnership, the applicant(s) on their own can exercise effective and long-term control over the business in terms of decisions related to management,

benefits and financial risks without a veto from the other partner(s) and when this control was acquired from. Required evidence is a business / partnership agreement containing such a clause, the previous business / partnership agreement and date of change.

50:50 partnerships between the applicant(s) and a person(s) who is / are not eligible to be an applicant(s) will only be acceptable if it is clear that the applicant(s) can make such decisions without veto from the other partner(s).

Alternatively, where 50:50 partnerships currently do not meet this requirement, it may be necessary for the partners to agree to modify the partnership to increase the applicants share of the business to above 50% or to include a provision stating that the applicant(s) has long term control over the business in terms of decisions related to management, benefits and financial risks and can make such decisions without veto by the other partner(s). The applicant(s) will be regarded as head of holding for the purposes of the RR from the date at which the partnership complies with the requirements.

Also, the rules on previous agricultural activity apply to the applicant(s) who control a partnership or limited company. If more than one applicant controls the business, then all of the applicants with a controlling interest must comply with the rules on previously agricultural activities i.e. they would all have to provide evidence to demonstrate that they did not exercise any agricultural activity in their own name and at their own risk or had control of a legal person exercising agricultural activity in the previous 5 years (complete calendar years).

### *Authenticity of the Business*

The business and the area applied for on the application form must reflect what happens in practice. Therefore, the accounting information must be commensurate with the area declared on the application form. Cases which appear to have a lower than normal gross turnover per hectare may be investigated further and applicants may be required to provide evidence that they are actually farming all of the area declared on their application. Failure to do so may result in the area on which entitlements are established and payment is made being reduced to the area actually farmed with penalties being applied or their application may be rejected in its entirety.

Applying for payment and / or entitlements on land that is not farmed may be investigated in relation to fraud.

### *Evidence of Commencement of Agricultural Activity*

DARD will take the date of the commencement of the applicant's agricultural activity as the date on which their business was established unless they can demonstrate that the agricultural activity of the business commenced at a later date.

DARD will check its records to ascertain whether the applicant was involved in another business in the 5 year period prior to the commencement of their current agricultural activity.

If the applicant has not been listed in any other DARD business\* in this 5 year period then the date of commencement of their current agricultural activity will be accepted and if this is on or after 1 January 2014, they will meet this particular criterion for 2016.

**Note\*:** *'DARD business' means a farming activity issued with a business identification number by DARD or where appropriate the equivalent identification issued by the relevant authority in England, Scotland or Wales.*

If the applicant has been listed in another DARD business within the previous 5 year period, then the date of commencement of this other business will generally be taken as the commencement of their current agricultural activity. If this is prior to 1 January 2014, then they will not be eligible for an award from the RR as a NE.

Involvement in a previous DARD business can be disregarded if the applicant can submit evidence with their RR application demonstrating one of the following:

- (i) The previous DARD business did not exercise agricultural activity - a description of why no agricultural activity took place will need to be provided.

**or**

- (ii) The applicant did not control the previous DARD business during the entire 5 year period. (Note: If this business consisted of the applicant as a sole trader, then they will be regarded as having control of it.)

**Note:** *Applicants will need to submit accounts corresponding to all of the years in the 5 year period in which they were listed in this business in the format referred to in **Section 4.2 (1)**, demonstrating that another person received and paid tax on more than 50% of the profit (loss) in each of those years.*

## **B. Evidence of Identity**

Applicants must present proof of their date of birth and one of the following items of photographic identification **in person** at a DARD Direct office:

- Passport, or
- Driving Licence, or
- Electoral Identity Card

Only originals will be accepted. Where the name on the identification document does not agree with the name shown on the qualification certificate or other documents, the applicant must provide evidence to explain the change, for example, a marriage certificate, or other official document(s).

### **C. Evidence of Qualification**

Subject to the type, size and Awarding Body for the qualifications held by applicants, the following forms of evidence will be required.

