

Background

1. This note provides rules covering the transfer of a whole holding which has been claimed or declared by another farmer. The **incoming** farmer must accept all the outgoer's rights and obligations in claims submitted under the various IACS subsidy schemes in the year of transfer. This allows the **incoming** farmer to be paid aid (including the aid due on claims submitted by the outgoer) under the IACS schemes against the land taken over, by purchase or lease, after the IACS deadline of 15 May, provided a Single Application Form (SAF) was submitted by the outgoer. However, the incoming farmer should be fully aware of the risks involved in taking on transferred land.
2. These arrangements apply whether the incoming farmer is new to agriculture or is a farmer with a SAF covering his own land, who has taken over another farmer's land. They apply only to transfers that take place after the IACS deadline of 15 May.
3. The legal base for these rules is Article 8 of Commission Regulation (EC) No. 809/2014(see final page).

Detailed Rules

4. The following conditions must be met before a transfer can be approved and aid can be paid.

Land

5. Except in the limited circumstances detailed below, a transfer must relate to all the land covered by the outgoers SAF. If the SAF covers more than one Farm Code number, all areas must be transferred, including the main and any subsidiary holdings. Single farms may not be transferred from a multi-farm business, nor may single fields, groups of fields or part-fields be transferred.
 - Where a specific area is formally withdrawn from a SAF and a subsequent application to transfer the reduced area under the transfer of holdings rule is received, an application will be considered if:
 - a) withdrawals have been notified to SGRPID in writing by the applicant who submitted the SAF; and a written request is received by SGRPID.
 - b) before notification to the farmer of a problem discovered by administrative checks; and
 - c) before notification of any field inspection covering the holding.
 - d) the written request relates to a specific parcel or part parcel of land and full details of the area to be withdrawn are given (in hectares to 2 decimal places);

- Where the transferred SAF includes land in the form of seasonal, shared or common grazings, all of this land may be excluded from the transfer. Partial transfers of such land are not permitted, either to the incoming farmer or to a third party if such land is to be counted as area in the year in question. The incoming farmer can decide to include or exclude all land from the transfer.
- Only one transfer per year is permitted on land covered by one SAF.
- In the year of transfer, land transferred to the incoming farmer will be added to any existing land already declared and claimed on the incomer's SAF. In subsequent years, the incomer must include in a single SAF all the land farmed by the business. If the incomer does not have an existing SAF then a new SAF will be recorded which will have a receipt date of the SAF submitted by the outgoing farmer.
- Transfer applications can only be considered after the transfer has been completed and a tenancy agreement concluded

Aid

6. All aid relating to the transferred land will be paid to the incomer subject to the following rules:
 - a) Where a holding is transferred in its entirety and a SAF has been lodged and the conditions for granting the aid have or are still to be fulfilled, the aid applied for by the outgoing farmer will be paid to the incomer when:
 - b) details of the transfer are notified by the incomer and the necessary evidence is provided to the SGRPID local area office;
 - c) the incomer fulfils all the relevant aid scheme conditions for the holding transferred;
 - d) the incomer requests payment of the aid (within the relevant scheme deadlines).
 - The rights and obligations of the outgoing farmer for each aid scheme application will be conferred on the incomer. He/she will have to bear any penalties incurred by the outgoing farmer for late submission, for inaccuracies in areas claimed, etc.
 - Where the outgoing business has received a scheme loan payment, the outgoing farmer will remain liable to repay this debt as well as any debt relating to any overpayment/penalty for previous scheme years which is identified.

Note – The only exceptions to this rule is in relation to:

LFASS – A requirement of the LFASS scheme is to actively farm eligible land for a total period of not less than 183 calendar days within the LFASS claim year.

This means that where a holding is transferred in its entirety after the transferor has:

- been in continuous occupation of the holding for a period of not less than 183 days
- maintained an eligible activity on eligible land
- claimed LFASS

All the conditions for granting LFASS have been met by the transferor and only their eligibility for payment can be considered.

There is no scope within the regulations in these circumstances to pay the transferee.

AECS, FGS & RP

Where the outgoer is a participant in the Agri Environment and Climate Scheme (AECS), Forestry Grant Scheme (FGS) or Rural Priorities (RP), their land based 5 year commitments and payments may transfer to the incomer, otherwise the outgoer may be asked to repay all funds paid to date.

A succession request form (SRF) for the specific scheme that is transferring will still be required and processed to confirm that the incomer agrees to the management requirements and obligations of that contract

Link to [AECS SRF](#)

Link to [FGS SRF](#)

Link to [RP SRF](#)

Submitting Applications

7. The incomer must provide details of the land transferred by submitting a Whole Holding Transfer Application Form to their SGRPID Area Office. The form records:
 - The details of the incomer and outgoer
 - The claim by the incomer for payment if they have not already submitted a SAF
 - the date of transfer; and
 - the total area declared in the outgoer's SAF and taken over by the incomer
8. The form must be signed by representatives of both parties and be accompanied by:
 - a copy of the sale or lease agreement for the land subject to the transfer (unless this has already been supplied in support of a Land Maintenance Form).
9. The documentation will be compared with the outgoer's IACS record to confirm the land subject to the transfer and the entitlement to aid. Further information may be needed to resolve any discrepancies. Once all discrepancies are resolved, SGRPID will provide the incomer with a statement of:
 - the total amount of land declared on the outgoer's SAF; and
 - any late claim and/or area penalties associated with outgoer's SAF.

The incomer and outgoer must confirm that the details are correct. The transfer form must be returned to the SGRPID area office before any payments to the incomer can be made.

10. Article 8 of Commission Regulation (EC) No 809/2014

1. For the purposes of this Article:

(a) 'transfer of a holding' means the sale, lease or any similar type of transaction in respect of the production units concerned;

(b) 'transferor' means the beneficiary whose holding is transferred to another beneficiary;

(c) 'transferee' means the beneficiary to whom the holding is transferred.

2. Where a holding is transferred in its entirety from one beneficiary to another beneficiary following the submission of an aid application, application for support or payment claim and before all the conditions for granting the aid or support have been fulfilled, no aid or support shall be granted to the transferor in respect of the transferred holding.

3. The aid applied for or the payment claimed by the transferor shall be granted to the transferee where:

(a) within a period to be determined by the Member States the transferee informs the competent authority of the transfer and requests payment of the aid and/or support;

(b) the transferee presents any evidence required by the competent authority;

(c) all the conditions for granting the aid and/or support are fulfilled in respect of the holding transferred.

4. Once the transferee informs the competent authority and requests payment of the aid and/or support in accordance with paragraph 3(a):

(a) all rights and obligations of the transferor resulting from the legal relationship between the transferor and the competent authority generated by the aid application, application for support or payment claim shall be conferred on the transferee;

(b) all actions necessary for the granting of the aid and/or support and all declarations made by the transferor prior to the transfer shall be attributed to the transferee for the purposes of applying the relevant Union rules;

(c) the holding transferred shall be considered, where appropriate, as a separate holding in respect of the claim year in question.

5. Member States may decide, where appropriate, to grant the aid and/or support to the transferor. In that event:

(a) no aid or support shall be granted to the transferee;

(b) Member States shall apply mutatis mutandis the requirements set out in paragraphs 2, 3 and 4.