

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

**FORCE MAJEURE / EXCEPTIONAL CIRCUMSTANCES**

**2023 APPLICATION FORM**

Before completing this form you are advised to read:

Section 10 - Force Majeure / Exceptional Circumstances (FM/EC) of the Guide to the Basic Payment Scheme (includes guidance on the Protein Crops Scheme). This guide can be found at the following link:

[Guides and Q&As to Area-based Schemes 2023 | Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)](https://www.daera-ni.gov.uk/publications/guides-and-qas-area-based-schemes-2023)

Section 17 - Force Majeure and exceptional circumstances, of the Environmental Farming Scheme Terms and Conditions. The Terms and conditions for EFS Wider and Higher Schemes can be found at the following links:

[Environmental Farming Scheme (EFS) Higher Level Terms and Conditions | Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)](https://www.daera-ni.gov.uk/publications/environmental-farming-scheme-efs-higher-level-terms-and-conditions)

[Environmental Farming Scheme (EFS) Wider Level Terms and Conditions | Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)](https://www.daera-ni.gov.uk/publications/environmental-farming-scheme-efs-wider-level-terms-and-conditions)

Section 8 – Force Majeure, of the Forest Expansion Scheme Information Booklet.

[Forest Expansion Scheme Information booklet | Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)](https://www.daera-ni.gov.uk/publications/forest-expansion-scheme-information-booklet)

FM/EC is defined as unusual circumstances, outside your control, the consequences of which, in spite of all due care, could not be avoided except at the cost of excessive sacrifice on your part. **You must inform the Department of Agriculture, Environment and Rural Affairs (DAERA) of the circumstances within 15 working days from the date on which you are in a position to do so.**

This form should be completed if:

 **you consider FM/EC prevented you from submitting or amending your 2023 Single Application and / or associated forms or agreements on time;**

* **the land you declare for the establishment and activation of your entitlements on your 2023 Single Application will not be at your disposal for that full year due to reasons of FM/EC;**

 **you consider FM/EC prevented you from complying with the conditions of any scheme/payment you applied for in 2023.**

In limited circumstances, we may accept that you are prevented from fulfilling your 2023 obligations due to a course of events amounting to FM/EC. Where we recognise this to be the case, the penalties normally associated with such failure may not be applied.

You will have to prove that, despite taking all reasonable measures to counteract their effects, the FM/EC prevented you from meeting your 2023 obligations. As a result, you must be able to provide information **(supported by documentary evidence)** of the steps you have taken to prevent or lessen the effect of these circumstances**.**

1. **Land**

Examples of eligible FM/EC events will be those that **temporarily** remove the land from agricultural use by your farm business. These include:

1. Land vested for roadway where part of the land is used to house contractor’s machinery, etc. The land will return to you for use after the contract is completed. However we will not consider the land used for the actual road under these provisions unless this event was unknown to you at 15 May 2023.
2. Land vested by a utility for work where the land is returned to agricultural use after the work is complete, for example pipe laying, etc.
3. Eligible land which has been damaged as the result of an unforeseen event, for example floods or gorse wildfire.
4. If you have signed an agreement, or are similarly committed to permitting work to take place but the consequences of not doing so would be that a vesting order would be applied for, this will be considered as FM/EC.

Land **permanently removed** from agricultural use during 2023 **will not** be considered as FM/EC unless the event was unknown to you at 15 May 2023.

1. **Illness or bereavement of a close relation**.

Medical evidence is required to demonstrate a farm business could not submit their claim on time as there was no one else reasonably available to act on their behalf.

3. **Postal strike or severe weather conditions**

As regards a postal strike, this will only apply if the event occurs **after** you have posted any supporting documentary evidence.

1. **Disruption**

A disruption to DAERA’s service delivery or IT / power supply affecting our online system.