- (i) An original Certificate from the qualification Awarding Body for the qualification held which demonstrates that the applicant has achieved accreditation in an agricultural qualification at Level II or above (or in a related subject containing at least a farm business management module).

**or**

- (ii) An original Certificate from the qualification Awarding Body for the qualification held and a letter from CAFRE bearing the applicants name and address confirming that the qualification is deemed eligible for the purposes of the RR and / or YFP.

**or**

- (iii) An original Certificate from the qualification Awarding Body for the qualification held, plus an OCN NI Certificate for the Level II Agricultural Business Operations **Award** and a letter from CAFRE bearing the applicants name and address confirming that based on the main qualification held, only the Agricultural Business Operations **Award** was required to be completed.

**or**

- (iv) A letter from CAFRE signed by the College Director confirming that the applicant holds the qualification named on the letter. This will apply to applicants if they hold either a College Certificate in Agriculture (CCA) or a College Diploma in Agriculture (CD) or College Diploma units and they **cannot locate their original certificate**. These qualifications were awarded by DARD (DANI) and Certificates were issued by the Department. DARD no longer provides these qualifications. Therefore, providing that College records prove that the applicant holds either of these qualifications, CAFRE will provide a letter of authenticity.

**Note:** Applicants should ensure that if the name printed on the qualification certificate is



*different from the name, shown, on their BPS (SAF)/YFP/RR Form, that evidence is provided which demonstrates that the applicant and the qualification holder are the same person, for example, a copy of a marriage certificate or other official identification document.*

#### *Existing students currently enrolled on eligible courses*

If the applicant is a final year student enrolled on an eligible agriculture education programme at CAFRE, or at other Colleges in Northern Ireland or Universities / Colleges in GB or ROI, they may know their final results but will not have received their course certificate from the course awarding body by the deadline (16th May 2016) for submission of an application for the RR. In these cases, a letter, signed by the College Director / College Principal, indicating that the applicant has achieved their qualification can be submitted with the YFP/RR Form. This letter must be followed by the course certificate once it has been received. DARD will accept applications but will not process them until the course certificate has been received.

If the applicant has final exams to take and will not know their final results by the 16th May 2016 deadline but their results and attainment of the qualification can be confirmed by a letter from the relevant College Director / College Principal by 10th June 2016, their application can be accepted provided it is received on or before 10 June 2016 but late claim penalties may apply. This letter must be followed by the course certificate once it has been received. Applications will not be processed until the course certificate has been received.

If results are not known until after 10 June 2016 applicants will not be eligible to apply to for the YFP and / or to the RR in the 2016 scheme year.

CAFRE has compiled a list of eligible qualifications which can be found on its website [www.cafre.ac.uk/young-farmers-payment-regional-reserve/](http://www.cafre.ac.uk/young-farmers-payment-regional-reserve/). If an applicant holds a qualification which is not listed, details on how to check its eligibility can be found on the CAFRE website (under Industry Support page). Applicants can also contact CAFRE by calling 028 94 426880 or by emailing [Industry.TrainingAdmin@dardni.gov.uk](mailto:Industry.TrainingAdmin@dardni.gov.uk).

**All queries to CAFRE regarding the eligibility of qualifications must be submitted either electronically or in writing by 29 April 2016. Enquiries received by CAFRE after this date may not be responded to by 16th May 2016.**

# Examples

The date of establishment of your DARD Business or when it commenced agricultural activity (if later) must be on or after 1 January 2014.

(1) Business A was established in 2006.

You will not be regarded as a new entrant as your Business commenced prior to 1 January 2014.

(2) Business B was established on 12 April 2014

You have been listed in this Business as a sole trader from 12 April 2014. You will be regarded as having commenced your agricultural activity from 12 April 2014 provided you have not been listed in any other DARD business in the previous 5 years (1 January 2009 – 31 December 2013) (see below).

