

# Agriculture Appeals Office Annual Report 2010



## **To the Minister for Agriculture, Food and Marine, Mr. Simon Coveney T.D.**

Cuirim tuairisc maidir le gníomhartha na hOifige Achomhairc Talmhaíochta i 2010 faoi do bhreith de réir fhorálacha Ailt 14(1) den Acht Achomhairc Talmhaíochta, 2001.

In accordance with the provisions of Section 14(1) of the Agriculture Appeals Act 2001, I submit the report of the Agriculture Appeals Office for 2010.

John Murphy  
(Acting) Director of Agriculture Appeals Office

Tá an Tuarascáil seo ar fáil freisin i nGaeilge, ach é a iarraidh.  
This report is also available in Irish, on request.

### **Contact Details**

Agriculture Appeals Office  
Kilminchy Court  
Portlaoise  
Co Laois

Telephone: 057 8667167 or LoCall 1890 671671  
Fax: 057 8667177  
E-mail: [appeals.office@agriculture.gov.ie](mailto:appeals.office@agriculture.gov.ie)  
Website: [www.agriappeals.gov.ie](http://www.agriappeals.gov.ie)

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## **1. Introduction by the Director of Agriculture Appeals Office**

*“The mission of the office is to provide an independent, accessible, fair and timely appeals service for Department of Agriculture, Fisheries and Food scheme applicants, and to deliver that service in a courteous and efficient manner.”*

The function of the Agriculture Appeals Office is to provide an appeals service to farmers who are dissatisfied with decisions of the Department of Agriculture, Fisheries and Food regarding their entitlements under certain schemes as set out in the Schedule to the Agriculture Appeals Act 2001. Eight hundred and thirty-two cases were received in 2010 across the various different schemes. This represents an increase of 20% on 2009 figures.

This report sets out the major developments during the year and a statistical breakdown of the office’s work. The statistical tables are based on end date of 31/12/10 and are not directly comparable with previous years. In line with recent reports, it contains a cross-section of cases determined by Appeals Officers so as to illustrate the type of issues that gave rise to an appeal and the consideration given to them by Appeals Officers.

In addition, this report also gives a breakdown of the work carried out by the Single Payment Appeals Committee which continues to examine appeals arising from the Single Payment Scheme. The Single Payment Appeals Committee comprises Appeals Officers from this office and has an independent Chairman, Mr John Duggan.

The report also includes recommendations to the Department of Agriculture, Fisheries and Food regarding certain schemes, in addition to highlighting recurring and non-compliance issues by scheme applicants that lead to penalties.

I hope that as well as fulfilling its primary function as a report to the Minister for Agriculture, Fisheries and Food, the report will be of use to farmers, the Department of Agriculture, Fisheries and Food and other interested parties.

This report is available on the Agriculture Appeals Office website: [www.agriappeals.gov.ie](http://www.agriappeals.gov.ie)

John Murphy  
(Acting) Director of Agriculture Appeals Office

June 2011

## **2. Agriculture Appeals Office**

The Agriculture Appeals Office was established in 2002 to provide an appeals service to farmers who may be dissatisfied with decisions of the Department of Agriculture, Fisheries and Food concerning their entitlements under designated schemes operated by the Department. The Agriculture Appeals Act 2001, along with the Agriculture Appeals Regulations 2002, sets down the functions of the Director and the Appeals Officers, the decisions that may be appealed and the procedures to be followed in respect of agriculture appeals. The establishment of the Agriculture Appeals Office put the appeals process for Department of Agriculture, Fisheries and Food Schemes on a statutory basis. Appeals Officers are independent under the Act. In line with the office's mission statement, the office aims to be client friendly and to deliver its service in a courteous and efficient manner. One of the main features of the office is the right of an appellant to an oral hearing where an Appeals Officer brings together the appellant and the Department officials to hear both sides of a case and ask questions. Following consideration of all of the facts of a case, comprehensive decision letters are issued to both the appellant and the Department.

### **Procedures Manual**

Under the Freedom of Information Act 1997, this office was legally obliged to prepare a Procedures Manual, outlining information about the Agriculture Appeals Office and details of internal rules, procedures and interpretations used by Appeals Officers. The Procedures Manual can be accessed on our website, [www.agriappeals.gov.ie](http://www.agriappeals.gov.ie) and contains the following:

- Structure, organisation and names & designations of members of staff
- Functions, powers and duties
- Services for the public (and how these may be availed of)
- Rules and guidelines
- Office procedures
- Classes of records held and the arrangements for access
- Rights of review and appeal including rights of review under FOI

### **Business Plan**

In accordance with the Strategic Management Initiative, a 2011 Business Plan was formulated to co-ordinate with the Department of Agriculture, Fisheries and Food's Statement of Strategy . The Business Plan forms the basis for the office's work and is subject to regular review.

## **Database**

A database to process and record cases received by the office and an electronic library of decisions ensure up to date information regarding the status of cases and the overall performance of the office.

## **Website** ([www.agriappeals.gov.ie](http://www.agriappeals.gov.ie))

Conscious of the commitment to e-Government, the office launched its website, [www.agriappeals.gov.ie](http://www.agriappeals.gov.ie) in 2003. As well as being a source of information, appellants can download the 'Information Note and Notice of Appeal' form and lodge appeals online at the following e-mail address, [appeals.office@agriculture.gov.ie](mailto:appeals.office@agriculture.gov.ie).

## **Co-operation with the Department of Agriculture, Fisheries and Food**

Ongoing contact with various divisions of the Department of Agriculture, Fisheries and Food to discuss various issues that arise from appeal cases continued in 2010.

## **Meetings of Appeals Officers**

Ten meetings of Appeals Officers were held in 2010. The principal purpose of these meetings is to establish consistency of approach by the Appeals Officers and to discuss matters relevant to the work of the office. These meetings are usually held monthly.

## **Freedom of Information**

The office received one formal request under the provisions of the Freedom of Information Acts.

## **The Office of the Ombudsman**

Under the Agriculture Appeals Act 2001, appellants to this office may request a review of their case by the Office of the Ombudsman. Twelve cases received during 2010 were referred to the Ombudsman in 2010. There have been no occurrences where the Ombudsman has requested this office to amend its decision.

### **3. Appeals Procedure and Oral Hearings**

Of the 832 appeals received in 2010, 250 involved oral hearings. In addition, 128 oral hearings were dealt with in respect of cases from years 2008 and 2009.

Appeals are dealt with in the order that they are received. On receipt of an appeal, this office

- Requests the relevant file from the Department of Agriculture, Fisheries and Food
- Asks that the relevant Division of the Department provide a statement showing the extent to which the facts and contentions advanced by the appellant are admitted or disputed.

On receipt of the file from the Department, the Director of Agriculture Appeals allocates the case to an Appeals Officer. At that stage, the Appeals Officer contacts the appellant regarding the case and to make arrangements for an oral hearing, if one is requested by the appellant or if it is deemed necessary by the Appeals Officer.

Following examination and consideration of all of the facts of the case, the Appeals Officer makes a determination and issues a letter to the appellant, outlining the outcome of the appeal and listing the reasons for the determination.

One of the features of the office is the right of an appellant to an oral hearing where the Appeals Officer brings together the appellant and the Department officials to hear both sides of a case and ask questions. Oral hearings are held in locations close to the appellants in order to ensure them better access to the appeals procedure. The key features of an oral hearing are;

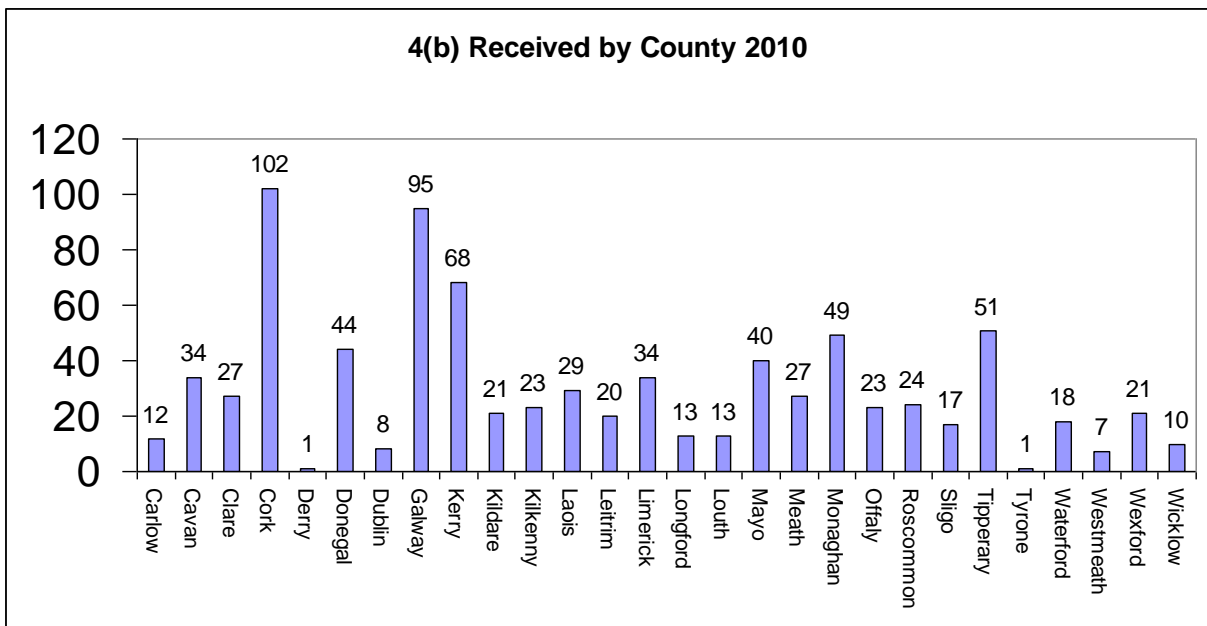
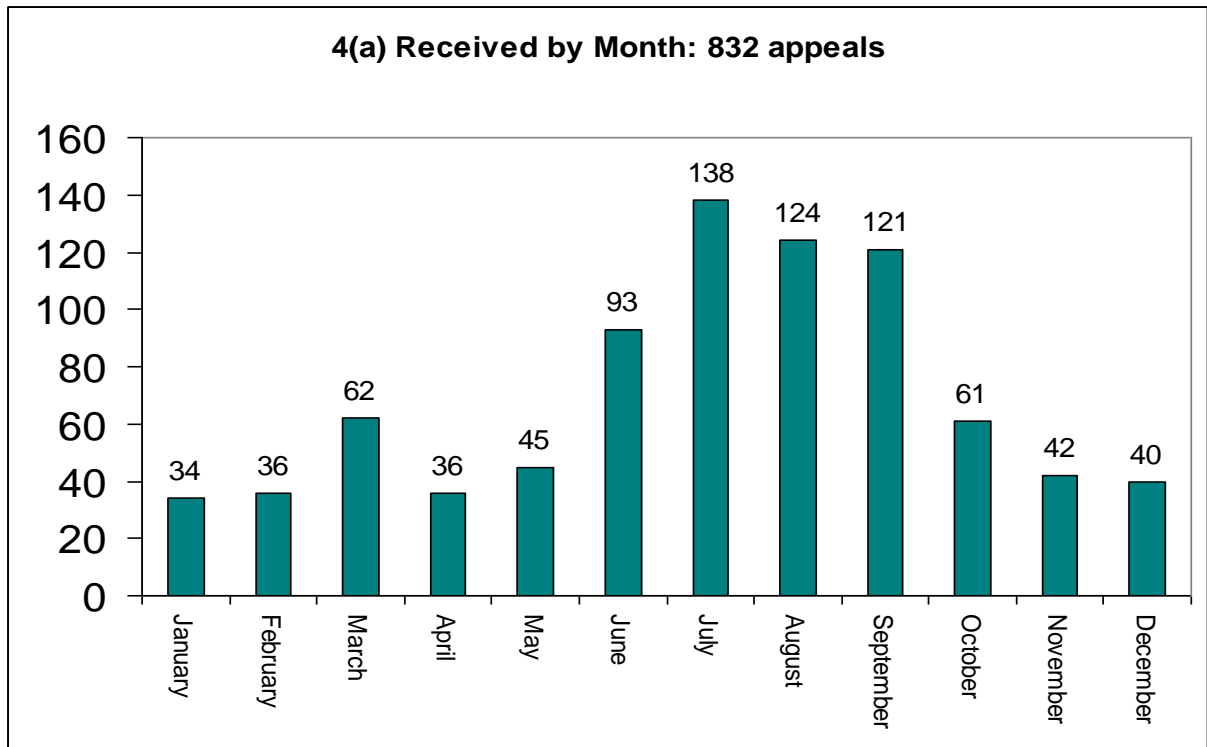
- It is held in private and is informal in format.
- The appellant has a right to representation but must attend the hearing in person.

Oral hearings were held in every county. Conscious of the need to be efficient, the Agriculture Appeals Office aims to group oral hearings so that an Appeals Officer will hold a number of hearings on the same day in a particular region. Appeals Officers are allocated regions of the country and these regions are rotated on a regular basis.



