

**AGRICULTURAL SUBSIDIES AND GRANTS SCHEMES (APPEALS) (WALES) REGULATIONS 2006
INDEPENDENT APPEAL PANEL - REPORT OF CONCLUSIONS AND RECOMMENDATIONS**

Name of appellant(s):		CRN:
Hearing date:	10 March 2016	Location of hearing:
Panel Members:		
Written documentation before the Panel: Appeal Pack dated: 24 February 2016 The written note of the hearing is attached to the submission documents.		

THE APPEAL

X appealed against the Welsh Government decision not to allocate Basic Payment Scheme (BPS) Entitlements under the New Entrant Category of the National Reserve (NR).

THE APPELLANT'S CASE

X had inherited the land from Y in 200X and registered it in X's name in 2010 to avoid correspondence being delivered in Y's name. X's daughter was very ill at the time and X was grateful that the land was being farmed and looked after by another farmer and it was 40 of his sheep that X had purchased when X started farming in January 2013. X had given the farmer a cheque in December 2012 for the purchase of the ewes but he had not presented the cheque until X had actually taken responsibility for the animals in January.

The ram purchased in October 2012 was a birthday gift for X's son but had to be registered in X's name as he did not have the necessary registration numbers.

THE RELEVANT LEGISLATION

The Community legislation and Scheme Rules that are relevant to this appeal are:

Basic Payment Scheme National Reserve Form Guidance Notes;
Regulation (EU) No 1307 / 2013;
Commission Implementing Regulation (EU) No 809 / 2014;
Commission Delegated Regulation (EU) No 640 / 2014.

THE PANEL'S FINDINGS

The Panel considered the rules relating to the BPS NR and the appellant's evidence and found that the appellant has not demonstrated they met the eligibility requirements of the New Entrant category of the BPS National Reserve. The Panel found that:

- X'S application for BPS entitlements under the New Entrant category of the NR was rejected as the flock records showed agricultural activity prior to 1 January 2013 and X's NR application form gave the date of commencement of agricultural activity as 17 December 2012. X's application for entitlements under the Proof of Production category of the NR had been successful.
- Two records of animal movements on to the holding were recorded in X's on farm records prior to 1 January 2013 and those movements, combined with the fact that the date of 17 December 2012 was given as the date of commencement of agricultural activity made X ineligible under the rules of the NR's category for new entrants.
- Regarding the animals recorded in records before 1 January 2013 - X had explained that X had purchased a ram as a present for X's son but, as he did not have his own flock number and CRN, the purchase was recorded under X's records. X had not taken over responsibility for the 40 ewes purchased, from the farmer who had been using the land, until January 2013 but had both recorded them in farm records and issued the cheque in payment for them in the December. The Panel noted that X had said that the cheque was not presented until X took over responsibility for the animals in the January.
- The Panel believed that X had acted honestly and in good faith but had, unfortunately, not met the requirements of the new entrant category of the NR.

THE PANEL'S RECOMMENDATION

The Panel therefore recommend that the Deputy Minister for Farming and Food rejects the appeal.

	Name	Signature
Panel chair		
Panel member		
Panel member		