(3) Business C

Commenced with you as sole trader, on 15 September 2014. You were listed in another business from 13 May 2011 – 14 September 2015. Accounts would be required to demonstrate that another person received and paid tax on more than 50% of the profit / loss (of the other business) for 2010/11, 2011/12, 2012/13 and 2013/14 tax years. Otherwise the date of commencement of your agricultural activity will be taken to be 13 May 2011 and you will not be eligible for an award.

## 5. Application Process

This section provides an overview of the actions applicants need to take to ensure that their farm business obtains the best benefit from the BPS from their application.

**Applicants are strongly advised to read carefully all information provided by DARD in relation to the Schemes before submitting an application.**

Applicants should check the eligibility criteria and evidence requirements set out in **Sections 3 and 4** of this booklet before deciding on what to apply for. If applying to the RR and eligible to apply as either a YF or as a NE, applicants are advised to apply as YF and, if appropriate, for the YFP as well.

2016 applications for:

(1) YFP: –

- From first time applicants (never applied before)
- From repeat applicants (applied unsuccessfully in 2015)
- From repeat applicants (applied successfully in 2015 and are applying for the top-up payment in 2016)

(2) RR (YF & NE): –

- From first time applicants (never applied before)
- From repeat applicants (applied unsuccessfully in 2015)
- From first time applicants (applied successfully for the YFP in 2015)

In 2016, applications for the YFP and / or to the RR need to be made on the 2016 SAF, by ticking the appropriate boxes at questions 3 and / or 4. **If this is not done any supporting evidence submitted with a YFP/RR Form or YFP/RR Further Information letter might not be assessed and a payment might not be made in respect of the YFP and no entitlements issued from the RR.**

**2016 YFP/RR Forms and supporting evidence should be taken to DARD Direct offices by applicants by 15 April 2016.**

### 5.1 Applying for the YFP

Applicants should check the eligibility criteria and evidence requirements for the YFP as set out in **Section 3** of this booklet before making an application.

- (1) First time YFP applicants need to apply on their 2016 SAF (by 16 May 2016) and take their supporting evidence, in person, to a DARD Direct office along with their completed YFP/RR Form (by 15 April 2016) – this cannot be done by an authorised person.
- (2) Unsuccessful 2015 YFP applicants re-applying in 2016 should do so on their 2016 SAF (by 16 May 2016) and should take their supporting evidence, in person, to a DARD Direct office along with their completed YFP/RR Form (by 15 April 2016) – this cannot be done by an authorised person.
- (3) Successful 2015 YFP applicants, applying again in 2016, who are not required to provide further follow-up evidence in respect of their 2015 application and who continue to meet the requirements of the Scheme, need to apply on their 2016 SAF (by 16 May 2016). In this case there is no need to complete a YFP/RR Form.
- (4) Successful 2015 YFP applicants, applying again in 2016, and who continue to meet the requirements of the Scheme need to apply on their 2016 SAF (by 16 May 2016). Where applicants have been advised that they need to provide further evidence (accounts and / or taxation information etc) **within 14 months of commencing their 2015 business** they should provide this using the YFP/RR Follow-up Information letter, within the timescale required. Failure to provide satisfactory follow-up evidence as requested could lead to rejection of the 2015 application, recovery of entitlements allocated from RR and any funds already paid in respect of those entitlements and the YFP. It would also mean that the applicant could not benefit from those entitlements and would not receive the YFP in 2016 and future years unless they apply again for the YFP/RR as a first time applicant.

**Remember:**

- (i) Applicants must submit their supporting evidence in person at their local DARD Direct office by 15 April 2016, with a completed YFP/RR Form and apply on their SAF by 16 May 2016.
- (ii) Successful 2015 applicants who continue to comply with scheme requirements and have applied again in 2016 could be subject to inspection during 2016. Applicants should therefore ensure they retain all necessary evidence to show that they continue to comply with the scheme requirement for presentation at inspection if required.