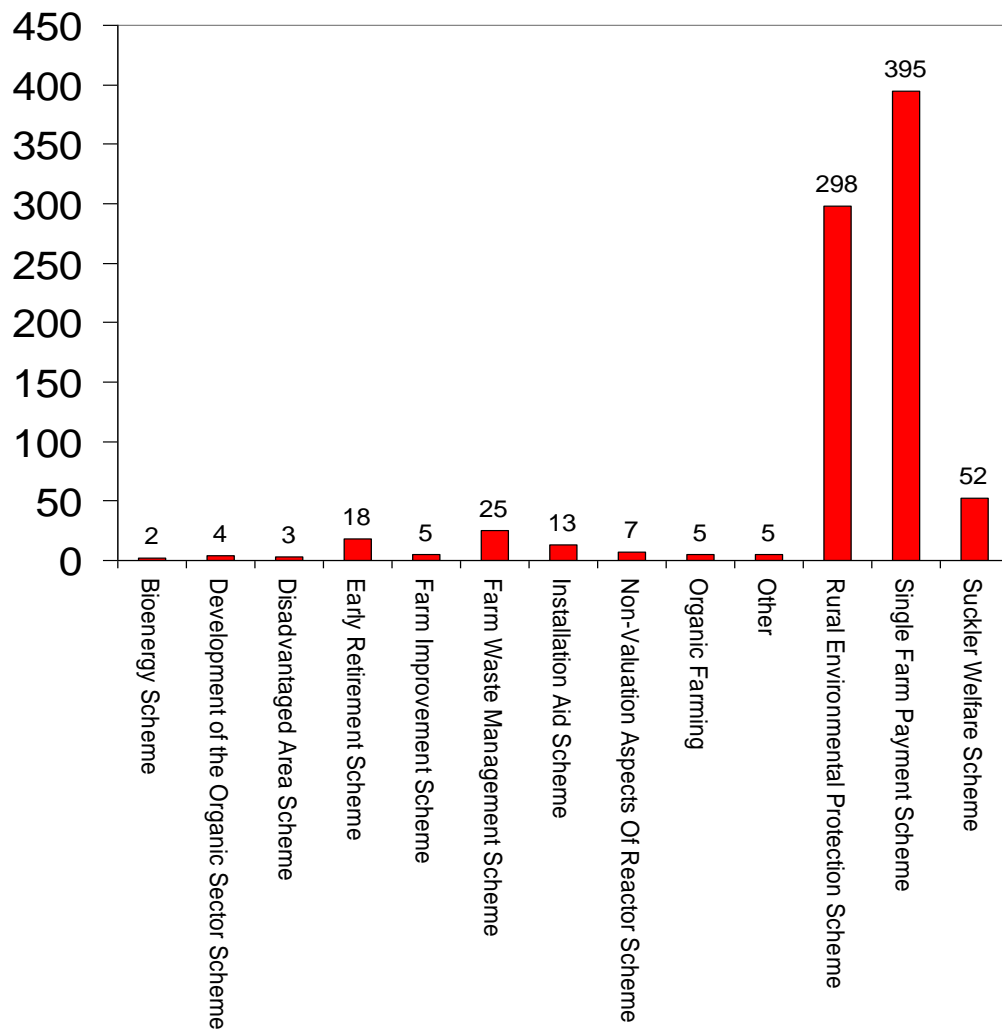
## 4. Statistics – 2010

832 cases were received in 2010 compared with 692 in 2009, an increase of 20%.

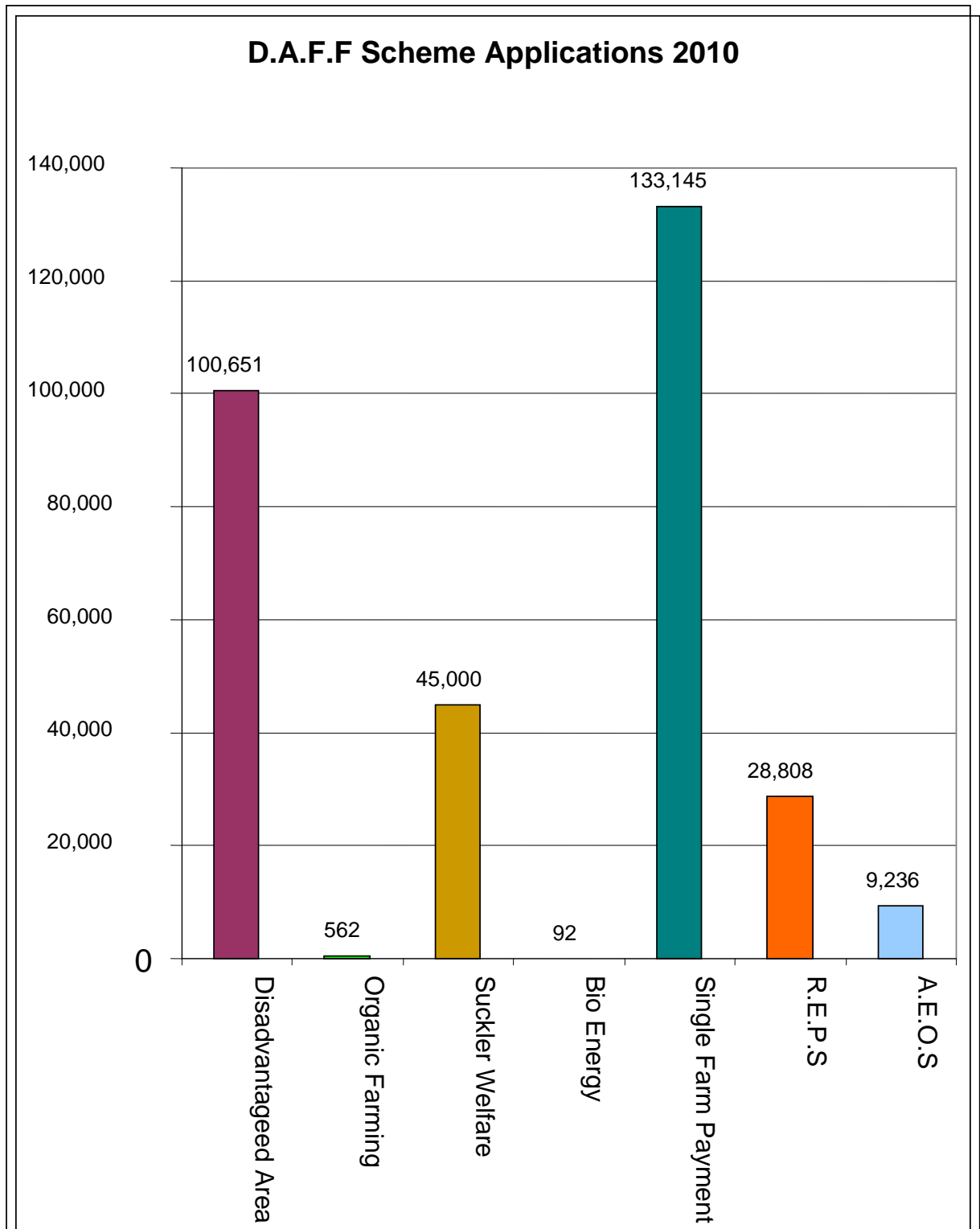




#### 4 (c) Received by Scheme 2010



**4(d) D.A.F.F. Scheme Applications 2010.**



*Statistics supplied by the Department of Agriculture, Fisheries and Food.*

**4(e) Outcome of appeals received and completed in 2010**

<b>Outcome of 2010 Appeals</b>	
<b>Appeals Allowed and Partially Allowed</b>	20%
<b>Revised by the Department</b>	27%
<b>Appeals Withdrawn, Invalid and Out of Time</b>	14%
<b>Disallowed</b>	39%

\*This figure represents the position at y/e 31/12/10.

**Terminology**

**Appeal Allowed:** Where the Appeals Officer accepts the case put forward by the appellant and overturns the penalty.

**Partially Allowed:** This category includes cases where an Appeals Officer decides that a reduced or lesser penalty should apply.

**Revised by the Department:** This category includes cases where the Department has revised its original decision based on new information submitted by the appellant to the Agriculture Appeals Office.

**Invalid:** This category includes appeals on matters not appropriate to the office, (i.e. schemes not listed in the schedule to the Agriculture Appeals Act), pre-13 May 2002 cases, duplicate appeals and cases where no actual decision has been made by the Department of Agriculture, Fisheries and Food.

**Out of time:** Applicants have three months from the date of decision of the Department to appeal and appeals received after that time, are not accepted. However, where extenuating circumstances exist, the Director may allow a case to be considered where it is lodged after three months.

**Advice Given:** The Act allows for representations made to the Minister under the National Beef Assurance Scheme and the Scheme for the Approval and Registration of Dealers and Dealers' Premises to be referred to the Director for advice. This category refers to advice given by the Director.

**Appeal Disallowed:** Where the Appeals Officer does not accept the case put forward by the appellant and considers the penalty imposed by the Department of Agriculture, Fisheries and Food to be the correct one.



**4(f) Outcome by scheme received at 31/12/10.**

SCHEME	Received	Allowed	%	Partially	%	Revised by Dept.	%	Withdrawn	%	Invalid	%	Out of Time	%	Disallowed	%	Open	%
Bio Energy Scheme	2	-	-	-	-	-	-	1	50.00%	-	-	-	-	-	-	1	50.00%
Development of the Organic Sector Scheme	4	-	-	-	-	1	25.00%	-	-	-	-	-	-	2	50.00%	1	25.00%
Disadvantaged Areas Compensatory Allowance Scheme	3	-	-	-	-	2	66.70%	-	-	1	33.30%	-	-	-	-	-	-
Early Retirement from Farming Scheme	18	-	-	1	5.60%	8	44.40%	-	-	-	-	-	-	4	22.20%	5	27.80%
Farm Improvement Scheme	5	1	20.00%	-	-	-	-	-	-	-	-	-	-	1	20.00%	3	60.00%
Farm Waste Management Scheme	25	3	12.00%	-	-	-	-	-	-	1	4%	-	-	9	36.00%	12	48.00%
Installation Aid Scheme	13	1	7.70%	-	-	-	-	-	-	-	-	-	-	4	30.80%	8	61.50%
Non-Valuation Aspects of Reactor Scheme	7	-	-	-	-	-	-	-	-	1	14.30%	-	-	4	57.10%	2	28.60%
Organic Farming	5	1	20.00%	-	-	-	-	-	-	-	-	-	-	1	20.00%	3	60.00%
Rural Environment Protection Scheme	298	16	5.40%	23	7.70%	24	8.00%	9	3%	5	1.70%	11	3.70%	73	24.50%	137	46.00%
SFPS - Cross Compliance	70	1	1.40%	4	5.70%	-	-	-	-	5	7.10%	2	2.90%	17	24.30%	41	58.60%
SFPS - Late Submission of Applications	10	-	-	-	-	1	10%	-	-	2	20%	-	-	3	30%	4	40%
SFPS – Nitrates	270	4	1.50%	44	16.30%	79	29.30%	3	1.10%	6	2.20%	7	2.60%	61	22.60%	66	24.40%
SFPS – Other	6	-	-	-	-	-	-	-	-	2	33.30%	-	-	-	-	4	66.70%
SFPS - Over Declaration of Land/Setaside	33	4	12%	1	3%	2	6.10%	-	-	5	15.20%	1	3%	5	15.20%	15	45.50%
SFPS - Surrender of unused entitlements to National Reserve	1	-	-	-	-	-	-	-	-	1	100.00%	-	-	-	-	-	-
SFPS – Under Declaration of Land	3	-	-	-	-	2	66.70%	-	-	1	33.30%	-	-	-	-	-	-
SFPS – Consolidation	2	-	-	-	-	-	-	-	-	-	-	-	-	1	50.00%	1	50.00%
Suckler Cow Welfare Scheme	52	-	-	-	-	17	32.70%	-	-	2	3.90%	-	-	14	26.90%	19	36.50%
Other	5	-	-	-	-	-	-	-	-	4	80.00%	-	-	-	-	1	20.00%



**4(g) Time from Department of Agriculture, Fisheries and Food to Appeals Office**

For 2010 cases the average time taken by the Department to return files was 32 days. A breakdown follows by scheme;

SCHEME	Average number of days to return file
Bio Energy Scheme	60
Development of the Organic Sector Scheme	34
Disadvantaged Areas Compensatory Allowance Scheme	0
Early Retirement from Farming Scheme	14
Farm Improvement Scheme	32
Farm Waste Management Scheme	34
Installation Aid Scheme	39
Non-Valuation Aspects of Reactor Scheme	31
Organic Farming Scheme	26
Rural Environment Protection Scheme	40
Single Farm Payment Scheme	22
Suckler Welfare Scheme	17

When an appeal is lodged with the Agriculture Appeals Office, this office,

- Requests the relevant file from the Department of Agriculture, Fisheries and Food.
- Asks that the relevant Division of the Department provide a statement showing the extent to which the facts and contentions advanced by the appellant are admitted or disputed.

The office asks the Department to return files within two weeks of the initial request. This is to ensure that appeals can be allocated to an Appeals Officer without delay and considered as soon as possible. Reminders are issued where the Department does not respond promptly – 200 reminders were issued in 2010, followed by repeat reminders in some cases.

**4(h) Time taken to determine cases by the Appeals Office**

For 2010 cases, the average time taken to deal with a case from the time of receipt of the Department file and statement until the issue of the decision was 103 days. The Appeals Office has set itself a target of three months from time of receipt of the appeal to the issue of decision letter. Some cases, due to circumstances outside the control of the Appeals Office may not be completed within the set time frame.

**4(i) Position at year end**

Status at 31/12/10	2010 Cases	2009 Cases
<b>Cases closed in 2010</b>	509	255
<b>Work in Progress – Appeals Office</b>	115	12
<b>Awaiting Department Response</b>	208	0
<b>Total on Hand</b>	323	12
<b>OVERALL TOTAL</b>	<b>832</b>	<b>267</b>

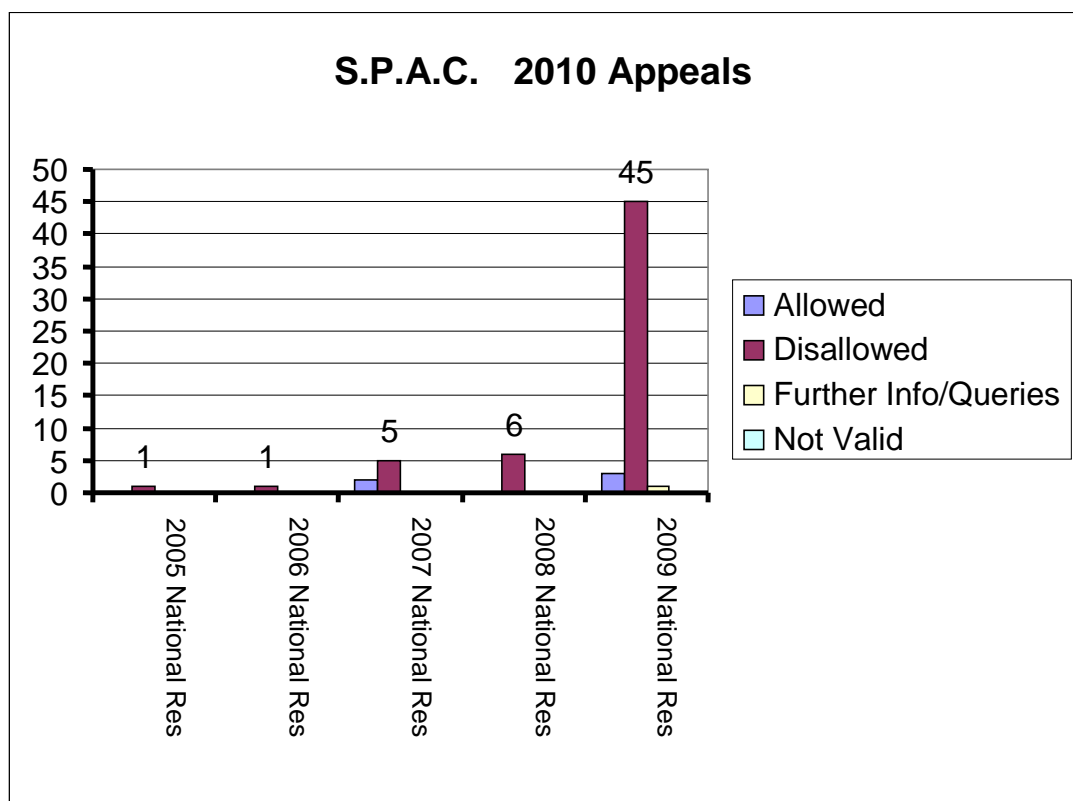
In addition to the cases closed above, the Single Payment Appeals Committee closed a total of 64 cases pertaining to the Single Payment Scheme. Please see the following section for further information.

