

Active Farmer Q&A

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Q21. There will be a considerable delay before the contractor asks for payments and the farmer pays for the grass. How can I provide this evidence to DAERA in the next 2 weeks?

Q22. I wasn't made aware at the time of submitting my application that additional evidence would be needed.

Q23. The amount of evidence being demanded by DAERA is excessive.

Q24. Did the active farmer requirements not just apply in 2015 when BPS entitlements were being allocated?

Q1. Has DAERA decided that I'm not an active farmer?

- A1. No. One of the conditions for claiming payment under the Basic Payment Scheme is that applicants must be able to demonstrate that they have the decision making power, benefits and financial risks in relation to the agricultural activity on the land for which such allocation is requested – this is the active farmer requirement.

DAERA reviewed the information it holds on your farm and needs you to provide us with evidence of the agricultural activity you carry out. This will enable us to determine whether you meet the active farmer requirement.

Q2. Will this have an impact on my Basic Payment Scheme application?

- A2. The onus is on you as the applicant to provide the necessary evidence to prove you meet the active farmer requirements on all the land you have declared. If you fail to do so your application (Single Application) may be rejected or payment delayed as no payment will issue until the active farmer assessment is complete.

Q3. How do I prove that I am an active farmer?

- A3. Included along with your letter is an AFE1 form for completion which lists all the evidence that can be used to demonstrate your agricultural activity - dependant on the type of farming you are involved in. You should use this to gather your evidence.

You should complete the AFE1 form to provide a detailed description of **all** the agricultural activity which has taken place or is planned to take place on all your land during 2021 and to what purpose the land was used in 2020. You should also specify **who** (the farmer, contractor or person employed by them or another farmer) is or will be carrying it out.

The description on the AFE1 should also set out how your activity has a different practical and financial outcome compared to renting land out in conacre.

It is in your interest to provide as much detail and evidence as possible with your AFE1. You should return it, along with any evidence, to the address at the top of your letter. Alternatively, you can email the completed AFE1 to the email address supplied at the top of your letter. It should be returned by the date shown on your letter.

Q4. What period does the evidence have to refer to?

- A4. The evidence provided must demonstrate the agricultural activity being carried out on your land **in 2021**. (Evidence requirements are listed ON the AFE1 form.)

Q5. What happens if I can't provide the evidence?

A5. If you can't provide the evidence, or provide incomplete evidence, to show that you meet the active farmer requirements, your application to the Basic Payment Scheme (& Young Farmer payment) may be rejected and no payment made to your business in 2021.

Q6. What happens if I can't provide the evidence within the 2 week period?

A6. It is recognised that in some cases it may not be possible to provide complete evidence at present. (E.g. the crop is still to be harvested and sold). Therefore you should provide what you can now and indicate when the remaining evidence will be provided. Alternatively, if you carried out the same activity in 2020, you can provide evidence relating to 2020 and whatever is available for 2021. You should indicate clearly in your response that more evidence will be provided and when you expect to be able to submit it to DAERA.

Q7. What happens when I provide the required evidence?

A7. DAERA will carry out an assessment of all the information you provide and decide whether you meet the active requirement on all the land you have declared. This may include a farm inspection. If an inspection is carried out and it is found that the information you provided is inaccurate or other agricultural activity you have not told us about, your application may be rejected and an over-declaration penalty may be applied.

Once the assessment is complete DAERA will write to you giving details of their final decision – either accepting or rejecting your claim.

Q8. Did every applicant get one of these letters?

A8. No. There are a number of reasons why an active farmer check is carried out by the Department in any scheme year. For example if a farm business has applied to the Basic Payment Scheme as a young farmer or a new entrant; has been found not active in the previous scheme year, or the Department has concerns as to whether or not they meet or continue to meet the active farmer requirements. In order for the Department to make payment to those applying to the Basic Payment Scheme all farm businesses will have undergone an active farmer check at least once.

Q9. Will I have the right to ask for the decision to be reviewed?