## 5.2 Applying to the RR (YF & NE)

Applicants should check the eligibility criteria and evidence requirements for the RR as set out in **Sections 3 and 4** of this booklet before making an application.

- (1) First time RR applicants need to apply on their 2016 SAF (by 16 May 2016) and take their supporting evidence, in person, to a DARD Direct office along with their completed YFP/RR Form (by 15 April 2016) – this cannot be done by an authorised person.
- (2) Unsuccessful 2015 RR applicants re-applying in 2016 should do so on their 2016 SAF (by 16 May 2016) and take their supporting evidence, in person, to a DARD Direct office along with their completed YFP/RR Form (by 15 April 2016) – this cannot be done by an authorised person.
- (3) Successful 2015 applicants for the YFP (who did not apply to the RR in 2015) and who wish to apply for the RR in 2016, need to apply on their 2016 SAF (by 16 May 2016) and take their supporting evidence, in person, to a DARD Direct office along with their completed YFP/RR Form (by 15 April 2016) – this cannot be done by an authorised person.
- (4) Successful 2015 RR applicants who have been advised that they need to provide further evidence (accounts and /or taxation information etc) in support of their 2015 application. This should be provided **within 14 months of commencing their 2015 business**, or within the timescale specified, using the YFP/RR Follow-up Information letter. Failure to provide satisfactory follow-up evidence as requested could lead to recovery of any entitlements already issued in respect of that application and associated payment. These entitlements would no longer be available for activation.

**Remember:** New and previously unsuccessful applicants (YFP and/or RR) must submit their supporting evidence in person at their local DARD Direct office by 15 April 2016, with a completed YFP/RR Form, and apply on their SAF by 16 May 2016.

Applications or evidence received after 16 May 2016 but on or before 10 June 2016 will be accepted but may be subject to a late claim penalty. **Applications received after 10 June 2016 will be rejected**, except in cases of force majeure or exceptional circumstances.

The Department may subsequently seek further clarification on the evidence which has

been provided within the deadline. However, if for example you provide no evidence on the control of business (HOH) requirement and / or no evidence of your age / identity and / or no evidence of your educational qualification, then your application will be rejected except in cases of force majeure or exceptional circumstances.

It is important that you act to ensure that your application and supporting evidence have been received by the specified deadline. A late / incomplete application (SAF), or late receipt of supporting evidence, will not be accepted where the original SAF was lost or delayed in the post. The Department cannot accept proof of posting as proof of receipt, but may accept late applications in cases of Force Majeure or Exceptional Circumstances. You must prove that, despite taking all reasonable measures to counteract the effects, the Force Majeure or Exceptional Circumstances incident prevented you from submitting your SAF / evidence within the deadlines.

**In all cases, failure to submit a SAF will mean that applicants will receive no BPS payment, no award from the RR, no greening payment and no YFP.**

# 6. Calculation of YFP and allocation of awards from the RR

## 6.1 Calculation of YFP

### Maximum Number of Entitlements to which payment is applied

The maximum number of eligible hectares declared on which a YFP can be made is **90**. If for example, an applicant holds 110 entitlements and applies successfully under the BPS to activate all 110 entitlements the YFP will be limited to 90 hectares, the maximum allowed under EU legislation. Equally, if an applicant applies successfully under the BPS for 75 hectares the YFP will be based on the full 75 hectares, as this falls within the maximum allowed i.e. 90 hectares.

### Calculation of Payment

The amount of top-up payment which applicants will receive, under the YFP, will be based on 25% of the Regional Average Unit Value of payment entitlements multiplied by the number of entitlements which has been activated, subject to the maximum limit of 90 hectares. The overall percentage for the YFP is limited to 2% of the NI regional ceiling which for 2016 equates to approximately €6.53m. If necessary, the payment rate per hectare will be scaled back to ensure the budget ceiling is not exceeded. In 2015, the payment rate per hectare was subject to a 6% scaleback leaving a final rate of €81.28/ha. In 2016, the percentage scaleback could be different.