## 5. Single Payment Appeals Committee (S.P.A.C.)

The Single Payment Appeals Committee was established in February 2004 to deal with appeals made by farmers who are dissatisfied with the decisions of the Department in relation to the implementation of the various facets of the Single Payment Scheme. The Appeals Committee is chaired by Mr John Duggan and comprises Appeals Officers from the Agriculture Appeals Office. Mr Duggan, who is a farmer and a former Chairman of Avonmore and Glanbia Plc, has experience of all aspects of the agricultural sector. Mr Duggan has also served as a board member of both Bord Bia and the Irish Dairy Board. S.P.A.C. examines appeals in relation to the decisions of the Department of Agriculture, Fisheries and Food under various aspects of the Single Payment Scheme. These include Force Majeure, New Entrant/Inheritance arrangements, Private Contract Clause with the majority of the work making decisions on cases relating to the allocation of entitlements from the 2005, 2006, 2007, 2008, 2009 National Reserve. There were three meetings of the committee in 2010 and it concluded the consideration of 64 cases in that time and made recommendations to the Department as set out in the table below.

### 5(a) S.P.A.C. Cases dealt with in 2010

SPAC	2005 National Reserve	2006 National Reserve	2007 National Reserve	2008 National Reserve	2009 National Reserve	Overall Totals
<b>Allowed</b>	-	-	2	-	3	<b>5</b>
<b>Disallowed</b>	1	1	5	6	45	<b>58</b>
<b>Further Info/Queries</b>	-	-	-	-	1	<b>1</b>
<b>Not Valid</b>	-	-	-	-	-	<b>-</b>
<b>Total</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>6</b>	<b>49</b>	<b>64</b>



## 6. Selected Appeal Cases

### Case 1 Single Payment Scheme (SPS)

An appeal was made against the decision to reject the appellant's 2009 SPS/DAS application, because it was not received until after the closing date for lodgement of applications. The appellant contacted the SPS Unit, Department of Agriculture, Fisheries and Food (DAFF) in September 2009 to enquire if their SPS advance would soon be paid. The appellant was informed that there was no record of receiving their 2009 SPS application. Their adviser forwarded a copy of their 2009 SPS application together with a receipt from the local office to the SPS Unit. The receipt was checked and found not to be authentic, the adviser was informed of this by telephone. SPS Unit received a letter in Oct. 2009, together with a copy of the appellant's 2009 SPS application, and proof of postage. In his letter the adviser explained how a false receipt was placed on file, he apologised for the error. He also stated that he posted the appellant's application from another county on the 11<sup>th</sup> May 2009. A letter was issued in November to the adviser informing him that the DAFF was not accepting his explanation as to why his client's 2009 SPS application was not received until the 30<sup>th</sup> September 2009. A letter was also issued to the appellant on the 10<sup>th</sup> November 2009 informing him that the proof of postage received was considered, but could not be accepted. The appellant was also informed that no payment could be made on an SPS application received after the 9<sup>th</sup> June 2009.

An appeal was made and an oral hearing was requested. The appeal was on the grounds that the appellant dropped in their application to the adviser's office on the 22<sup>nd</sup> April 2009. The application was returned on the 9<sup>th</sup> May 2009, as it was not signed, the appellant signed it and the adviser posted it on the 11<sup>th</sup> May from another county. The main ground of appeal was that an official from the SPS unit contacted the appellant by telephone and dictated a letter, and promised the appellant that SPS entitlements would be paid if they signed this letter. The appellant was reluctant to sign this letter as it contradicted the explanation of what happened. The appellant contacted their adviser, who advised that it would be better to check again with the official to be sure what his office required. The appellant rang them back and was again informed that payment of entitlements would be made on receipt of this letter.

An oral hearing was held, the appellant and his adviser attended and three officials from the SPS unit represented DAFF. One official stated that the SPS Unit deals with 130,000 applications each year; and there are processes in place to deal with difficulties. The initial proof of lodgement was not reliable, and subsequent proof of postage was also found to be unreliable. He stated that this case just did not follow the norm, and he outlined the postal procedure where applications can be tracked to provide proof of postage. The second official stated he was the Deciding Officer in the case, and under EU Regs. there was no leeway with applications received late. He read from his letter of the 22<sup>nd</sup> December 2009, which outlined the DAFF case. There was no record of receiving the appellants 2009 SPS application, he outlined events from receiving the appellant's telephone call until they made their decision. He stated that they checked the local DVO receipt with the official whose signature was on the lodgement receipt, she confirmed that it was not her hand writing. The postal receipt again did not stand up to scrutiny. The third official denied ever dictating a letter to the appellant. The appellant and his adviser gave their version as to how the 2009 SPS/DAS application was posted, and an explanation as to how a false receipt was posted to DAFF.

Prior to making a decision in the case, the Appeals Officer checked with the appellant's local Department office, and found that their procedure was never to return an application without first stamping and photocopying it. They had no copy of the appellant's application. The Appeals Officer also checked with An Post and found that the receipt number supplied for posting the SPS/DAS application was for a letter posted in a different county to an address in Kerry. In considering the appeal, the Appeals Officer had regard to the Terms and Conditions of the scheme and the relevant legislation, quoting Section 8 of 2009 SPS/DAS Terms & Conditions under the heading 'Closing date for application - 15 May' which states (Applicants must ensure that their completed 2009 SPS/DAS applications form is received in the SPS Unit, DAFF, Old Abbeylax Rd, Portlaoise, Co Laois or in any local office of DAFF, or submitted online to DAFF no later than mid-night on Friday 15<sup>th</sup> May 2009. This is the latest date allowed under EU rules and, therefore cannot be extended. In the event that the DAFF does not receive your completed 2009 SPS application, which you sent by post, you will be required to produce the Swift post receipt as proof of postage. Keep your Swift post receipt safely.) and also; Section 9 of 2009 SPS/DAS Terms & Conditions under the heading 'Penalties for late applications' which states (There will be a 25 calendar day period after the 15<sup>th</sup> May closing date for the acceptance of late applications and any necessary supporting documentation. However, a penalty of a 1% loss in payments per working day that the application is received late will apply during this period-see table below. Except in cases of force majeure, applications will not be accepted without penalty after this 25 calendar day period has ended). Due to the discrepancies found in the receipts and the proof of postage provided the Appeals Officer disallowed the appeal.

## **Case 2      Farm Waste Management Scheme**

A FWM application for grant-aid for an easy feed slatted cattle house and ancillaries was approved by the Department. The approval letter issued included schedules and specifications details. Card A, accepting the offer for grant aid and agreeing to be bound by the conditions as outlined in the Letter of Approval FWM8, was returned by the appellant. Application for payment was received within the required timeframe and following a pre-payment inspection, grant aid was sanctioned for 70% of the Department's standard costs. A review of the file was requested, as the applicant was dissatisfied with the amount of grant aid received, because it did not correspond with 70% of the costings prepared by the Agricultural Consultant. Following a recheck, the Department advised they were satisfied that the correct amount of grant was paid. This decision was subsequently appealed to the Agriculture Appeals Office.

At the oral hearing, the breakdown of costs as determined by the Department and those prepared by the appellant's Agricultural Consultant were compared. Following discussion between both parties, discrepancies in the calculations were identified which included elements, such as internal measurements used, common walls to other buildings to be deducted, maximum widths allowed and limitations to items eligible for single sided house with enclosed feed passage. The Department's stated their calculations were based on the relevant approved Standard Costings in consultation with the Explanatory Notes. In response, the appellant confirmed that he was unaware of the maximum limits that were imposed on the slatted area and feed passage and the other deductions made by the Department.

In considering the appeal, the Appeals Officer must have regard to the EU Regulations governing the scheme as set out in the Scheme Specification and also to the principles of natural justice. The Appeals Officer noted as part of the application to the FWM Scheme, the applicant signed a declaration to the effect that he had read and understood the conditions of the scheme, and that he agreed to observe and be bound by all conditions of the scheme. In Section 6, 'Financial Aids Payable under the Scheme', of the Terms and Conditions of the FWM Scheme, it states "The maximum grant available is calculated in accordance with the Department's Standard Costs applicable at the date of approval". The calculation of grant aid is also defined in Section 5(a) of the letter of grant approval (FWM8) and states "The grant aid payable will not exceed 70% of standard or receipted costs including own labour, machinery and material, whichever is the lesser. (See Department's website for Standard Costings and the accompanying Explanatory Notes).

The Appeals Officer examined the Standard National Costing and Explanatory Notes applicable to the application in relation to the disparities identified and was satisfied that the Department has applied the Explanatory Notes appropriately in all calculations except for one. In this instance, a maximum width of 4.00m was applied to the feed passage as detailed in Circular No. 37/92 'Explanatory Notes on Costings and Conversion' which was associated with a previous scheme, 'Farm Improvement Programme'. The Appeals Officer considered it was not fair procedure to apply it to this current scheme, however in this case, the Department's interpretation has been more favourable for the grant calculation.

The Appeals Officer noted that the appellant did seek to obtain the best price through tenders for the works involved and there was a large amount of personal investment committed but the Explanatory Notes were required to be read in conjunction with the Department's Standard Costings to determine the maximum grant available. In conclusion, the Appeals Officer could not find grounds to increase the grant aid and the appeal was disallowed.

### **Case 3      Appeal in relation to the Non-Valuation Aspects of the TB & Brucellosis Eradication Scheme [Non payment of Income Supplement]**

The herd was restricted in late 2008 with more than 10% of the animals in the herd showing up as reactors. Under the Terms and Conditions of the Income Supplement Scheme, the appellant was considered for and began to receive payment. Subsequently four animals were brought into the herd without permission in early 2009. The Department view was that the movement into a restricted herd of any animals was prohibited except with the written permission of the District Veterinary Office (DVO) and on foot of a movement permit. It was also stated that the position is verbally explained to herd owners at the time of restriction in addition to being specifically stated in the restriction notice. It was stated that every herd owner must apply to the DVO for written permission to move in animals when the herd is restricted. It stated further that under the Terms and Conditions of the Income Supplement Scheme even when a farmer received permission to buy in animals the payments are stopped.

In response to a request, the appellant stated that he genuinely did not know that he could not buy in calves. It was his understanding that breeding stock could not be bought in. The calves were bought as stock numbers were falling rapidly. The case was reviewed and the position remained that the calves were bought in without permission and that even with written permission payments under the Income Supplement Scheme would cease. It was pointed out that the relevant information was set out in the Important Information for Farmers' document. It was also stated in the Restriction Notice (ER22) where at (1) it was set down that '...no animal is moved into or out of this holding except under the written authority of a movement permit...' Reference was also made to the fact that verbal explanation had also been given. He was informed of the right of appeal.

The submitted appeal stated that it was unfair to penalise the full value of the income supplement for the purchase of these calves as it was disproportionate and failed to take account of the reason why they were purchased. They were bought for animal welfare reasons. It was also stated that the scheme allowed for the purchase of a replacement calf in a suckler enterprise without jeopardising payment; that the calves were bought from a herd free of TB and that the supplement was paid to alleviate the consequential loss experienced from having lost animals as reactors. The Department view was that Income Supplement was paid on certain conditions being adhered to and that payment ceased upon animals coming in to a restricted herd. They also pointed out that various communications issued to farmers explaining their obligations under the scheme. Once more than 10% of the herd were affected the supplement became payable but bought in animals caused the payment to cease and this was irrespective of whether permission to move animals in was granted or not. The Department also stated that contact should have been maintained with them and that a greater penalty for technical breach could have been applied.

The appellant made the point that he had been restricted previously; had gone clear only to be restricted again in late 2008. He had lost a number of cows and cattle and acting on veterinary advice sought to buy in animals. They were bought without thinking through the implications. The financial losses were referred to as farm output was seriously affected and the animals had been purchased to address a perceived animal welfare issue. The situation had imposed financial hardship and the sanction was viewed as being disproportionate.

The decision was whether or not the cessation of Income Supplement payments because of the buying in of animals was correct. While it was accepted that the purchase was done for the best of motives in welfare terms the observance of the terms and conditions of the various schemes applied for must be considered also. There was a serious breakdown in herd causing particular hardship to the appellant and his family but the documentation issued to farmers clearly set out the requirements of what was and was not permitted to comply with the Income Supplement Scheme. It was also noted that as there had been a previous breakdown there was an awareness of what was permitted. As it is clearly set out that payments cease to be made when animals are bought in whether with or without permission the Appeals Officer found that the Department were correct in their decision to cease Income Supplement payments. The terms and conditions of the Income Supplement Scheme were not complied with and the appeal was disallowed.

## **Case 4            Rural Environment Protection Scheme (REPS3)**

An appeal was made against the decision to clawback all payments made under Supplementary Measure 6 (SM6) – Organic Farming, due to a failure to obtain an organic licence in the final year of the REPS contract.

The appellant commenced participation in REPS3 with effect from 1st August 2005 including Supplementary Measure 6 (SM6) - Organic Farming. Payment was made in respect of years, 1, 2, 3 and 4. In year 5, the Department sought a copy of the organic licence, and was informed that the licence had not been renewed for 2009 due to financial reasons. The appellant explained that he had been involved in pig production and due to the dioxin pig meat scare, together with increased regulation and increased feed costs the markets changed and it proved uneconomic to continue in this type of farming. In addition, medical issues arose which required the appellant to change to cattle farming only. The cost of obtaining an organic licence was also a factor in the decision not to obtain a licence in 2009.

In considering the case, the Appeals Officer had to have regard to the EU Regulations governing the scheme as set out in the Terms and Conditions and to the principles of natural justice. In particular to this case is the penalty set out in the terms and conditions, page 17,

*'Non renewal or withdrawal of organic licence ----- Termination from this measure and full recoupment of aid already received under SM6'.*

The planner specification in relation to SM6 states -

*'A copy of a valid organic licence must be submitted with the initial application for payment and subsequently with each application for annual payment'.*

*'The participant must hold a licence for the full duration of their REPS contract'.*

In signing the application form for REPS in July 2005, the appellant confirmed that he had read and agreed to be bound by the terms and conditions of the scheme and that he understood his obligations under the scheme. These terms and conditions clearly stated that he was required to hold a valid organic licence for the full duration of his REPS contract. He was also advised that in the event that he did not, recoupment of all monies paid under this measure was required.

