**YOU ARE ADVISED TO KEEP A COPY OF THIS FORM**

FORM BC3 - BUSINESS MERGER APPLICATION

If you are changing the structure of your business by merging with another business, you should **complete this Form BC3 - Merger application.**

This form will also provide for the entitlements held by the farm businesses involved in the merger to be transferred to the new merged business. **You do not complete Form TE1 – Transfer of BPS Entitlements application, nor can you use the online application to transfer entitlements involved in a merger.**

**If the business merger is to take place for the 2022 BPS scheme year, Form BC3 should be received by DAERA no later than 16 May 2022.**

Before completing Form BC3 you are advised to read the ‘Guide to Business Change’, <https://www.daera-ni.gov.uk/publications/2022-guide-business-change>, particularly where:

* You have nominated an authorised person to act on your behalf.
* An EJO or Bankruptcy Order exists against you. If the Order restricts the transfer of assets, including payment entitlements, Form BC3 may be rejected.
* There are outstanding debts / penalties against the original business.

It is envisaged that this form will cover the majority, but not all, of the situations likely to occur in Northern Ireland. If you feel that this form does not adequately cover your situation contact us.

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|  | **Call the Single Application Advisory Team on 0300 200 7848**If you need any help.  |

‘**Merger’** means the joining of two or more single businesses into one new business. The new business must be controlled in terms of management, benefits and financial risks, by ‘active’ farmers’ (or one of the active farmers) originally managing the individual businesses.

Two or more single farm businesses that merge can have the total number of their BPS payment entitlements combined into one farm business. Once businesses have been merged, the entitlements will belong to the merged business.

You should read the Guide to Transfer of BPS Entitlements and the Guide to Business Change, available on the DAERA website, for further advice:

<https://www.daera-ni.gov.uk/articles/area-based-schemes-2022-guidance-and-forms>

**To submit this form:**

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|  | **Email to:**areabasedschemes@daera-ni.gov.uk |

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|  | **Post to:**Area-based Schemes Payment Branch, Business Change Section, Orchard House, 40 Foyle Street, Derry/Londonderry BT48 6AT |

**IMPORTANT NOTE:**

Due to the current COVID pandemic, DAERA will attempt to acknowledge receipt of your form within three - five working days of receipt via email.

**SECTION 1 DETAILS OF THE BUSINESSES WHICH ARE BEING MERGED**

Where the farm business is a multi-member business, it is necessary for each member to sign at Section 5 of this form.

**Business A**

|  |  |
| --- | --- |
| **CATEGORY 1 BUSINESS ID:** |       |
| **BUSINESS TRADING NAME:** |       |
| **NAME OF THE PERSON(S) TO WHOM PAYMENT WILL BE MADE, IF THIS IS DIFFERENT FROM THE BUSINESS TRADING NAME:** |       |
| **DATE OF BIRTH:** |       |
| **BUSINESS ADDRESS**:     |
| **POSTCODE:** |       |
| **PHONE NUMBER:** |       |
| **MOBILE NUMBER:** |       |
| **E-MAIL:** |       |

**Business B**

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| --- | --- |
| **CATEGORY 1 BUSINESS ID:** |       |
| **BUSINESS TRADING NAME:** |       |
| **NAME OF THE PERSON(S) TO WHOM PAYMENT WILL BE MADE, IF THIS IS DIFFERENT FROM THE BUSINESS TRADING NAME:** |       |
| **DATE OF BIRTH:** |       |
| **BUSINESS ADDRESS**:      |
| **POSTCODE:** |       |
| **PHONE NUMBER:** |       |
| **MOBILE NUMBER:** |       |
| **E-MAIL:** |       |

**SECTION 2 DETAILS OF THE NEW MERGED BUSINESS**

Enter the details of the new business which has been created as a result of the merger.

(A new Business ID Number will be notified to you when your business change is approved.)

