**FORM TE1 - APPLICATION FOR THE TRANSFER OF BPS ENTITLEMENTS BY ACTUAL INHERITANCE**

**THE CLOSING DATE FOR RECEIPT OF TE1 APPLICATIONS IS TUESDAY 3 MAY 2022, IF YOU WANT YOUR TRANSFER PROCESSED FOR THE 2022 BPS SCHEME YEAR.**

**PLEASE NOTE:**

In order to complete Form TE1 the Executor (or Administrator) of the Estate, on behalf of the deceased (transferor), needs the deceased’s Entitlement Transfer ID and the Business ID and Entitlement Transfer ID of the transferee (the person receiving the entitlements). **Entitlements cannot be transferred without this information.** This information can be obtained by contacting the Department of Agriculture, Environment and Rural Affairs (DAERA).

**Mergers and Scissions**

* If the transfer involves a business merger use Form BC3 - **not Form TE1**.
* If the transfer involves a business scission use Form BC4 - **not Form TE1**.

**Before completing any forms regarding transfer of entitlements, business changes or setting up a new farm business, you are strongly advised to read the:**

* Guide to Transfer of BPS Entitlements
* Guide to Business Changes
* Guide for DAERA identification numbers for business customers, herds and flocks

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

**To submit this form:**

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

|  |  |
| --- | --- |
| C:\Users\1228287\Pictures\Post envelope black.png | **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.

|  |
| --- |
| **TRANSFER OF BPS ENTITLEMENTS BY ACTUAL INHERITANCE** |

**TRANSFER OF ENTITLEMENTS BY ACTUAL INHERITANCE**

 **(Following the death of the holder of the entitlements.)**

The inheriting farm business should be approved as a Category 1 business or have submitted a Form FB1 application for a Category 1 business by 16 May 2022, for the transfer of entitlements to take place.

The Executor of the Will on behalf of the deceased business must complete this form. If all required information is unknown the Executor (an Executor is more than one) of the Will should contact Area-based Schemes Payment Branch on 0300 200 7848 for advice/assistance.

If probate is necessary, entitlements can only be transferred by actual inheritance after probate is granted. If probate has not been granted, and the land is being farmed by a beneficiary on behalf of the Estate, the 2022 Single Application should be submitted on behalf of the Estate to activate Basic Payment Scheme entitlements.

If a beneficiary will not/does not meet the active farmer requirements and wishes to transfer the inherited entitlements **before probate is granted**, DAERA will permit the Executor of the Estate to permanently transfer or lease entitlements to another farm business (which must have a Category 1 business ID from DAERA) prior to the clearance of probate.

In this instance a Form TE1 and an **Indemnity Form** are required to be completed.The Indemnity Form must be signed by all Executors of the Estate, in the presence of a solicitor, **indemnifying DAERA against any future adverse consequences.**

If an indemnity form is needed:

|  |  |
| --- | --- |
| See the source image | **Call us on 0300 200 7848**and ask for the Area-based Schemes Payment Branch.  |

**In the case of split inheritance a separate Form TE1 application will need to be completed in respect of entitlements transferred to each beneficiary.**

**SECTION 1 – DETAILS OF THE FARM BUSINESS OF THE TRANSFEROR (DECEASED)**

*To be completed by the person acting on behalf of the Estate (Executor).*

|  |  |
| --- | --- |
| **BUSINESS ID:** |       |
| **ENTITLEMENT TRANSFER ID:** |       |
| **BUSINESS TRADING NAME:** |       |
| **TITLE:** |       |
| **FIRST NAME:** |       |
| **SURNAME:** |       |
| **BUSINESS ADDRESS**:      |
| **POSTCODE:** |       |
| **PHONE NUMBER:** |       |
| **MOBILE NUMBER:** |       |
| **E-MAIL:** |       |

**SECTION 2 – DETAILS OF THE INHERITING FARM BUSINESS (*Transferee details should be noted if not the beneficiary*)**

This Section can be completed by the Executor. Complete details of the farm business receiving the entitlements.

|  |  |
| --- | --- |
| **BUSINESS ID:***\*If applicable* |       |
| **ENTITLEMENT TRANSFER ID:** *\*\*If applicable* |       |
| **BUSINESS TRADING NAME:** |       |
| **TITLE:** |       |
| **FIRST NAME:** |       |
| **SURNAME:** |       |
| **BUSINESS ADDRESS**:      |
| **POSTCODE:** |       |
| **PHONE NUMBER:** |       |
| **MOBILE NUMBER:** |       |
| **E-MAIL:** |       |

**\*** **Does the inheritance transfer involve setting up a new farm** Yes [ ]  No [ ]

**business?**

If ‘Yes’ the transferee (person receiving the entitlements) must submit Form FB1 **immediately**.

If you have applied on Form FB1 for approval as a new farm business, please confirm the date the form was submitted:

**\*\*** If you have applied on Form FB1 for approval as a new farm business, you will not have been given an Entitlement Transfer ID. Contact Area-based Schemes Payment Branch, Orchard House on 0300 200 7848.

**Does the inheritance mean the closure of the original farm** Yes [ ]  No [ ]

**business?**

If the original farm business has an operational herd/flock, the beneficiaries must contact their DAERA Veterinary Office based at their local DAERA Direct Office first regarding the transfer of herd/flock keeper details.