While it is understood that the appellant took the decision not to renew his organic licence for financial reasons, the increased feed costs, the loss of markets and the cost of the licence itself, it was not accepted that these are sufficient reasons to change the clawback of monies. The appellant had received a higher payment in year 1 and 2 based on the in-conversion rate and it was not accepted that he could cease to comply with the scheme when the rates are reduced in the final years. He had undertaken to comply with the scheme for 5 years and to maintain his organic status for that period.

The appellant had also submitted that he reduced animal numbers due to his health condition. There are Force Majeure provisions under REPS but these require that the farmer cease to farm entirely. The appellant continued to maintain cattle on his farm and therefore cannot be considered to qualify under this provision. The appeal was disallowed.



## **Case 5                      Single Payment Scheme (SPS) & Disadvantage Areas Scheme (DAS)**

An application was made under the 2009 Single Payment Scheme. At an inspection carried out by the Department, the eligible area found was less than that declared on the application and consequently the ineligible area was rejected and a penalty applied in accordance with the terms and conditions. As the over declaration was greater than 50%, the penalty was loss of payment under both schemes for 2009 and an administrative fine to be recouped over the following three years.

In relation to the three specific parcels of land rejected at this inspection, the appellant accepted that one parcel was not eligible as it has a hardcore base. He stated that a further parcel had natural boundaries, that it is farmed for winter grazing, that a single line of wire is electrified when animals are present, that there is a bridge for access at road level and that the back of this parcel is marshy and soft and animals cannot enter from this side. There are drains to the side which are 8ft wide and 4-5ft deep. There was some difficulty in keeping a third parcel fenced as the boundaries were disputed. The appellant put forward that the penalty was very harsh and resulted in a very serious financial position for him.

In considering the appeal, the Appeals Officer had regard to the EU Regulations governing the scheme as set out in the Terms and Conditions. With particular regard to this case are the following provisions of the 2009 SPS Scheme.

A farmer is a person *'who carries out an agricultural activity'*. An agricultural activity is defined as *'The production, rearing or growing of agricultural products including harvesting, keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition'*. A land parcel is defined as *'An area of land uniquely within a townland which has a unique identifier number and must be defined by a permanent boundary'*.

The terms and conditions of the scheme also require that a number of further conditions must be adhered to

1. *The land must be used and managed by the applicant*
2. *There must be appropriate fencing for the farming enterprise*
3. *There must be defined external boundaries.*

In applying for the scheme, a farmer declares that he is aware of the Terms and Conditions of the scheme and agrees to comply fully with them. On this basis therefore, the onus is on the farmer to declare only eligible forage as defined by the scheme Terms and Conditions.

In this case, the three parcels concerned did not comply with the scheme requirements as they were not fenced, had no evidence of agricultural activity on the bog/turbury area, and could not be regarded as forage area as defined under the scheme. With regard to the severity of the penalty, where the over declaration of land is greater than 50%, the penalty is loss of payment for the year in question and an administrative penalty to be recouped over the following three years. The Appeals Officer cannot alter penalties as provided for in the Terms and Conditions. The appeal was disallowed.

## **Case 6            Rural Environment Protection Scheme (REPS)**

The appellant was accepted into REPS 4 with a commencement date of 1st March 2009. Following a full REPS inspection of the appellant's farm on 8th October 2009, the appellant was notified of a 25% penalty for bovines not excluded from wells and watercourses marked blue on the map.

In his appeal and at the oral hearing, the appellant stated that the well was dry and had been for a number of years. He argued that the well was not even marked on the Ordnance Survey maps, and that other boreholes sunk in the vicinity of the well had come up dry.

The Department position was that REPS dictated that the well had to be fenced by the appellant, and irrespective of whether or not the well was dry, there still existed the potential for groundwater pollution.

The Appeals Officer noted that the Specification for REPS Planners in the preparation of REPS 4 Plans stated that all wells and boreholes had to be fenced by the end of the first year of the plan. It was noted that in this case the REPS inspection had taken place during the first year of the appellant's plan. Therefore, the appellant still had the opportunity to comply with the requirements outlined in the plan. The appeal was allowed.

## **Case 7      Rural Environment Protection Scheme**

The appeal concerned a 20% penalty imposed following a REPS 3 on-farm inspection. The Inspector found the appellant had breached a Measure 1 requirement as insufficient slurry/waste storage capacity existed for the number of animals planned.

In the appeal, the appellant's advisor stated total slurry production for the animals to be housed for the 2009/2010 winter was calculated at 55.8m<sup>3</sup>, soiled water production was 19.05m<sup>3</sup> and the capacity of the on-farm covered slurry tank was 76.67m<sup>3</sup>, meaning there was surplus storage capacity of 1.82m<sup>3</sup>. The advisor stated the Inspector had over calculated an unroofed animal area, and had not accounted for straw bedding that was extensively used with seepage diverted. The advisor also stated planned stock levels were used instead of actual stock numbers.

The Inspector found that most cattle were in an easy feed and cubicle set up so no allowance was made for straw usage and no evidence was found of straw usage for winter housing. The Department stated that while actual animal numbers were slightly less than the numbers planned, storage must be available to meet the number of animals planned for and the plan must be in line with nitrates requirements from 1st Jan 2008. The appellant stated his REPS Planner had given scope to expand animal numbers.

The specification for REPS Planners in Preparation for REPS 3 Plans states that the storage capacity required for slurry, farmyard manure, silage effluent and soiled water from all sources having regard to location, method of storage, soil type etc., should be carefully calculated and compared with the storage capacity existing on the farm. The capacity of all facilities, including planned facilities, must be clearly stated on the plan. The plan in this case stated there was 86m<sup>3</sup> of slurry storage capacity, and that an 18 week minimum slurry storage period applied, and 80.6m<sup>3</sup> of neat excreta was produced indoors.

The Appeals Officer found that total slurry for the 'planned animals levels' along with soiled water from rainfall on unroofed animal areas calculated to 106.2m<sup>3</sup> and slurry storage capacity was 87.94m<sup>3</sup>. The Appeals Officer noted that slurry tank capacity must also be adjusted for 200mm free board area. The Appeals Officer observed that having less stock than was planned for was a secondary issue and should have been the subject of the submission of an amended plan.

The Appeals Officer found that the rainfall calculation at 0.81m over the 18 weeks period was the rainfall figure required by the Nitrates Regulations for the county and this had a major impact on the net slurry storage capacity required due to the unroofed animal area. The Appeals Officer found that using either the appellant's or the Department's soiled yard area a net cubic storage capacity of either 100.77m<sup>3</sup> or 106.2m<sup>3</sup> was required and a significant shortfall in capacity existed. Further adjustment following the consideration of the amount of straw usage for calving shed and calf housing was insufficient to remedy the shortfall in storage.

The Appeals Officer found that the appellant did not have sufficient slurry storage capacity for the planned animal numbers when the unroofed soiled yard area was taken account of. The appeal was disallowed.

## **Case 8      Single Payment Scheme (SPS) Nitrates**

The appellant was notified that the estimated total Nitrogen from livestock manure applied to their lands for 2007 amounted to 265kg N/ha, on the land declared on his 2007 SPS application form. As this exceeded the permitted level of 170kg N/ha, the appellant was notified that a penalty of 20% was imposed on his SPS payment.

Participants in the 2007 SPS were obliged to ensure that the total amount of Nitrogen from livestock manures applied to their land (including that deposited by the animals themselves) did not exceed an amount containing 170kg N/ha per year. The applicant was notified that the estimated total N from livestock manure applied to their lands for 2007 amounted to 265kg N/ha, on the land declared on his 2007 SPS application form. The appellant responded advising of the hardship experienced but also that he had about 1 acre of land around the house which was not included in the SPS applications.

An appeal was lodged against the Department's decision. No oral hearing was requested. In the grounds of appeal, the appellant detailed the difficulties and hard times experienced in farming a small area. The strain and pressures experienced were emphasised and the necessity to obtain off-farm employment. In a telephone conversation, the grounds of the appeal were confirmed and the Appeals Officer requested a folio and plan map for the land around your house.

In considering this case, the Appeals Officer is required to have regard to the EU Regulations governing the scheme as set out in the Terms and Conditions and issued to every herdowner at the commencement of the scheme. They also have regard to the principles of natural justice. Under the terms of the Nitrates Directive, it states, "*You must not spread livestock manure and slurry containing more than 170kg N/ha in a year.*" Every farmer in the country is required to comply with this requirement or if they cannot comply they can seek a derogation to apply up to a maximum of 250kg N/ha. This information was notified to farmers in the booklet entitled 'Explanatory Handbook for Good Agricultural Practice Regulations' issued by the Department in November 2006. In addition, interim statements were issued to farmers in mid 2007 outlining the amount of Nitrogen produced on their farms to that date.

In the grounds of appeal, the appellant referred to additional land around the house which was available for farming purposes. However, under the Terms and Conditions of the SPS, a farmer is required to submit one application which contains "*All the land parcels on your holding in 2007 wherever located*". A holding is defined as "*All the production units within the territory of the State managed by the farmer*". Therefore, the farmer was required to declare all the parcels farmed by him in 2007 and based on the information provided for this case, this was not the position. The Appeals Officer pointed out even if this area of approx 0.4ha (folio area 0.551ha) was accepted, it would not be sufficient to reduce the organic N to below the maximum permitted of 170kg N/ha. In relation to the other points put forward, the Appeals Officer regretted they could not be accepted in this case but acknowledged and sympathised for the difficulties experienced.

The Appeals Officer found the decision of DAFF to be correct and in accordance with the Terms and Conditions of the scheme as the 170kg N/ha was exceeded. However, the Appeals Officer decided that the penalty applied was not correct. The penalty being applied was provided for under Article 67 of Commission Regulation 796/2004 which relates to a non-compliance committed intentionally. In this case, no evidence was presented that the non-compliance was committed intentionally. Therefore, the Appeals Officer decided that the appropriate penalty to be applied was 5% as provided for under Article 66 of 796/2004 relating to negligence and thus partially allowed the appeal.

## **Case 9      Rural Environment Protection Scheme 3 (REPS)**

The appellant's REPS 3 plan commenced in 2004, and they took on 'Organic Farming' as a Supplementary Measure. The appellant didn't renew the organic licence at the end of 2008. He was notified in a letter in May 2010 from the REPS Debt Recovery Unit, Department of Agriculture, Fisheries and Food, (DAFF) that because he did not renew the organic licence that all monies paid under Supplementary Measure 6 were being recouped. A cheque for monies already paid was requested.

An appeal was made to the Appeals Office in August 2010. The appeal was on the grounds that a close family member of the appellant died tragically in 2008. The appellant was taken up with helping the family cope with this tragic event and failed to deal with their post and did not realise the organic licence was not renewed. The appellant provided medical evidence confirming that he had suffered from a medical condition in early 2009. The appellant stated that he continued to farm organically in 2009 and the extensive method of farming did not change even though the organic licence was out of date. A list of dates and cheques that were paid to IOFGA on time from 2004 to 2008 was provided. An oral hearing was requested.

An oral hearing was held and the appellant attended; an official from the Debt Recovery Section represented DAFF. The official outlined the reasons why the monies already paid had to be recouped. He stated that the Organic Section of DAFF had been notified that the appellant organic licence had not been renewed and under REPS3 Terms & Conditions when the organic licence was withdrawn or not renewed all aid already paid had to be recouped. The appellant's REPS3 contract did not come to an end until May 2009, so there was an obligation to have an organic licence until that date.

The appellant reiterated what was written in their letter of appeal, and spoke of the pressure their family were under at that time. The appellant accepted he did not deal with the post in early 2009 and inadvertently let their organic licence lapse. The appellant stated that he never had a REPS penalty and continued to observe organic conditions after the licence lapsed. The appellant felt the loss of all the aid paid under Supplementary Measure 6 for organic farming was too severe as he had complied with terms & conditions fully, apart from not having a licence for a five month period at the end of the contract.

In considering the appeal, the Appeals Officer had regard to the Terms and Conditions of the scheme and the relevant legislation and also the principles of natural justice. In the decision, the Appeals Officer accepted the medical evidence provided by the appellant's doctors, and also referred to the fact that IOFGA did not send a reminder letter to advise the appellant of the consequences of not renewing their Organic Licence.

The Appeals Officer quoted from REPS3, Terms & Conditions, which cover Supplementary Measures for Organic Farming, section 14.7.6 which states; (Withdrawal or non renewal of an organic licence within the term of the REPS commitment shall mean termination from Supplementary Measure and full recoupment of all aid under the Supplementary Measure including interest payable under SI 463/2003.) and also from section 12 on page 7 of the Terms and Conditions of the Organic Farming Scheme under the heading of Force Majeure which deals with situations where participants are unable to continue complying with commitments given for the Organic scheme. It states; (where a participant is unable to continue complying with the commitments given for reasons beyond his/her control, a case may be made under force majeure to terminate his/her participation in the scheme. In such cases the applicant or his or her representative should inform the Organic Unit in writing with relevant evidence, within 10 working days of being able to do so. Without prejudice to the actual circumstances to be taken into consideration in individual cases, the following categories of force majeure may be recognised.) It goes on to list seven different circumstances where force majeure could apply; one of them is relevant to the appellant's circumstance at that time. It states (b) (long term professional incapacity of the participant).

The Appeals Officer decided under force majeure provisions of REPS3 Terms and Conditions to terminate the appellant's Organic Contract without recoupment from the time the Organic Licence lapsed, because of the medical condition outlined. This reduced the period that required recoupment to five months. The appeal was partially allowed.

## **Case 10      Single Payment Scheme (SPS) Nitrates**

The appeal concerned the Nitrates Regulations and the 2007 Single Payment Scheme (SPS) and Disadvantaged Areas Scheme (DAS). The Department notified the appellant that total Nitrogen from livestock manure (Org N) amounted to 173 kg per hectare (ha) for the year 2007 using the net forage area submitted on the appellant's 2007 SPS application. A 1% penalty was imposed.