### Calculation Method

The number of hectares activated by the applicant in any given year x 25% of the Regional Average Unit Value per hectare multiplied by a figure derived using the following approach

- The YFP will be financed using no more than 2% of the annual regional ceiling.
- Regional average payment is calculated by dividing the Direct Payments Scheme Ceiling for the calendar year 2019 by the number of eligible hectares declared in 2015.
- The final figure will equal 25% of the regional average payment and will be subject to a linear scaleback to respect the YFP ceiling of €6.53m.

- Payment to an individual applicant in 2016 can then be calculated by multiplying the rate by the number of entitlements activated in 2016 (subject to a maximum of 90).

## 6.2 Duration of YFP

YFP is payable for a maximum of up to five years. The maximum period will be reduced by the number of years elapsed between setting up as HOH and the first year of submission of a successful application for the BPS as outlined below.

Applications first made to BPS in 2016

Setting up as head of holding	Maximum number of years you can receive Young Farmers' Payment
1 January 2011 - 31 December 2011	1
1 January 2012 - 31 December 2012	2
1 January 2013 - 31 December 2013	3
1 January 2014 - 31 December 2014	4
1 January 2015 - 31 December 2015	5
1 January 2016 - 16 May 2016	5

Those setting up as head of holding in the period 1 January 2016 - 16 May 2016 may apply in 2016. However if they apply for the first time in 2016 they may also receive the YFP for a maximum of 5 years commencing from 2016 provided that in 2016 (if that is the first year of application to the BPS as well) the applicant does not exceed 40 years of age. The maximum payment period is not a guarantee as it is subject to applicants continuing to meet the eligibility conditions in relation to HOH and any future changes that may be made to EU legislation.

Provided applicants are no more than 40 years of age in the first year of a successful application (and are also HOH in that year) to the BPS, they can apply to continue to receive the YFP in future years, providing they continue to comply with scheme conditions, even if they are more than 41 years of age.

### Example:

Applicant who became HOH in 2014, applied successfully for the BPS in 2015 (aged 40 years) and qualifies for the YFP in 2016 (aged 41 years), and if successful will receive the YFP for 4 years, subject to EU requirements.



## 6.3 Calculation of award from the RR

Where an application to the RR is successful an award will be provided according to the criteria below. The award, in the form of allocation of new payment entitlements or increase in unit value of existing payment entitlements will be issued via the BPS payment process.

Where as a result of an application to the RR entitlements are allocated or existing entitlements are increased in value, the regional average value for entitlements in the year of allocation will be used and their value will be reviewed under the BPS convergence procedures in subsequent years.

Young farmers / new entrants who do not hold (owned or leased in) payment entitlements in 2016 scheme year will be:

- Allocated the number of BPS entitlements equal to the number of eligible hectares declared at the date of application to the RR.
- The value of those entitlements will be fixed at the regional average for the year of allocation (2016). See **Example No. 1**.

Young farmers / new entrants who hold (owned or leased in) entitlements in the 2016 scheme year, the following will apply: -

- The unit value of the BPS entitlements held if below the regional average will be increased to the regional average value in the year of allocation (estimated to be approximately €227/ha in 2016). BPS entitlements held which have a unit value above the regional average will not altered by applying to the regional reserve.
- An allocation of a number of BPS entitlements equal to the number of hectares determined for BPS in 2016 in excess of the number of entitlements held (owned or leased in). These entitlements will have a unit value equal to the regional average. See **Example No. 2**

You should be aware that DARD may refuse to make an allocation from the regional reserve in respect of the number of hectares corresponding to the number of BPS entitlements transferred out (permanent transferred out or leased out) in 2016.