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

**To submit this form (unless it relates to a Forestry scheme):**

|  |  |
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|  | **Email to:**  [areabasedschemes@daera-ni.gov.uk](mailto:areabasedschemes@daera-ni.gov.uk) |

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| C:\Users\1228287\Pictures\Post envelope black.png | **Post to:**  Area-based Schemes Payment Branch, Orchard House, 40 Foyle Street, Derry/Londonderry BT48 6AT |

**To submit this form for a Forestry scheme:**

|  |  |
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|  | **Email to:**  [grants.forestservice@daera-ni.gov.uk](mailto:grants.forestservice@daera-ni.gov.uk) |

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| C:\Users\1228287\Pictures\Post envelope black.png | **Post to:**  Forestry Service Grants Branch, Inishkeen House, Killyhevlin, Enniskillen. BT74 4EJ |

**IMPORTANT NOTE:**

DAERA will attempt to acknowledge receipt of your form within three - five working days of receipt via email.

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| **SECTION 1 – APPLICANT DETAILS (PLEASE PRINT)** |

|  |  |
| --- | --- |
| **Business ID:** |  |
| **Title:**  *Mr/Mrs/Miss/Dr* |  |
| **Forename(s):** |  |
| **Surname:** |  |
| **Date of Birth:** |  |
| **Address:** |  |
| **Postcode:** |  |
| **Tel No:** |  |
| **Mobile No:** |  |

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| **SECTION 2 – LAND DETAILS (PLEASE PRINT)** |

Please enter details of the fields affected by the FM/EC and the scheme(s) you wish to claim it for:

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| --- | --- | --- | --- | --- | --- | --- |
| **Farm Survey Number and Field Number** | **Total MEA** | **Total Affected MEA Area\*** | **Insert**  **for relevant scheme(s)** | | | |
| **BPS** | **PCS** | **EFS** | **Forestry**  **Schemes** |
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**(*Continue on a separate sheet if necessary)***

\*If your land has been vested by a utility company the ‘Total Affected MEA Area’ should include the working area and any “write-off” areas agreed with the company.

**I confirm that following the period of FM/EC all land affected will be returned to agricultural use.**

**Yes**  **No**

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| **SECTION 3 – FORCE MAJEURE/EXCEPTIONAL CIRCUMSTANCES** |

Please enter details about the FM/EC event that prevented you from meeting your 2023 obligation for the conditions of any scheme/payment you applied for in 2023.

Date of FM/EC event:

You **must** describe the event below, the actual or expected duration and all action taken by you to mitigate the effects of the event. If any of your 2023 registration / application forms were submitted late you should also use this section to explain why.

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***(Continue on a separate sheet if necessary)***

Please list all supporting documentation attached to this application.

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**You must provide sufficient detail of the event and all action taken by you plus any supporting documentation relating to the FM/EC event.**

**If you do not provide sufficient detail and supporting documentation, your application may be refused and you may incur penalties on any schemes / payments you applied for in 2023.**

**If you wish to claim FM/EC due to a gorse fire you must have reported the event to the Police Service of Northern Ireland and/or the Northern Ireland Fire & Rescue Service. Once you have done this they will give you a reference number. Please list their reference numbers in the boxes below.**

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| --- | --- | --- |
| **PSNI Reference Number:** |  |  |
| **NIFRS Reference Number:** |  |  |

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| **SECTION 4 – DECLARATIONS AND UNDERSTANDINGS** |

***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.***

I declare that:

 I have read and understand the rules and obligations relating to the schemes/payments I have applied for 2023.

 I agree to adhere to the rules and conditions of the schemes / payments I have applied for 2023.

 I declare that I do not have other land at my disposal on which I could establish / activate my entitlements.

 I accept responsibility for any breach of conditions or rules relating to the schemes/payments I have applied for 2023.

 I am aware that DAERA will take action against me for false declarations and/or not notifying the Department of any material changes to information given.

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| **SIGNATURE:** |  |  | **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 requirements of the UK 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 and Environmental Information Regulations 2004 and comply with the UK 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.

**IMPORTANT**

**Any person who makes a false declaration or fails to notify DAERA of a material change to the information given in this form is liable to prosecution. A false, inaccurate or incomplete statement or failure to notify DAERA of any material change to the information given in this form may result in loss of entitlement and / or recovery of any payments made.**