At appeal, the appellant's Agricultural Consultant evidenced that 3.23 ha of additional land was rented in 2007 and was included in an amended REPS plan of November 2007, a copy of a specific notification form 'REPS-1A' was also provided. In the appeal, the appellant outlined the circumstances that led to the rental of the additional land in the autumn of 2007, and that it was not possible to add the land to the 2007 SPS application at that stage in the circumstances that existed at the time

Statutory Instrument No. 378 of 2006 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 *Limits on the amount of livestock manure to be applied. Article 20.(1); Subject to this article, the amount of livestock manure applied in any year to land on a holding, together with that deposited to land by livestock, shall not exceed an amount containing 170 kg of nitrogen per hectare.*

The Appeals Officer found no record that an SPS/DAS amendment form was used in 2007 in respect of the rented lands outlined in the appeal. However, the Department's local office confirmed that the REPS 1A form was received in 2007 in respect of the appellant's REPS participation. The Appeals Officer found this declaration to the Department evidenced that the appellant had use of the rented land for 7 months of 2007 and that it was thus part of the farmed holding. The Appeals Officer decided that a pro-rata allowance should be made for the additional land in respect of the 2007 nitrates limit in this specific case. This pro-rata adjustment had the effect of increasing the area used for the Org N calculation and reducing the Org N figure for 2007 to approximately 166.6 kg per hectare and to within the 170 kg limit. The appeal was allowed.

## **Case 11      Animal Welfare, Recording and Breeding Scheme**

The appellant was a participant in the Animal Welfare, Recording and Breeding Scheme for Suckler Herds (Suckler Welfare Scheme). In July 2010, the Department informed the appellant that three of his calves were being rejected from the scheme and were not eligible for payment. The reason given was that the calves had been sold/moved from the herd before the weaning date.

At the oral hearing the appellant accepted that he had taken calves to the mart before weaning. The appellant was of the opinion that it wasn't unusual for calves to be taken to the mart. He stated that in his view moved meant sold. The appellant admitted that if he had received a good offer for the calves he would have sold them and forfeited the grant. The Department stated that one of the aims of the Suckler Welfare Scheme was to create a better herd by reducing stress on calves. Appropriate weaning procedures helped contribute to this.

The Appeals Officer noted that under Chapter 8 of the Terms and Conditions of the Suckler Welfare Scheme all animals must have been weaned a minimum of 2 weeks before they can be sold, or moved from the herd. The Appeals Officer concluded that the calves were moved from the herd in advance of the time limit stipulated in the scheme Terms and Conditions, and that had the opportunity arisen they would have been sold. The appeal was disallowed.



## Case 12      **Single Payment Scheme (SPS) & Disadvantaged Area Scheme (DAS)**

Following an on-farm inspection, a penalty of 31% was applied, in accordance with the Terms and Conditions, to the appellant's 2009 EU SPS and DAS payments as a result of non-compliances found under the following Statutory Management Requirements (SMR's).

- SMR 4 (1% penalty):  
clean water from a shed was mixing with livestock manure and there were no channels to collect effluent that discharged from the yard
- SMR 7 and 8 (15% penalty):  
herd register was not maintained  
15 animals on the holding were missing passports  
16 animals were not registered with CMMS until after the date of inspection  
2 animals had both plastic tags missing
- SMR 6 and 8A (15% penalty):  
flock register or dispatch documents failed to be presented as requested.

The appellant sought a review of this decision advising that the findings were non-intentional but due to ill-health as he was unable to attend to all of his farm duties. Medical evidence was submitted to support this case. He stated that he had rectified the non-compliances and had reduced the herd size. The Department considered the documentation submitted and reduced the sanction to 20% when taking into account the medical evidence and that remedial action had been carried out. This decision was subsequently appealed and an oral hearing was not requested.

In considering the appeal, the Appeals Officer had regard to the Terms and Conditions of the Scheme and the relevant legislation. In section 16 'Cross Compliance' of the Terms and Conditions of the 2009 EU SPS and 2009 DAS, it specifies that "*a farmer receiving direct payments, including SPS, DAS, REPS 4 and Organics must respect the various statutory management requirements set down in EU legislation (Directives and Regulations) on the environment, food safety, animal health and welfare, and plant health and must maintain the lands in good agricultural and environmental condition (GAEC)*". It refers to four publications for further information relating to cross compliance which were issued to all farmers.

An 'Explanatory Handbook for Good Agricultural Practice Regulations' was issued to all herdowners in November 2006 with the objective to explain the new Regulations (Good Agricultural Practice for Protection of Waters Regulations 2006) directly to farmers in a clear and straightforward way. It emphasises that the Regulations are part of cross-compliance and if a farmer did not follow them s/he would be breaking the law and it could also affect their Single Farm Payment. It specifies that soiled water must be kept to a minimum and describes how this can be achieved on page 6 of this booklet. The Regulation concerning the minimising the quantity of soiled water came into effect on 1 January 2007.

Obligations regarding the keeping of bovines and sheep are clearly laid out in 'The Single Payment Scheme Guide to Cross Compliance' booklet which issued to all farmers in 2005, and also in S.I. No. 276/1999 — European Communities (Identification and Registration of Bovine Animals) Regulations, 1999 and SI No. 281/2001 – Diseases of Animals Act, 1966 (National Sheep Identification System) Order, 2001. Again this booklet states if *an applicant is found non-compliant, sanctions will be applied under the SPS. These SMR's concerning the traceability of animals came into effect from 1 January 2005.*

In examining the case, the Appeals Officer acknowledged that the appellant had health issues which were confirmed by a letter from his Doctor. However, the Appeals Officer considered that he was not in a position to further reduce the penalty of 20% as the Department had already acknowledged the medical circumstances by reducing the penalty from 31% to 20%. This reduction was considered appropriate as it was considered that the areas of non-compliance identified during the course of the inspection should not have occurred. The appeal was disallowed.

### **Case 13      Animal Welfare, Recording and Breeding Scheme**

An application was made for the Animal Welfare, Recording and Breeding Scheme for Suckler Herds (Suckler Welfare Scheme) in 2008. In the calendar year of 2009, forth-eight animals were registered in that scheme. The Department drew attention to the fact that in herds with more than ten cows, the calves must be weaned in at least two separate groups with each group being removed at a minimum interval of five days. It was noted that the current weaning date on the profile was 12th November 2009 and this information was received online on that date. In correspondence, the appellant had stated that some of the animals were weaned on the 10th November. Citing the requirement that weaning of groups should take place five days apart the Department stated that the procedure had not been followed. The amendment requested could not be processed and no payment could issue. The option of referring the matter to a reviewing officer was availed of and the outcome was that the requested amendment could not be processed. The requirements of section 8.5.2 of the Terms and Conditions of the scheme had not been complied with. Notwithstanding the contention that a genuine error had been made the reviewing officer did not accept the second and third changes to the weaning dates.

In his appeal, the appellant stated that the animals were weaned correctly but that an error had been made in the recording of the information and its transfer to the documents. A farm diary was used to keep all records which were then transferred onto the suckler event diary. In doing so some dates got confused. There was also medical evidence adduced in support of the appeal.

At the oral hearing, the Department stated that the scheme had been signed up to and that meant an acceptance of the terms and conditions; that forth-eight animals were registered in 2009 with one weaning date given for all. This exceeded what was provided for in the scheme conditions and breached the groups of ten provision and the 'at least two separate groups' requirement with five days in between. They referred to a second submission showing three dates as the 8th, 10th and 12th November but this was rejected as there was not five days between each weaning date. A third reply showed weaning taking place on the 7th and 12th but the Department could not accept this as it was the third version of events received.

The appellant stated that he had weaned two batches on the 7th and 12<sup>th</sup>, but while transferring the data he had made a mistake and put them all in on the one date. He accepted the documentation was poor and admitted it was his own mistake. He also made reference to a medical issue. He made the comment that the scheme was designed to protect buyers of weanlings. He stated that he had done the weaning correctly but had documented it badly. The Department commented that the guidelines had been set by an Expert group and they had no discretion in the matter. The welfare aspect was written into the terms and conditions and as such that was what had to be adhered to. The relevant data was sourced from CMMS and they could not alter that.

What was for determination in this case was whether the circumstances outlined served to mitigate or remove the penalty imposed. In deciding the case the Appeals Officer had regard to the submitted grounds, the requirements of the scheme insofar as weaning procedure was concerned and the objectives of the scheme which were, inter alia, to enhance the welfare standards for animals produced from the suckler cow herd and also to improve husbandry standards at weaning time leading to reduced illness and mortality and enhanced health of the National herd.

The terms and conditions set out what was required at weaning and clearly did not permit abrupt weaning. It set out that for herds with more than ten suckler cows a gradual procedure must be followed; that at least two separate groups are required and that removal of calves occurs over a minimum time interval of five days. It is also stipulated that the date of weaning must be recorded in the Animal Events System.

Three separate submissions were made to record the weaning of the calves in 2009. The Appeals Officer found that the provision of a number of different dates for the weaning of the calves was not in keeping with the requirements of the scheme. Notwithstanding the evidence relating to errors made while transferring data across from one diary to the events record there was an onus on applicants to ensure the careful keeping and preparation of records. The medical evidence provided was examined but it did not serve to bring about a material change in the findings. As weaning did not occur in at least two separate groups with a minimum interval of at least five days between groups the Appeals Officer disallowed the appeal.

## **7. Recommendations to the Department of Agriculture, Fisheries and Food.**

These recommendations have been identified through appeals cases and are not ranked in order of importance.

### **General**

- That ERAD information booklet “Compensation Arrangements for TB and Brucellosis – Important Information for Farmers” should issue with every restriction notice. The present system is to issue only when a reactor is notified. However, the restriction period often pre-dates this due to inconclusive animals at test or lesions detected at slaughter. A receipt of the booklet’s issue should be retained by the DVO on the herd file – registered post receipt or signed form.

### **REPS**

- In line with Government policy generally, the Department should give consideration to reviewing the rate of recoupment in REPS where land is both purchased and sold for the purposes of consolidating the holding, in particular where Revenue Stamp Duty relief is given.
- Any changes to the scheme should be notified to the participants.
- The Department should advise applicants that a certificate of postage will not be accepted as evidence of postage similar to the procedure which has been adopted by SPS.
- Over-declaration of land area by SPS should be investigated before REPS penalties are applied.

### **Single Payment Scheme (SPS)**

- That the Department would investigate the extension of the late application period for the SPS to 50 working days subject to penalties.
- That the Department would investigate the possibility of putting in place a database acknowledgement system in respect of the receipt of SPS applications. A reminder notice would be issued within the late application period where the pre-printed form was not returned by the closing date. The Agriculture Appeals Office acknowledges that such receipts are issued to all on-line applicants.
- Notification form NF should only be signed by the farmer when complete and being issued to the farmer.
- All SPS amendment forms should be reflected on the database where payment eligibility is impinged upon regardless of date of receipt.
- The Department should make available their list of crops considered eligible/ineligible for payment under SPS or DAS.
- Booklets on cross compliance should be updated and re issued to participants.
- Only one system of animal movement notification should be in place, recording the movement of the animal on CMMS, to replace Form 4, Reps G, NBAS 31B etc. The owner/keeper of the animal must notify CMMS of the location herd number of all animals at all times when moved to his land as declared on the SPS system.

### **Animal Welfare, Recording and Breeding Scheme for Suckler Herds.**

- The Department should introduce a reminder system prior to terminating a herdowner’s participation in the scheme
- Penalties should be clearly stated in the Terms and Conditions of the scheme.
- The Department should revise the group weaning procedure outlined in the Terms and Conditions of the scheme

## **8. Recurring mistakes by scheme applicants that lead to penalties.**

### **General**

- Applicants not ensuring that they have read and examined the scheme Terms and Conditions relevant to their application, i.e. must be aware of any revised and new scheme versions.
- Farmers not keeping a record of all contacts with the Department, and not requesting the name of the person they speak with. Where possible farmers should ask for written or electronic confirmation of matter discussed. Equally any posted correspondence should be through registered post and the farmer should retain copy documents.

### **REPS**

- REPS farmers not keeping the Department updated on changes to farming activities and lands farmed when deviating from those in their REPS plan.
- REPS farmers should ensure that any amendments to plans, particularly rates of application of chemical fertilizer, should be reflected in their farming practice.
- When considering selling or leasing land that is part of the REPS contract, farmers should consult with their REPS planner or the Department prior to any such disposal to examine the potential claw back of REPS monies, where for example the sale is to a non-REPS farmer.
- Applicants not ensuring all plots / parcels farmed are included in their SPS application, also not ensuring that plots / parcels no longer farmed are deleted out by drawing a line through them. Applicants should check and recheck again their SPS application prior to submission to ensure that the most up-to-date information only is declared!
- The Agriculture Appeals Office experience is that many penalties relate to REPS undertakings not carried out within the planned timeframe – especially lime spreading, hedgerow cutting/ planting, stone wall maintenance, fencing of watercourses/wells, painting of farm sheds, tidying of farm/farmyard, stock-proofing boundaries and provision of animal housing and related matters.
- REPS 3 participants not returning the REPS 1C – annual application for payment – on time.
- Supplementary Measure 6 – Organic farming – allowing the Organic license to lapse while still under contract which leads to a full recoupment of all monies paid under the measure.