### ***Example No. 1 - Young farmers / new entrants who do not hold BPS payment entitlements in 2016***

- The young farmer / new entrant was not allocated BPS entitlements in 2015 and has not transferred in any entitlements in 2016.
- In 2016 the young farmer / new entrant is an active farmer, farming 10 hectares of eligible land and applies to the RR for an allocation of payment entitlements.
- The young farmer / new entrant will be allocated 10 entitlements valued at the 2016 regional average value.

### ***Example No.2 - Young farmers / new entrants who hold BPS entitlements in 2016***

- The young farmer / new entrant was allocated 10 BPS entitlements in 2015 @ €127. In 2016, they have a unit value of €144.
- In 2016, the young farmer/new entrant leases in 5 entitlements with a unit value of €442.
- In 2016 the young farmer / new entrant declares 20ha of eligible land.
- In 2016 the young farmer / new entrant applies to the RR requesting an increase to the unit value of existing BPS entitlements which are below the regional average and allocation of new entitlements.
- The following allocation will be made; 10 entitlements @ €144 will be increased to the 2016 regional average unit value, 5 entitlements @ €442 will remain unchanged (they will be subject to the convergence process). Area determined (20ha) exceeds the number of entitlements held (15) by 5ha. Therefore 5 new entitlements will be allocated at the 2016 regional average unit value.

**Note:** All figures are indicative and calculations have been simplified by ignoring various scale backs that may apply.

## **7. Conditions applicable to the YFP and to awards from the RR**

### **7.1 Conditions applicable to the YFP**

- Applicants must complete question 3 on the 2016 SAF to confirm that they wish to apply for the YFP, supported by evidence as appropriate.
- Applicants must satisfy the eligibility and evidence requirements including establishing and activating payment entitlements under BPS as detailed in Section 3 of this guide.
- Payments resulting from applications or evidence received in respect of an application for the YFP submitted between 17 May 2016 and 10 June 2016, inclusive, may be subject to late claim penalties of up to 1% per day being applied to 2016 payment. The late claim penalty may involve a reduction of up to 1% per working day late. For example if an application is 5 working days late, a reduction of 5% may be applied. Applications / evidence received after 10 June 2016, except in the case of force majeure or exceptional circumstances, will be rejected.
- Original documents, including driving licences / passports / electoral ID cards, provided as evidences with applications for the YFP will be copied and returned. Applicants should retain all original documents submitted in support of applications.

### **7.2 Conditions applicable to awards from the RR**

- Applications must complete question 4 on the 2016 SAF to apply to the RR supported by evidence as appropriate.
- Applicants to the RR must meet the active farmer requirement as outlined in the Guide to the Basic Payment Scheme booklet.

- Applications to the RR will be reviewed to ensure conditions have not been created artificially to qualify for entitlements with a view to obtaining an advantage contrary to the objectives of the scheme
- Entitlements allocated to young farmers / new entrants from the RR, that is, new entitlements or increases in unit value of existing entitlements, will issue at the average regional value of entitlements in the year of allocation.
- Payments resulting from applications or evidence received in respect of an application to the RR submitted between 17 May 2016 and 10 June 2016, inclusive, may be subject to late claim penalties of up to 4% per day being applied to the 2016 payment. The late claim penalty may involve a reduction of up to 4% per working day late. For example if an application is 5 working days late, a reduction of 20% may be applied. Applications / evidence received after 10 June 2016, except in the case of force majeure or exceptional circumstances, will be rejected.
- Original documents, including driving licences / passports / electoral ID cards, provided as evidences with applications to the RR will be copied and returned. Applicants should retain all original documents submitted in support of applications.

### ***Changes in Status***

Applicants eligible for and who received the YFP, have a responsibility to ensure that the Department is notified in a timely manner of any changes in circumstances which could potentially affect their continued eligibility.

### ***Compliance Requirements and Penalties***

Under EU legislation, the Department must ensure compliance with the rules of the YFP / RR and where appropriate apply penalties where there is a breach of the rules.