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| **BUSINESS TRADING NAME:** |       |
| **NAME OF THE PERSON(S) TO WHOM PAYMENT WILL BE MADE, IF THIS IS DIFFERENT FROM THE BUSINESS TRADING NAME:** |       |
| **DATE OF BIRTH:** |       |
| **BUSINESS ADDRESS**:      |
| **POSTCODE:** |       |
| **PHONE NUMBER:** |       |
| **MOBILE NUMBER:** |       |
| **E-MAIL:** |       |

**SECTION 3 MEMBERSHIP DETAILS OF THE MERGED BUSINESS**

List the details of **all** members of the new merged business including the name of the person to whom payment will be made.

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|  | **DETAILS OF MEMBERS OF THE NEWLY MERGED BUSINESS** |
|  | **Applicant Ref No:** |  |
|  | **Forename(s):** |       |
|  | **Surname:** |       |
|  | **Date of Birth:** |       |
|  | **Address:** |       |
|  | **Tel No:** |       |

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|  | **DETAILS OF MEMBERS OF THE NEWLY MERGED BUSINESS** |
|  | **Applicant Ref No:** |       |
|  | **Forename(s):** |       |
|  | **Surname:** |       |
|  | **Date of Birth:** |       |
|  | **Address:** |       |
|  | **Tel No:** |       |

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|  | **DETAILS OF MEMBERS OF THE NEWLY MERGED BUSINESS** |
|  | **Applicant Ref No:** |       |
|  | **Forename(s):** |       |
|  | **Surname:** |       |
|  | **Date of Birth:** |       |
|  | **Address:** |       |
|  | **Tel No:** |       |

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|  | **DETAILS OF MEMBERS OF THE NEWLY MERGED BUSINESS** |
|  | **Applicant Ref No:** |  |
|  | **Forename(s):** |       |
|  | **Surname:** |       |
|  | **Date of Birth:** |       |
|  | **Address:** |       |
|  | **Tel No:** |       |

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|  | **DETAILS OF MEMBERS OF THE NEWLY MERGED BUSINESS** |
|  | **Applicant Ref No:** |       |
|  | **Forename(s):** |       |
|  | **Surname:** |       |
|  | **Date of Birth:** |       |
|  | **Address:** |       |
|  | **Tel No:** |       |

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|  | **DETAILS OF MEMBERS OF THE NEWLY MERGED BUSINESS** |
|  | **Applicant Ref No:** |       |
|  | **Forename(s):** |       |
|  | **Surname:** |       |
|  | **Date of Birth:** |       |
|  | **Address:** |       |
|  | **Tel No:** |       |

**SECTION 4 DATE OF MERGER**

We will normally take the date the merger takes place as the date we received this form from you. If you wish us to consider a different merger date please tell us here.

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(***must be on or before 16 May 2022***)

Has the Department required you to merge with another farm business? Yes [ ]  No [ ]

 **If, ‘Yes’ you do not need to provide evidence.**

**If ‘No’, provide evidence of the merger (that business is operating as one entity e.g. evidence of joint bank account, letter from accountant, VAT return form etc.) should be enclosed with this application.**

**Note:**

**If you have already provided documentary evidence in relation to an earlier assessment of the merger you do not have to resubmit the evidence.** In such cases you should indicate below, the documents sent to DAERA, when they were sent and provide a copy of any related correspondence from DAERA when requested.

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| Details of evidence already submitted to DAERA:      |

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| List of documents enclosed with this application:(Where DAERA has found the original businesses not to be separate, no further evidence of the merger is required)      |

All entitlements which belong to each original business will now belong to the newly created merged business, if the merger application is approved.

**SECTION 5 DECLARATION AND UNDERTAKING**

***If applicable, references within the declaration to EU regulations are to be taken as references to those provisions, as reapplied in UK law by the Direct Payments to Farmers (Legislative Continuity) Act 2020 and as amended by secondary legislation made under the Direct Payments to Farmers (Legislative Continuity) Act 2020 and the Agriculture Act 2020.***

The Declaration MUST be signed by ALL members of the original and newly merged business created.