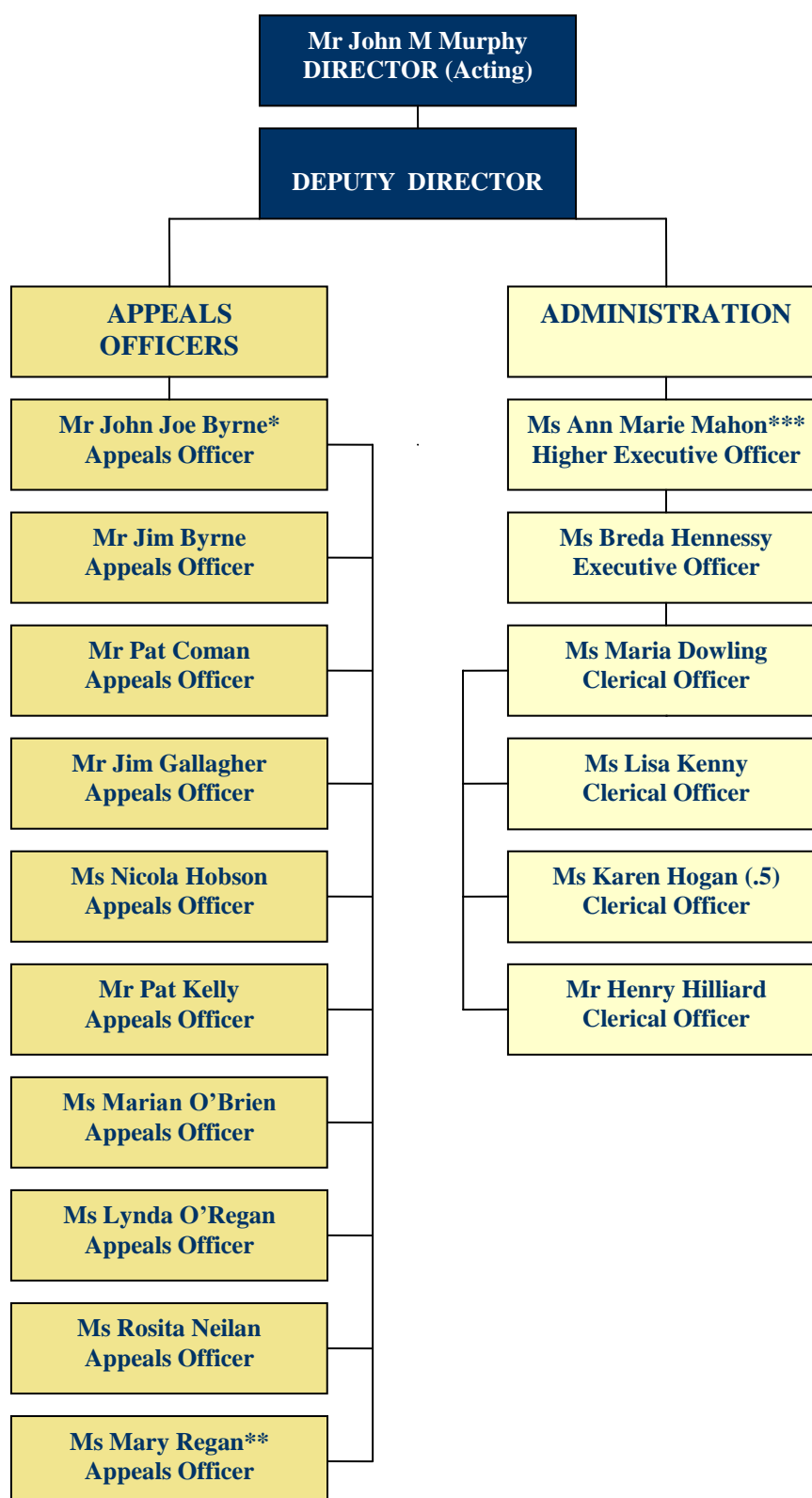
### **Single Payment Scheme (SPS)**

- SPS applicants with more entitlements than hectares of eligible land should investigate their options for the surplus entitlements such as leasing, selling or consolidation where that is an option, prior to the scheme or activity closing dates that are available from the Department.
- In order to avoid cross compliance penalties SPS Applicants with cattle must;
  - ensure all cattle are properly tagged
  - regularly crosscheck the animals in their herd with the animals listed on the CMMS herd profile for their herd issued by the Department
  - immediately rectify any inconsistencies between their CMMS herd profile and the cattle on farm; have animals removed from or added to their herd profile
  - ensure all farm to farm cattle movements are properly notified
  - ensure each animal has a passport and that you have no surplus passports.
- Applicants should notify any land changes to the Department, the amendment form is available for this purpose; penalties can result where the area farmed is reduced but not notified.
- Applicants must indicate any ineligible areas of land or other areas on their scheme applications, and make the required reductions to their claimed area.
- Applicants should note the requirements of stock proofing boundaries.

### **Disadvantaged Area Scheme (DAS)**

- Applicants should remain conscious of the continued stocking density requirement under the DAS.
- Land sought payment upon under the DAS must be farmed for the full 12 months of the calendar year of application.

## 10. Organisation Chart 2010



\*Left the office during 2010,

\*\* Career break

\*\*\*Part-time Secretary to ALAB

Administration staff are responsible for appeal receipt/file management, general administration/accommodation.

# APPENDICES



**Number 29 of 2001  
AGRICULTURE APPEALS ACT, 2001  
ARRANGEMENT OF SECTIONS**

**Section**

1. Interpretation.
2. Appointment of appeals officers.
3. Director of Agriculture Appeals.
4. Deputy Director of Agriculture Appeals.
5. Functions of appeals officers.
6. Independence of appeals officers.
7. Right of appeal.
8. Oral hearings.
9. Decisions.
10. Revised Decisions by Director and appeals officers.
11. Appeals to High Court.
12. Representations under National Beef Assurance Scheme Act, 2000.
13. Representations by certain animal and poultry dealers.
14. Annual reports.
15. Regulations.
16. Laying of regulations before Houses of Oireachtas.
17. Expenses of Minister.
18. Amendment of First Schedule to Ombudsman Act, 1980.
19. Short title.

[No. 29.] Agriculture Appeals Act, 2001. [2001.]

**SCHEDULE**

**Schemes**

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**Acts Referred to**

Diseases of Animals Acts, 1966 to 2001

National Beef Assurance Scheme Act, 2000 2000, No. 2

Ombudsman Act, 1980 1980, No. 26





**Number 29 of 2001  
AGRICULTURE APPEALS ACT, 2001**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF APPEALS OFFICERS TO REVIEW ON APPEAL DECISIONS OF OFFICERS OF THE MINISTER FOR AGRICULTURE, FOOD AND RURAL DEVELOPMENT IN RELATION TO CERTAIN SCHEMES AND TO PROVIDE FOR CONNECTED MATTERS. [9th July, 2001]  
BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

- “appeals officer” means an appeals officer appointed under section 2;
- “Civil Service” means the Civil Service of the Government and the Civil Service of the State;
- “Director” means Director of Agriculture Appeals;
- “functions” includes powers, duties and obligations;
- “Minister” means Minister for Agriculture, Food and Rural Development;
- “prescribed” means prescribed by regulations made by the Minister.

(2) In this Act—

- (a) a reference to a section or Schedule is a reference to a section of or Schedule to this Act, unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection or paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended,
- (c) a reference to an enactment includes a reference to that enactment as amended or extended by or under any subsequent enactment including this Act, and
- (d) a reference to a statutory instrument shall be construed as a reference to that instrument as amended, adapted or extended by any subsequent statutory instrument.

**Appointment of appeals officers.**

2.—The Minister may appoint such and so many of his or her officers or, following selection at competitions held by the Civil Service and Local Appointments Commissioners, other persons holding positions within the Civil Service, as he or she considers appropriate, to be appeals officers for the purposes of this Act.

**Director of Agriculture Appeals**

3.—The Minister shall, following selection at a competition held by the Committee on Top Level Appointments in the Civil Service or the Civil Service and Local Appointments Commissioners, appoint a person holding a position within the Civil Service as the chief appeals officer who shall be known as the Director of Agriculture Appeals, and is in this Act referred to as the “Director”.

**Deputy Director of Agriculture Appeals.**

4.—One of the appeals officers shall be designated by the Minister to act as the deputy for the Director when he or she is not available.

**Functions of appeals officers.**

- 5.—(1) The functions of appeals officers shall be to consider and make determinations on appeals made by affected persons against decisions taken by officers of the Minister in respect of applications for entitlement under the schemes set out in the Schedule.
- (2) The Minister may, from time to time, amend by regulations the Schedule so as to add to or delete from the Schedule any scheme or part of a scheme.

**Independence of appeals officers.**

6.—Appeals officers shall, subject to this Act, be independent in the performance of their functions.

**Right of appeal.**

- 7.—(1) Where a person is dissatisfied with a decision given by an officer of the Minister in respect of that person’s entitlement under any of the schemes set out in the Schedule, the decision shall, on notice of appeal being given to the Director, within the prescribed time and in the prescribed form, be referred to an appeals officer.
- (2) Regulations may provide for the procedure to be followed on appeals under this Act.
- (3) An appeals officer, when deciding a question referred under subsection (1), shall not be confined to the grounds on which the decision of the deciding officer was based, but may decide the question as if it were being decided for the first time.

(4) An appeals officer shall determine an appeal, as soon as is practicable, having regard to any guidelines issued or regulations made in this regard by the Minister.

**Oral hearings.**

8.—(1) An appeals officer shall, if so requested by the Appellant, hold an oral hearing for the purpose of an appeal referred to him or her under this Act.

(2) An oral hearing under this section shall be held in private.

(3) An Appellant may represent himself or herself or be represented by another person at the oral hearing of his or her appeal.

(4) Where an Appellant is represented by another person at the oral hearing of his or her appeal, the appeals officer hearing the appeal may examine the Appellant, if the appeals officer considers it necessary.

(5) An appeals officer, on the hearing of any matter referred to him or her under this Act, shall have the power to take evidence on oath or affirmation and for that purpose may administer oaths or affirmations to persons attending as witnesses at such hearing.

**Decisions.**

9.—(1) The decision of an appeals officer and the reasons for making that decision shall be notified in writing to the Appellant.

(2) A document purporting to be a decision made under this Act by an appeals officer and to be signed by him or her shall be prima facie evidence of the making of the decision without proof of the signature of such officer or his or her official capacity.

(3) The decision of an appeals officer on any question referred to him or her under section 7(1) shall, subject to sections 10 and 11, be final and conclusive.

**Revised Decisions by Director and appeals officers.**

10.—(1) An appeals officer may, at any time revise any decision of an appeals officer, if it appears to him or her that the decision was erroneous in the light of new evidence or of new facts brought to his or her notice since the date on which it was given, or if it appears to him or her that there has been any relevant change of circumstances since the decision was given.

(2) The Director may, at any time, revise any decision of an appeals officer, if it appears to him or her that the decision was erroneous by reason of some mistake having been made in relation to the law or the facts.

(3) A revised decision given under this section shall take effect from such date as the appeals officer concerned determines or considers appropriate having regard to the circumstances of the case.

**Appeals to High Court.**

11.—Any person dissatisfied with—

(a) the decision of an appeals officer, or

(b) the revised decision of the Director,

may appeal that decision or revised decision, as the case may be, to the High Court on any question of law.

**Representations under National Beef Assurance Scheme Act, 2000.**

12.—(1) Where representations are made to the Minister under section 15(2) or 16(2) of the National Beef Assurance Scheme Act, 2000, the Minister shall upon receipt of such representations refer them, as soon as may be, to the Director for advice.

(2) The Director shall, within 28 days of receipt of such representations, consider them and advise the Minister.

(3) The Minister shall have regard to any advice given to him or her under this section before refusing an application for the grant of, or revoking, a certificate of approval under the aforesaid Act.

**Representations by certain animal and poultry dealers.**

13.—(1) Where representations are made to the Minister under Article 8(1) of the Diseases of Animals Acts, 1966 to 2001 (Approval and Registration of Dealers and Dealers' Premises) Order, 2001 (S.I. No. 79 of 2001), the Minister shall, upon receipt of such representations refer them, as soon as may be, to the Director for advice.

(2) The Director shall, within 28 days of receipt of such representations, consider them and advise the Minister.

(3) The Minister shall have regard to any advice given to him or her under this section before revoking or suspending a registration or refusing to register a person or premises under the aforesaid Article 8.

**Annual reports.**

14.—(1) As soon as may be after the end of each year, but not later than 6 months thereafter, the Director shall make a report to the Minister of his or her activities and the activities of the appeals officers under this Act during that year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(2) A report under subsection (1) shall be in such form and shall include information in regard to such matters (if any) other than those referred to in that subsection as the Minister may direct.

(3) The Director shall, whenever so requested by the Minister, furnish to him or her information in relation to such matters as he or she may specify concerning his or her activities or the activities of appeals officers under this Act.

**Regulations.**

- 15.—(1) The Minister may make regulations for the purpose of enabling this Act to have full effect.  
(2) The Minister may make regulations for prescribing any matter referred to in this Act as prescribed.

**Laying of regulations before Houses of Oireachtas.**

16.—Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to anything previously done thereunder.

**Expenses of Minister.**

17.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

**Amendment of First Schedule to Ombudsman Act, 1980.**

18.—Part I of the First Schedule to the Ombudsman Act, 1980, is amended by the substitution for “Department of Agriculture” of the following:  
“Department of Agriculture, Food and Rural Development Appeals Officers under the Agriculture Appeals Act, 2001”.

**Short title.**

19.—This Act may be cited as the Agriculture Appeals Act, 2001.

**SCHEDULE  
Schemes**

Beef Cow Scheme in Less Severely Handicapped Areas and Coastal Areas with Specific Handicaps  
Cattle Headage Scheme in More Severely Handicapped Areas  
Equine Headage Scheme in all Disadvantaged Areas  
EU Area Aid Scheme (including the Arable Aid Scheme)  
EU De-seasonalisation Slaughter Premium Scheme  
EU Ewe Premium Scheme  
EU Extensification Premium Scheme  
EU Slaughter Premium Scheme  
EU Special Beef Premium Scheme  
EU Suckler Cow Premium Scheme  
Farm Improvement Programme (FIP)  
Farm Improvement Programme (FIP) Horticulture  
Goat Headage Scheme in all Disadvantaged Areas  
Installation Aid Scheme (IAS)  
National Scheme of Installation Aid (SIA) (introduced December 1998)  
National Scheme of Investment Aid for the Control of Farm Pollution (introduced June 1999)  
National Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (introduced May 1999)  
Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors  
Rural Environment Protection Scheme (REPS)  
Scheme of Early Retirement from farming  
Scheme of Grant-Aid for Investment in Alternative Enterprises  
Scheme of Grant-Aid for Investments in Agri-Tourism  
Scheme of Installation Aid (SIA)  
Scheme of Investment Aid for Farm Waste Management (FWM)  
Scheme of Investment Aid for the Control of Farm Pollution (CFP)  
Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS)  
Scheme of Investment Aid for upgrading of On-Farm Dairying facilities  
Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)  
Sheep Headage Scheme in all Disadvantaged Areas



**S.I. No. 193 of 2002**  
**AGRICULTURE APPEALS REGULATIONS 2002**

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by sections 7 and 15 of the Agriculture Appeals Act 2001, hereby make the following regulations:

**Citation and Commencement**

1. (1) These Regulations may be cited as the Agriculture Appeals Regulations 2002.
- (2) These Regulations come into operation on 13 May 2002.

**Definitions**

2. In these Regulations-

“Act” means the Agriculture Appeals Act 2001;

“appeal” means an appeal under the Act;

“Headage and Premia Appeals Unit” means the Headage and Premia Appeals Unit of the Department of Agriculture, Food and Rural Development pursuant to the Charter of Rights for Farmers 1995;

“notice of appeal” means notice of appeal to the Director under section 7(1) of the Act;

“REPS Appeals Committee” means the Rural Environment Protection Scheme Appeals Committee of the Department of Agriculture, Food and Rural Development.

**Distribution of references to appeals officers.**

3. The Director shall be responsible for the distribution amongst the appeals officers of the references to them under section 7 of the Act and for the prompt consideration of such references.