A9. Yes. This will be dealt with under normal Review of Decisions Procedures

Q10. Why do I have to provide all this evidence to receive the payment?

A10. Regulations specify that entitlements are to be allocated to the applicant who has the decision making power, benefits and financial risks in relation to the agricultural activity on the land for which such allocation is requested. The evidence is needed to demonstrate that you meet these requirements.

Q11. Why was I selected to provide additional evidence?

A11. If the evidence you have already provided is not sufficient for the Department to make a decision as to whether or not you meet the active farmer requirements, you will be asked for further evidence to help that decision.

Q12. Is selling grass not accepted as a legitimate agricultural activity without having to provide further evidence?

A12. Evidence is required so that an assessment can be made as to whether you have the decision making power, benefits and financial risks in relation to the agricultural activity on the land you declared to establish entitlements. DAERA needs to explore these cases in detail and we made it clear that this would be the case. Otherwise there would be a risk that large numbers of landowners who rent land in conacre would re-label this as grass selling, without changing anything in practice, which wouldn't be acceptable.

Q13. I am selling grass this year. Will I qualify as an active farmer?

A13. The outcome of your application will depend on the evidence you provide and the subsequent DAERA assessment. It is not possible to provide a view on whether you meet the active farmer requirements in advance of that assessment.

Q14. Can I withdraw my application now?

A14. Technically no, as we have informed you that we are investigating whether you meet the active farmer requirements. Therefore if you don't proceed with your application, over declaration penalties will apply.

Q15. If I don't proceed with my application, can the person farming my land, add it to his/her claim?

A15. No. The deadline for amendments is 11 June 2021. No additions can be made to claims after this date except in cases of force majeure or exceptional circumstances.

Q16. Can I merge my business with that of the active farmer?

A16. Businesses can only merge where they are operating as one single farm business

Q17. I am obviously an active farmer as I have a large herd of cattle /flock of sheep. Do I need to provide further evidence?

A17. Yes, all cases selected for an active farmer check are required to provide evidence to demonstrate that they have the decision-making power, enjoy the benefits and bear the financial risks in relation to the agricultural activity on each parcel of land for which an application is made regardless of having a herd of cattle/flock of sheep.

Q18. What period do the accounts need to relate to?

A18. They need to relate to the period of your agricultural activity in 2021. If for example your agricultural activity ends on 31 October 2021, then they need to cover the period up to this date.

Q19. Do I need an accountant to prepare the accounts? Can I not prepare them myself?

A19. The accounts need to be prepared by an independent qualified accountant as these will provide greater assurance about your agricultural activities. Accounts must clearly relate to the invoices/receipts and bank statements being provided and should include itemised details of income and expenditure. These are management accounts and should cover the period in 2021 in which your agricultural activity took place.

Q20. The farmer will not provide me with any receipts for grass. Will this be taken into account when assessing my case?

A20. It is your responsibility to provide the evidence that has been requested and if you are unable to do so, it may weaken your case to receive payment.

Q21. There will be a considerable delay before the contractor asks for payments and the farmer pays for the grass. How can I provide this evidence to DAERA in the next 2 weeks?

A21. You should provide what you can within the next 2 weeks, make clear that there is outstanding evidence, state when you expect to be able to provide it and forward it as soon as possible.

Q22. I wasn't made aware at the time of submitting my application that additional evidence would be needed.

A22. This was outlined clearly in Section 5 of the 2021 Guide to the Basic Payment Scheme.

Q23. The amount of evidence being demanded by DAERA is excessive.

A23. Farmers are expected to keep accounts, receipts and bank statements and should have little difficulty in providing these along with a detailed description of their agricultural activity.

Q24. Did the active farmer requirement not just apply in 2015 when BPS entitlements were being allocated?

A24. It applies to each scheme year. For land to be eligible on an application, the claimant must be able to demonstrate that they are farming it in that scheme year. Farming is defined as enjoying the decision making power, benefits and financial risks in relation to the agricultural activity taking place on the land declared on the application form.