We request that this application be considered under the business merger arrangements pertaining to the BPS.

We declare that:

* The farm businesses listed above wish to merge into one farm business and request that the BPS entitlements from each business transfer into one newly merged business.
* We declare that the information given by us in this Form BC3 application is true and complete to the best of our knowledge and belief.
* I/we have enclosed all relevant documents relating to this application.
* We are aware that if, at a later date, it is found that any of the merged businesses were incorrectly allocated entitlements under the BPS, these entitlements will have to be recovered or their value amended.
* We are aware of the conditions pertaining to the BPS and have complied with them.
* We are farmers carrying out agricultural activity on a holding within the meaning of Articles (4)(1)(a), (b) and (c) and Regulation (EU) No. 1307/2013 as set out in the ‘2021 Guide to the Basic Payment Scheme’.
* We have read and understood all of the relevant Guides.

We undertake:

* To provide any additional information relating to this application that DAERA may reasonably require.
* To advise DAERA of any material change to the information given on this form.
* To comply with scheme rules and any other applicable legislation governing the BPS and the Single Application process.
* To comply with EU Regulations as incorporated into domestic law and any other applicable legislation governing the BPS and the Single Application process.
* To discharge any debt or penalty currently owed by any of the merging businesses, or any debt or penalty which is subsequently applied by DAERA to any of the merging businesses.

**All Members of Business A**

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| **Signed:** |       |
| **Print Name:** |       |
| **Date:** |       |

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| **Signed:** |       |
| **Print Name:** |       |
| **Date:** |       |

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| **Signed:** |       |
| **Print Name:** |       |
| **Date:** |       |

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| **Signed:** |       |
| **Print Name:** |       |
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| **Signed:** |       |
| **Print Name:** |       |
| **Date:** |       |

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| **Signed:** |       |
| **Print Name:** |       |
| **Date:** |       |

**Continue on a separate sheet as necessary.**

**All Members of Business B**

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| **Signed:** |       |
| **Print Name:** |       |
| **Date:** |       |

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| **Signed:** |       |
| **Print Name:** |       |
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| **Signed:** |       |
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| **Signed:** |       |
| **Print Name:** |       |
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**All Members of Newly Merged Business**

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| **Signed:** |       |
| **Print Name:** |       |
| **Date:** |       |

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| **PERSONAL DATA PRIVACY NOTICE** |

DAERA takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information supplied to it is dealt with in a way which complies with the General Data Protection Regulation and the Data Protection Act 2018. This means that any personal information you supply will be processed principally for the purpose for which it has been provided. However, DAERA is under a duty to protect the public funds it administers, and to this end may use the information you have provided for this purpose. It may also share this information with other bodies responsible for the audit or administration of public funds, in order to prevent and detect fraud.

In addition, DAERA may also use it for other legitimate purposes in line with the Freedom of Information Act 2000, Environmental Information Regulations 2004 and will comply with the General Data Protection Regulation and the Data Protection Act 2018.

These include:

* Administration of the Common Agricultural Policy and other aid schemes;
* Administration of the Common Fisheries Policy;
* The production and safety of food;
* Management of land and other environmental controls;
* Animal health and welfare;
* Occupational health and welfare;
* The prevention and detection of fraud or maladministration (e.g. The Comptroller & Auditor General and HM Revenue & Customs);
* Compilation of maps and statistics;
* Disclosure to other organisations when required by law to do so; and
* Disclosure under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 where such disclosure is in the public interest.

Paying Agencies are required to publish details of the amounts paid to CAP beneficiaries. Data will be published for all beneficiaries on a searchable website, and will include the name and locality of the beneficiary and details of the amounts and schemes for which subsidy has been paid. However, for those receiving less than the equivalent of €1,250 in subsidies, the name of the beneficiary will be withheld. Data will be made available from 31 May each year and will cover all payments made in the previous EU financial year (October to October). The data will be updated annually and remain available for two years from the date it is published.