**Decisions which may be appealed and transitional arrangements.**

4. (1) The right of appeal specified under section 7 of the Act shall apply to any decision given by an officer of the Minister in respect of a person’s entitlement under any of the schemes set out in the Schedule to the Act which is notified to that person on or after the commencement of these Regulations other than appeal decisions of the Headage and Premia Appeals Unit and the REPS Appeals Committee given in respect of decisions of officers of the Minister taken prior to such commencement.

(2) Persons who before the commencement of these Regulations had a right of formal appeal by administrative arrangement to the Headage and Premia Appeals Unit or the REPS Appeals Committee shall for the period of 3 months from such commencement continue to have that right to appeal to that Unit or that Committee, as the case may be, against decisions taken by officers of the Minister relating to the schemes concerned which were notified to those persons prior to that commencement.

**Submission of appeal and information to be supplied by Appellant**

5. (1) Any notice of appeal shall be in writing.

(2) Subject to paragraph (3) of this Regulation, the time within which an appeal may be made shall be any time up to the expiration of 3 months from the date of the notification of the decision of an officer of the Minister to the Appellant.

(3) An appeal, where the Director considers there are exceptional circumstances, may be made after the period referred to in paragraph (2) of this Regulation.

(4) A notice of appeal shall contain a statement of the facts and contentions upon which the Appellant intends to rely.

(5) An Appellant shall send to the Director, along with the notice of appeal, such documentary evidence as the Appellant wishes to submit in support of his or her appeal, and the notice shall contain a list of any such documents.

(6) A person wishing to withdraw an appeal may do so by sending a written notice to that effect to the Director.

**Notification of appeal and information to be supplied.**

- 6.(1) The Director shall notify the Minister of each notice of appeal.

(2) The Minister shall, in relation to each notice of appeal, give to the Director –

- (a) a statement showing the extent to which the facts and contentions advanced by the Appellant are admitted or disputed, and

- (b) any information, document or item in the power or control of the deciding officer that is relevant to the appeal.

(3) The Director may fix the period within which any statement, information, document or item referred to at paragraph (2) of this Regulation should be given.

**Notice of appeal.**

7. Where the Director has been given notice of an appeal he shall notify any other person he or she considers to be concerned with the appeal.

**Further information to be supplied and amendment of pleadings.**

8. The appeals officer to whom an appeal is referred may at any time –

- (a) require the Appellant, the deciding officer, or any other person appearing to the appeals officer to be concerned, to furnish to him or her, in writing, further particulars regarding the appeal,
- (b) allow the amendment of any notice of appeal, statement, or particulars at any stage of the proceedings, and
- (c) fix the period for the furnishing of any such statement or particulars upon such terms as he or she may think fit.

**Summary appeals.**

9. Where an appeals officer is of the opinion that any appeal referred to him or her is of such a nature that it can properly be determined without an oral hearing, and such a hearing has not been requested under section 8 of the Act, he or she may decide the appeal without such hearing.

**Hearings.**

10. Where, in the opinion of the appeals officer to whom an appeal has been referred or at the request of the Appellant under section 8 of the Act, a hearing is required, the appeals officer shall, as soon as may be, fix a date and place for the hearing, and give reasonable notice of the hearing to the Appellant, the deciding officer, and any other person appearing to the appeals officer to be concerned in the appeal.

**Failure to attend hearing.**

11. Where, after notice of a hearing has being given under Regulation 10 of these Regulations, any of the parties fail to appear at the hearing, the appeals officer hearing the appeal may, at his or her discretion, decide to proceed with the hearing or defer it to a later date and place fixed by him or her.

**Appeal may be decided despite failure to comply with Regulations.**

12. An appeals officer may decide any appeal referred to him or her under the Act, notwithstanding the failure or neglect of any person to comply with any requirement of these Regulations.

**Procedure at hearing.**

- 13. (1) The procedure at a hearing under the Act shall be such as the appeals officer hearing the appeal may determine.
- (2) An appeals officer hearing an appeal may postpone or adjourn the hearing as he or she may think fit.
- (3) An appeals officer may, at the hearing of an appeal, admit any duly authenticated written statement or other material as prima facie evidence of any fact in any case in which he or she thinks it appropriate.

**Decision of Appeals Officer.**

- 14. (1) The decision of an appeals officer shall have regard to the principles of natural justice and comply with any relevant legislation and terms, conditions and guidelines of the Minister governing or relating to the scheme in question.
- (2) The decision of an appeals officer shall be in writing and shall include the reasons for the decision which shall be notified as soon as may be to the Appellant, the Minister and any other person concerned.

GIVEN under my Official Seal,  
8 May 2002

JOE WALSH TD

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Minister for Agriculture, Food and Rural Development



**S.I. No. 558 of 2002**  
**Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2002**

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 5(2) of the Agriculture Appeals Act 2001 (No. 29 of 2001) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), hereby make the following regulations:

1. These Regulations may be cited as the Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2002.
  2. The Schedule to the Agriculture Appeals Act 2001 (No. 29 of 2001) is amended -
    - (a) by deleting the following schemes -

“Beef Cow Scheme in Less Severely Handicapped Areas and Coastal Areas with Specific Handicaps”,  
“Cattle Headage Scheme in More Severely Handicapped Areas”,  
“Equine Headage Scheme in all Disadvantaged Areas”,  
“Goat Headage Scheme in All Disadvantaged Areas”, and  
“Sheep Headage Scheme in All Disadvantaged Areas”,  
and
    - (b) by adding the following schemes -
      - (i) “Disadvantaged Areas Compensatory Allowances Scheme” before mention of “EU Area Aid Scheme (including the Arable Aid Scheme)”, and
      - (ii) “Scheme of Grant Aid for the Development of the Organic Sector” after mention of “Scheme of Early Retirement from farming”,
- and the said Schedule, as so amended, is set out in the Table to this Regulation.

**TABLE  
SCHEDULE  
Schemes**

Disadvantaged Areas Compensatory Allowances Scheme  
EU Area Aid Scheme (including the Arable Aid Scheme)  
EU De-seasonalisation Slaughter Premium Scheme  
EU Ewe Premium Scheme  
EU Extensification Premium Scheme  
EU Slaughter Premium Scheme  
EU Special Beef Premium Scheme  
EU Suckler Cow Premium Scheme  
Farm Improvement Programme (FIP)  
Farm Improvement Programme (FIP) Horticulture  
Installation Aid Scheme (IAS)  
National Scheme of Installation Aid (SIA) (introduced December 1998)  
National Scheme of Investment Aid for the Control of Farm Pollution (introduced June 1999)  
National Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (introduced May 1999)  
Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors  
Rural Environment Protection Scheme (REPS)  
Scheme of Early Retirement from farming  
Scheme of Grant Aid for the Development of the Organic Sector  
Scheme of Grant-Aid for Investment in Alternative Enterprises  
Scheme of Grant-Aid for Investments in Agri-Tourism  
Scheme of Installation Aid (SIA)  
Scheme of Investment Aid for Farm Waste Management (FWM)  
Scheme of Investment Aid for the Control of Farm Pollution (CFP)  
Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS)  
Scheme of Investment Aid for upgrading of On-Farm Dairying facilities  
Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)

GIVEN under my Official Seal,  
6<sup>th</sup> December 2002

JOE WALSH TD

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Minister for Agriculture and Food





**S.I. No. 507 of 2004**  
**Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2004**

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 5(2) of the Agriculture Appeals Act 2001 (No. 29 of 2001) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), hereby make the following regulations:

1. These Regulations may be cited as the Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2004.
2. The Schedule (as amended by the Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2002 (S.I. No. 558 of 2002)) to the Agriculture Appeals Act 2001 (No. 29 of 2001) is amended by adding after the mention of “Installation Aid Scheme (IAS)” the following scheme:  
‘Landslide Damage Relief Scheme for the Pullathomas Area of County Mayo’ and the said Schedule, as so amended, is set out in the Table to this Regulation.

**TABLE  
SCHEDULE  
Schemes**

Disadvantaged Areas Compensatory Allowances Scheme  
EU Area Aid Scheme (including the Arable Aid Scheme)  
EU De-seasonalisation Slaughter Premium Scheme  
EU Ewe Premium Scheme  
EU Extensification Premium Scheme  
EU Slaughter Premium Scheme  
EU Special Beef Premium Scheme  
EU Suckler Cow Premium Scheme  
Farm Improvement Programme (FIP)  
Farm Improvement Programme (FIP) Horticulture  
Installation Aid Scheme (IAS)  
Landslide Damage Relief Scheme for the Pullathomas Area of County Mayo  
National Scheme of Installation Aid (SIA) (introduced December 1998)  
National Scheme of Investment Aid for the Control of Farm Pollution (introduced June 1999)  
National Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (introduced May 1999)  
Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors  
Rural Environment Protection Scheme (REPS)  
Scheme of Early Retirement from farming  
Scheme of Grant Aid for the Development of the Organic Sector  
Scheme of Grant-Aid for Investment in Alternative Enterprises  
Scheme of Grant-Aid for Investments in Agri-Tourism  
Scheme of Installation Aid (SIA)  
Scheme of Investment Aid for Farm Waste Management (FWM)  
Scheme of Investment Aid for the Control of Farm Pollution (CFP)  
Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS)  
Scheme of Investment Aid for upgrading of On-Farm Dairying facilities  
Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)

GIVEN under my Official Seal  
3rd day of August, 2004.

JOE WALSH TD

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Minister for Agriculture and Food



**S.I. No. 65 of 2006**  
**Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2006**

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 5(2) of the Agriculture Appeals Act 2001 (No. 29 of 2001) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), hereby make the following regulations:

1. These Regulations may be cited as the Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2006.
  2. The Schedule (as amended by the Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2004 (S.I. No. 507 of 2004)) to the Agriculture Appeals Act 2001 (No. 29 of 2001) is amended by adding -
    - (a) after the mention of “Scheme of Grant Aid for the Development of the Organic Sector” the following scheme:  
“Scheme of Grant Aid for Improvements in Animal Welfare Standards (Sow Housing)”;
    - (b) after the mention of “Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities)(AES)” the following part of a scheme:  
“Single Payment Scheme, insofar as it relates to the following -
      - (a) Article 14(1a) (inserted by paragraph 6(b) of Article 1 of Commission Regulation (EC) No. 239/2005<sup>1</sup>) of Commission Regulation (EC) No 796/2004<sup>2</sup>,
      - (b) Article 21 of Commission Regulation (EC) No 796/2004,
      - (c) Chapter I of Title IV of Commission Regulation (EC) No 796/2004,
      - (d) Chapter II of Title IV of Commission Regulation (EC) No 796/2004,
      - (e) Article 34.3 of Council Regulation (EC) No 1782/2003<sup>3</sup>, and
      - (f) Article 8 of Commission Regulation (EC) No 795/2004<sup>4</sup>.”;
- and the said Schedule, as so amended, is set out in the Table to this Regulation.

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<sup>1</sup> O.J. No. L42/3, 12.02.2005

<sup>2</sup> O.J. No. L141/18, 30.4.2004

<sup>3</sup> O.J. No. L270/1, 21.10.2003

<sup>4</sup> O.J. No. L 141/1, 30.4.2004

**TABLE  
SCHEDULE  
Schemes**

Disadvantaged Areas Compensatory Allowances Scheme  
EU Area Aid Scheme (including the Arable Aid Scheme)  
EU De-seasonalisation Slaughter Premium Scheme  
EU Ewe Premium Scheme  
EU Extensification Premium Scheme  
EU Slaughter Premium Scheme  
EU Special Beef Premium Scheme  
EU Suckler Cow Premium Scheme  
Farm Improvement Programme (FIP)  
Farm Improvement Programme (FIP) Horticulture  
Installation Aid Scheme (IAS)  
Landslide Damage Relief Scheme for the Pullathomas Area of County Mayo  
National Scheme of Installation Aid (SIA) (introduced December 1998)  
National Scheme of Investment Aid for the Control of Farm Pollution (introduced June 1999)  
National Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (introduced May '99)  
Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors  
Rural Environment Protection Scheme (REPS)  
Scheme of Early Retirement from Farming  
Scheme of Grant-Aid for the Development of the Organic Sector  
Scheme of Grant-Aid for Improvements in Animal Welfare Standards (Sow Housing)  
Scheme of Grant-Aid for Investment in Alternative Enterprises  
Scheme of Grant-Aid for Investments in Agri-Tourism  
Scheme of Installation Aid (SIA)  
Scheme of Investment Aid for Farm Waste Management (FWM)  
Scheme of Investment Aid for the Control of Farm Pollution (CFP)  
Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS)  
Scheme of Investment Aid for upgrading of On-Farm Dairying Facilities  
Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)  
Single Payment Scheme, insofar as it relates to the following ;  
    (a) Article 14(1a) (inserted by paragraph 6(b) of Article 1 of Commission Regulation (EC) No. 239/2005<sup>1</sup>) of Commission Regulation (EC) No 796/2004<sup>2</sup>,  
    (b) Article 21 of Commission Regulation (EC) No 796/2004,  
    (c) Chapter I of Title IV of Commission Regulation (EC) No 796/2004,  
    (d) Chapter II of Title IV of Commission Regulation (EC) No 796/2004,  
    (e) Article 34.3 of Council Regulation (EC) No 1782/2003<sup>3</sup>, and  
    (f) Article 8 of Commission Regulation (EC) No 795/2004<sup>4</sup>.

GIVEN under my Official Seal,  
3<sup>rd</sup> February 2006

MARY COUGHLAN TD

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Minister for Agriculture and Food

<sup>1</sup> O.J. No. L42/3, 12.02.2005

<sup>2</sup> O.J. No. L141/18, 30.4.2004

<sup>3</sup> O.J. No. L270/1, 21.10.2003

<sup>4</sup> O.J. No. L 141/1, 30.4.2004



**S.I. No. 584 of 2006**  
**Agriculture Appeals Act 2001 (Amendment of Schedule) (No. 2) Regulations 2006**

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 5(2) of the Agriculture Appeals Act 2001 (No. 29 of 2001) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), hereby make the following regulations:

1. These Regulations may be cited as the Agriculture Appeals Act 2001 (Amendment of Schedule) (No. 2) Regulations 2006.
2. The Schedule (as amended by the Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2006 (S.I. No. 65 of 2006)) to the Agriculture Appeals Act 2001 (No. 29 of 2001) is amended by inserting after “Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)” the following:

“Scheme of Investment Aid for Demonstration On-Farm Waste Processing Facilities”,

and the said Schedule, as so amended, is set out in the Table to this Regulation.