**SECTION 3 – WHAT ENTITLEMENTS DO YOU WISH TO TRANSFER?**

**If probate has cleared**

Please list the entitlements you want to transfer by sale, or gift to the inheriting farm business named in Section 2 in Table A below.

|  |  |  |  |
| --- | --- | --- | --- |
| **A** | **B** | **C** | **D** |
| **ENTITLEMENT ID BLOCK NUMBERS** | **NUMBER OF ENTITLEMENTS TO BE TRANSFERRED** | **UNIT VALUE OF ENTITLEMENTS TO BE TRANSFERRED BY ACTUAL INHERITANCE**  | **TOTAL VALUE OF ENTITLEMENTS TO BE TRANSFERRED BY ACTUAL INHERITANCE**  |
|       |       |       |       |
|       |       |       |       |
|       |       |       |       |
|       |       |       |       |

*Continue on a separate page if necessary*

**If probate has not cleared**

Please complete Table B below indicating the method of transfer:

1. Gift

2. Sale

3. Lease

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **A** | **B** | **C** | **D** | **E** |
| **ENTITLEMENT ID BLOCK NUMBERS** | **NUMBER OF ENTITLEMENTS TO BE TRANSFERRED** | **METHOD OF TRANSFER** | **LEASE END DATE IF TRANSFER BY LEASE** | **DO YOU HAVE ANY COMMENTS TO ADD?** |
|       |       |       |       |       |
|       |       |       |       |       |
|       |       |       |       |       |
|       |       |       |       |       |

**SECTION 4 – DATE THE INHERITANCE IS TO TAKE EFFECT FROM**

**(DATE OF TRANSFER)**

**NOTE: If no effective date is given we will default to 16 May 2022.**

|  |  |
| --- | --- |
| Effective date of transfer of entitlements: |       |

**SECTION 5 – SUPPORTING DOCUMENTS**

To be submitted in support of a Form TE1 application in the case of transfer of entitlements through actual inheritance. Please submit original documents. We will return them to you immediately.

Please indicate which of the following documents you intend to submit in support of the transfer application.

Grant of Probate (with a copy of the Will): [ ]

Indemnity Form [ ]

Other *(please specify)* [ ]

|  |
| --- |
|       |

**Evidence of transfer such as the documents listed above MUST be submitted with your application. If you have already provided documentary evidence you do not have to resubmit the evidence. In such cases you should indicate which documents were sent and provide a copy of any related correspondence from DAERA.**

**SECTION 6 – DECLARATIONS 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.***

In this section both the **transferor** (i.e. the Executor of the Estate) and the transferee is asked to confirm by signing the section below that they understand and will comply with their obligations in relation to the transfer of entitlements by inheritance.

1. **Transferor Declaration (signed by the Executor(s) of the Estate)**

**I declare that as Executor(s) of the Estate of the deceased:**

* I wish to transfer entitlements by way of actual inheritance as detailed at Section 3 above.
* I declare that the information given by me in this application is true and complete to the best of my knowledge and belief. I have enclosed all relevant documents relating to this application.
* The transferee (beneficiary) at Section 2 wishes to receive entitlements by way of actual inheritance as detailed in Section 3 above and is aware that if, at a later date, it is found that the original holder of the entitlements was incorrectly allocated the entitlements, or that the entitlements received have been recalculated to take account of changes, they will be recovered or their value amended.
* I am aware of the conditions pertaining to the BPS and have complied with them.
* I have read and understood all of the relevant guidance notes.
* I am aware that if probate has cleared, once the transfer is approved the farm business belonging to the deceased will be closed.

**I 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.

|  |  |
| --- | --- |
| **Transferor signature:** |  |
| **Print Name:** |  |
| **Status of person signing:****(***e.g. Legal Personal Representative / Executor(s) of Estate / Solicitor)*  |  |
| **Date:** |  |

2. **Transferee Declaration**

**I declare that as transferee (person receiving the entitlements) that:**

* I wish to receive entitlements by way of actual inheritance as detailed in Table A (or by gift, sale or lease when probate has not been cleared in Table B) in Section 3 above.
* I declare that the information given by me in this application is true and complete to the best of my knowledge and belief and all the relevant documents in support of this application will be submitted when requested.
* I am aware that if, at a later date, it is found that the original holder of the entitlements was incorrectly allocated the entitlements, or that the entitlements received have been recalculated to take account of changes, they will be recovered or their value amended.
* I am aware of the conditions pertaining to the BPS and have complied with them.
* I have read and understood all of the relevant guidance notes.
* I am aware that once the transfer is approved, the farm business belonging to the deceased will be closed when probate is finalised.

**I 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.

|  |  |
| --- | --- |
| **Transferee signature:** |  |
| **Print Name:** |  |
| **Status of person signing:****(***e.g. sole trader, member of business, agent)* |  |
| **Date:** |  |

**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 General Data Protection Regulation and 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 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 31st May each year and will cover all payments made in the previous financial year (October to October). The data will be updated annually and remain available for two years from the date it is published.

**CHECKLIST**

**1. Does the transfer involve a Business Change?** [ ]  Yes [ ]  No

**Form** **BC1** should be used to notify us of **straightforward changes** to your farm business **that do not require a transfer of entitlements.**

You do not need a Form BC1 if you are completing a Form BC3 or Form BC4.

* If the transfer involves a business merger use Form BC3 - **not Form TE1**.
* If the transfer involves a business scission use Form BC4 - **not Form TE1**.

**2. Does the transfer involve setting up a new farm business?** [ ]  Yes [ ]  No

If ‘Yes’ you must submit Form FB1 **immediately.**

Where a transfer of entitlements results in the setting up of a new farm business, and you want that transfer to take effect for the 2021 BPS scheme year, you must submit Form FB1 by the closing date for Single Applications, which is **16May 2022**.

If you have applied on Form FB1 for approval as a new farm business, please confirm the date the form was submitted:

**3. Do you want the farm business that is transferring the entitlements to be closed?** [ ]  Yes [ ]  No

If you are closing your farm business, and you have an operational herd/flock, you must contact your local DAERA Direct Office first regarding the transfer of herd/flock keeper details.