As required under EU Regulations, where it is found that individuals have artificially created conditions in an attempt to meet the criteria to access support from the Common Agricultural Policy (CAP) YFP / RR, they will be excluded from benefitting from this support and may also face penalties. DARD will deploy a range of controls to ensure that this requirement is adhered to.

### 7.3 Review of Decisions YFP / RR

- If an applicant believes the decision relating to their application and / or the award received is incorrect they may ask for the decision to be reviewed.
- It is recommend that before lodging a formal request for review, applicants contact DARD to discuss their query - contact details are available in the **Guide to the Basic Payment Scheme** booklet and in Section 8 of this booklet. This may enable the matter to be resolved without the need to request a formal review. Using this option does not affect an applicant's right to proceed with a formal review.
- If an applicant wishes to proceed with a formal review details of the procedure are contained in the **Review of Decisions Section** of the **Guide to the Basic Payment Scheme** booklet. Applicants who wish to have a decision reviewed should ensure DARD receives their first stage review form **(AP1) within 42 days** of the **date of notification** of the outcome their application.

### 7.4 Proof of Force Majeure or Exceptional Circumstances

BPS, including RR, and YFP application, evidence and scheme requirements apply and details of operation of the force majeure or exceptional circumstances procedures are provided in the **Force Majeure Section** in the **Guide to the Basic Payment Scheme** booklet.

Cases of force majeure or exceptional circumstances must be notified in writing to DARD (using the **FML 1** Form), with relevant satisfactory supporting evidence, within **15 working days** of the beneficiary, or the person entitled through them, is in a position to do so.

## 8. Contact Details

If you have a query regarding your YFP/RR application you can contact the DARD Grants and Funding Helpline and ask to speak to a SAF advisor on:

**0300 200 7848**

or send us an e-mail at:

[areabasedschemes@dardni.gov.uk](mailto:areabasedschemes@dardni.gov.uk)

Further information on area-based schemes for 2016 is available from the DARD website at:

<https://www.dardni.gov.uk/topics/grants-and-funding/area-based-schemes-2016>

Local DARD Direct Office - **Public Office Opening Hours are 9.00 to 16.00 hours** each working day.

# Local DARD Direct Office Addresses:

<p><b>Armagh</b> Atek Building Edenaveys Industrial Estate Newry Road Edenaveys Co. Armagh BT60 1NF</p>	<p><b>Ballymena</b> Academy House 121A Broughshane Street Town Parks Ballymena Co. Antrim BT43 6HY</p>	<p><b>Coleraine</b> Crown Buildings Artillery Road Millburn Coleraine Co. Derry/Londonderry BT52 2AJ</p>
<p><b>Downpatrick</b> Rathkeltair House Market Street Demesne of Down Acre Downpatrick Co. Down BT30 6LZ</p>	<p><b>Dungannon</b> Crown Buildings Thomas Street Drumcoo Dungannon Co. Tyrone BT70 1HR</p>	<p><b>Enniskillen</b> Inishkeen House Killyhevin Enniskillen Co. Fermanagh BT74 4EJ</p>
<p><b>Londonderry</b> Crown Buildings Asylum Road Edenballymore Londonderry BT48 7EA</p>	<p><b>Magherafelt</b> Units 36 - 38 Meadowlane Shopping Centre Moneymore Road Townparks of Magherafelt Magherafelt Co. Derry/Londonderry BT45 6PR</p>	<p><b>Mallusk</b> Castleton House 15 Trench Road Grange of Mallusk Mallusk Newtownabbey Co. Antrim BT36 4TY</p>
<p><b>Newry</b> Glenree House Unit 2, Springhill Road Carnbane Industrial Estate Carnbane, Newry Co. Down BT35 6EF</p>	<p><b>Newtownards</b> Sketrick House 16 Jubilee Road Corporation South Newtownards Co. Down BT23 4YH</p>	<p><b>Omagh</b> Sperrin House Sedan Avenue Lisnamallard Omagh Co. Tyrone BT79 7AQ</p>

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**Agriculture and  
Rural Development**

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