**TABLE  
SCHEDULE**

Disadvantaged Areas Compensatory Allowances Scheme  
EU Area Aid Scheme (including the Arable Aid Scheme)  
EU De-seasonalisation Slaughter Premium Scheme  
EU Ewe Premium Scheme  
EU Extensification Premium Scheme  
EU Slaughter Premium Scheme  
EU Special Beef Premium Scheme  
EU Suckler Cow Premium Scheme  
Farm Improvement Programme (FIP)  
Farm Improvement Programme (FIP) Horticulture  
Installation Aid Scheme (IAS)  
Landslide Damage Relief Scheme for the Pullathomas Area of County Mayo  
National Scheme of Installation Aid (SIA) (introduced December 1998)  
National Scheme of Investment Aid for the Control of Farm Pollution (introduced June 1999)  
National Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (introduced May 1999)  
Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors  
Rural Environment Protection Scheme (REPS)  
Scheme of Early Retirement from Farming  
Scheme of Grant-Aid for the Development of the Organic Sector  
Scheme of Grant-Aid for Improvements in Animal Welfare Standards (Sow Housing)  
Scheme of Grant-Aid for Investment in Alternative Enterprises  
Scheme of Grant-Aid for Investments in Agri-Tourism  
Scheme of Installation Aid (SIA)  
Scheme of Investment Aid for Farm Waste Management (FWM)  
Scheme of Investment Aid for the Control of Farm Pollution (CFP)  
Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS)  
Scheme of Investment Aid for upgrading of On-Farm Dairying Facilities  
Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)  
Scheme of Investment Aid for Demonstration On-Farm Waste Processing Facilities  
Single Payment Scheme, insofar as it relates to the following -  
    (a) Article 14(1a) (inserted by paragraph 6(b) of Article 1 of Commission Regulation (EC) No. 239/2005<sup>1</sup>) of Commission Regulation (EC) No 796/2004,  
    (b) Article 21 of Commission Regulation (EC) No 796/2004,  
    (c) Chapter I of Title IV of Commission Regulation (EC) No 796/2004,  
    (d) Chapter II of Title IV of Commission Regulation (EC) No 796/2004,  
    (e) Article 34.3 of Council Regulation (EC) No 1782/2003<sup>2</sup>, and  
    (f) Article 8 of Commission Regulation (EC) No 795/2004.

GIVEN under my Official Seal,  
16th November 2006.  
MARY COUGHLAN TD

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Minister for Agriculture and Food

<sup>3</sup> O.J. No. L270/1, 21.10.2003

<sup>4</sup> O.J. No. L 141/1, 30.4.2004



**S.I. No. 169 of 2008**  
**AGRICULTURE APPEALS ACT 2001 (AMENDMENT OF SCHEDULE) REGULATIONS 2008**

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 5(2) of the Agriculture Appeals Act 2001 (No. 29 of 2001) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 705 of 2007)), hereby make the following regulations:

1. These Regulations may be cited as the Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2008.

2. The Schedule (as amended by the Agriculture Appeals Act 2001 (Amendment of Schedule) (No. 2) Regulations 2006 (S.I. No. 584 of 2006)) to the Agriculture Appeals Act 2001 (No. 29 of 2001) is amended—

(a) by inserting before “Disadvantaged Areas Compensatory Allowances Scheme” the following:

“Animal Welfare, Recording and Breeding Scheme for Suckler Herds”,

“Bio Energy Scheme (excluding Willow)”,

(b) by deleting “Farm Improvement Programme (FIP)”,

(c) by inserting “Farm Improvement Scheme” after “EU Suckler Cow Premium Scheme”,

(d) by inserting “Organic Farming Scheme” after “Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors”,

and

(e) by substituting for all the matter from “Single Payment Scheme”, down to and including “Article 8 of the Commission Regulation (EC) No. 795/2004”, the following:

“Single Payment Scheme, excluding Article 37(2), 40 and 42 of Chapter 2 of Council Regulation (EC) No. 1782/2003”, and the Schedule, as so amended, is set out in the Table to this Regulation.

**TABLE  
SCHEDULE  
Schemes**

Animal Welfare, Recording and Breeding Scheme for Suckler Herds  
Bio Energy Scheme (excluding Willow)  
Disadvantaged Areas Compensatory Allowances Scheme  
EU Area Aid Scheme (including the Arable Aid Scheme)  
EU De-seasonalisation Slaughter Premium Scheme  
EU Ewe Premium Scheme  
EU Extensification Premium Scheme  
EU Slaughter Premium Scheme  
EU Special Beef Premium Scheme  
EU Suckler Cow Premium Scheme  
Farm Improvement Scheme  
Farm Improvement Programme (FIP) Horticulture  
Installation Aid Scheme (IAS)  
Landslide Damage Relief Scheme for the Pullathomas Area of County Mayo  
National Scheme of Installation Aid (SIA) (introduced December 1998)  
National Scheme of Investment Aid for the Control of Farm Pollution (introduced June 1999)  
National Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (introduced May 1999)  
Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors  
Organic Farming Scheme  
Rural Environment Protection Scheme (REPS)  
Scheme of Early Retirement from Farming  
Scheme of Grant-Aid for the Development of the Organic Sector  
Scheme of Grant-Aid for Improvements in Animal Welfare Standards (Sow Housing)  
Scheme of Grant-Aid for Investment in Alternative Enterprises  
Scheme of Grant-Aid for Investments in Agri-Tourism  
Scheme of Installation Aid (SIA)  
Scheme of Investment Aid for Farm Waste Management (FWM)  
Scheme of Investment Aid for the Control of Farm Pollution (CFP)  
Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS)  
Scheme of Investment Aid for upgrading of On-Farm Dairying Facilities  
Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)  
Scheme of Investment Aid for Demonstration On-Farm Waste Processing Facilities  
Single Payment Scheme, excluding Article 37(2), 40 and 42 of Chapter 2 of Council Regulation (EC) No. 1782/20032.

GIVEN under my Official Seal,  
29 May 2009

BRENDAN SMITH TD

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Minister for Agriculture, Fisheries and Food.





## Appeal Procedure & Notice of Appeal Form

### The Agriculture Appeals Office

The Agriculture Appeals Office is an independent agency established to provide an appeals service to farmers who are unhappy with decisions of the Department of Agriculture and Food regarding their entitlements under certain schemes. The Agriculture Appeals Act 2001, along with the Agriculture Appeals Regulations 2002, sets down the functions of the Director and the Appeals Officers, the decisions that may be appealed and the procedures to be followed in respect of agriculture appeals. Under Section 14(1) of the Agriculture Appeals Regulations 2002, the decision of an Appeals Officer shall have regard to the principles of natural justice and comply with any relevant legislation and terms, conditions and guidelines of the Minister governing or relating to the scheme in question. Please see attached schedule regarding the current list of schemes that are covered.

### How To Make an Appeal

Every appeal must be made in writing and addressed to: The Director, Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co Laois. A standard 'Notice of Appeal' form is attached. Please note:

- The notice must be lodged **within 3 months** of notification of the decision under appeal. An appeal received after three months will only be accepted if the Director considers that there are exceptional circumstances.
- Before submission of an appeal to the Appeals Office, all internal review procedures within the Department of Agriculture and Food must be exhausted.
- The notice of appeal should contain a statement of all the facts and contentions upon which it is intended to rely in the appeal. Documentary evidence submitted in support of the appeal should be enclosed along with the notice of appeal.
- A copy of the Department's final decision letter should be enclosed.
- Proof of postage must be obtained. Claims of appeals being lost in the post cannot be accepted.
- There is no charge for lodging an appeal.
- Each appeal is given a reference number and this number should be quoted when contacting the Agriculture Appeals Office.
- All appeals are acknowledged within 10 days of receipt.
- If you do not receive an acknowledgement letter within that time you should contact the office.
- Each appeal is given a reference number and this number should be quoted when contacting the Agriculture Appeals Office.
- All appeals are acknowledged within 10 days of receipt.
- If you do not receive an acknowledgement letter within that time you should contact the office.

### Appeals Process

When a final decision issues from the Department of Agriculture and Food (i.e. after internal Department review), you will be notified of your option to appeal.

- The scheme applicant (Appellant), dissatisfied with the decision, must complete a 'Notice of Appeal' form and submit it to the Agriculture Appeals Office.
- The Appeals Office requests from the Department of Agriculture and Food, the relevant file and a statement regarding the Appellant's grounds of appeal. **Your grounds of appeal will be forwarded to the Department of Agriculture & Food for their comments and observation.**
- On receipt of the file and statement, the Director assigns the case to an Appeals Officer.
- Appellants are entitled to an oral hearing as part of their appeal.
- The Agriculture Appeals Office contacts the Appellant to arrange an oral hearing if required, or if deemed necessary by the Appeals Officer.
- It is the policy of the office to discuss the appeal with the Appellant. If no oral hearing takes place, the Appeals Officer will contact the Appellant to discuss the appeal.
- The Appeals Officer considers all the evidence in full (including any evidence presented at an oral hearing if there was one). The Appeals Officer makes a determination on the appeal and notifies the Appellant of the decision in writing, setting out the reasons for that decision. The Department will also be notified of the decision.

## Oral Hearings

Appellants are entitled to an oral hearing as part of their appeal.

- Oral hearings are held at a number of locations at a place and time convenient for Appellants.
- Each case is assigned to an Appeals Officer, who will conduct the hearing.
- The Office will contact the Appellant about the arrangements for the oral hearing.
- Hearings are held in private and will be as **informal** as possible. The purpose of the hearing is to allow the Appellants to put forward their case and to hear the case being put forward by the Department.
- An Appellant may be represented by another person at the oral hearing, however **the Appellant must attend the oral hearing in person.**
- A Department official(s) familiar with the case will also attend the hearing.
- The Appellant must notify the Appeals Office 5 working days in advance of anyone accompanying them at the oral hearing.
- The Appeals Officer will decide the format of the oral hearing on the day.
- The Appeals Officer may postpone or adjourn the hearing if deemed necessary.
- The Appeals Officer may admit any duly authenticated written statement or other material or document as prima facie evidence of any fact in any case in which he or she thinks appropriate.
- An Appeals Officer has the power to take evidence on oath or affirmation if deemed necessary.

## Right of Review

Please note that a decision of an Appeals Officer is final and conclusive, except in the following four circumstances,

- An Appeals Officer may change a decision where there is new evidence, new facts or a relevant change in circumstances.
- On request, from either party, The Director of the Agriculture Appeals Office may revise a decision where there has been a mistake made in relation to the law or the facts of the case.
- An Appellant may wish to appeal the decision to the Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2 (01) 6395600.
- The High Court may revise a decision on a point of law.

## Contact Details

Address: Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co Laois.  
 Lo-Call: 1890 671671  
 Tel: (057) 8667167  
 Fax: (057) 8667177  
 email: [appeals.office@agriculture.gov.ie](mailto:appeals.office@agriculture.gov.ie)  
 Web: [www.agriappeals.gov.ie](http://www.agriappeals.gov.ie)

## Checklist before submission

- |   |        |
|---|--------|
| 1. Scheme is covered by the Agriculture Appeals Office (please check list of schemes overleaf)                            | Yes/No |
| 2. Decision is within the last three months.  | Yes/No |
| 3. Internal review by the Department of Agriculture, Fisheries and Food completed, Informing you of your right to appeal. | Yes/No |
| 4. All information requested has been provided (including a copy of the decision  | Yes/No |
| You should have answered 'yes' to all of the above  |        |

## Schedule of Schemes Covered

**The Office deals with appeals under the following schemes;**

- Animal Welfare, Recording and Breeding Scheme for Suckler Herds
- Bio Energy Scheme (excluding Willow)
- Disadvantaged Areas Compensatory Allowances Scheme
- EU Area Aid Scheme (including the Arable Aid Scheme)
- EU De-seasonalisation Slaughter Premium Scheme
- EU Ewe Premium Scheme
- EU Extensification Premium Scheme
- EU Slaughter Premium Scheme
- EU Special Beef Premium Scheme
- EU Suckler Cow Premium Scheme
- Farm Improvement Scheme
- Farm Improvement Programme (FIP) Horticulture
- Installation Aid Scheme (IAS)
- Landslide Damage Relief Scheme for the Pullathomas Area of County Mayo
- National Scheme of Installation Aid (SIA) (introduced December 1998)
- National Scheme of Investment Aid for the Control of Farm Pollution (introduced June 1999)
- National Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (introduced May 1999)
- Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors
- Organic Farming Scheme
- Rural Environment Protection Scheme (REPS)
- Scheme of Early Retirement from Farming
- Scheme of Grant-Aid for the Development of the Organic Sector
- Scheme of Grant-Aid for Improvements in Animal Welfare Standards (Sow Housing)
- Scheme of Grant-Aid for Investment in Alternative Enterprises
- Scheme of Grant-Aid for Investments in Agri-Tourism
- Scheme of Installation Aid (SIA)
- Scheme of Investment Aid for Farm Waste Management (FWM)
- Scheme of Investment Aid for the Control of Farm Pollution (CFP)
- Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS)
- Scheme of Investment Aid for upgrading of On-Farm Dairying Facilities
- Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)
- Scheme of Investment Aid for Demonstration On-Farm Waste Processing Facilities
- Single Payment Scheme, excluding Article 37(2), 40 and 42 of Chapter 2 of Council Regulation (EC) No. 1782/2003<sup>2</sup>.



## Notice of Appeal Form

**The Director**  
**Agriculture Appeals Office**  
**Kilminchy Court**  
**Portlaoise**  
**Co. Laois**  
Tel: (057) 8667167  
Lo-Call: 1890 671671  
Fax: (057) 8667177

### Official use only

Eligible Scheme:	Yes/No
In time:	Yes/No
Dept Review carried out:	Yes/No

Appeal No: \_\_\_\_\_

Checked by: \_\_\_\_\_

**Please complete parts 1 and 2 (overleaf) in full**

### Part 1 – Application Details (Please use block capitals)

1. Name: \_\_\_\_\_
2. Herd / REPS / Application Number: \_\_\_\_\_
3. Address: \_\_\_\_\_  
\_\_\_\_\_
4. Telephone Number: \_\_\_\_\_
5. Scheme under appeal: \_\_\_\_\_  
(e.g. REPS, Early Retirement Scheme, Single Payment Scheme, On-Farm Investment Schemes, etc.)
6. Department Office that issued the decision: \_\_\_\_\_
7. Date of Department decision: \_\_\_\_\_
8. Do you wish to have an oral hearing in relation to your appeal:      Yes ☐      No ☐
9. Please list and enclose any relevant documents that you wish to have considered. A copy of the Department's final decision should be enclosed. (If you are unable to make a copy please send the original, which we will copy and return.)
  - A. \_\_\_\_\_
  - B. \_\_\_\_\_
  - C. \_\_\_\_\_

Please outline the facts and contentions in support of the appeal in part 2 overleaf.

Herd / REPS / Application No: