Frequently Asked Questions

**Selling or Transferring Forestry**

**This is a summary guide only – all cases are assessed on the appropriate Afforestation Scheme conditions**

Thinking of selling or transferring grant aided Forestry

**You must notify the Department’s Forestry Division on in advance** of any intention to sell or transfer ownership of grant-aided forestry (including transfer to a family member or into a company name), or if the legal status of your ownership becomes subject to a caution, inhibition, judgment mortgage or enforced sale (e.g. by a bank or by appointment of receiver).

The forestry schemes are long-term commitments based on ownership of the planted land. Even if you have contacted the Department about transfer of herd numbers or agricultural entitlements, you must notify the Forestry Division at the address below if you intend to sell or transfer grant-aided forestry. If the forestry applicant is deceased, the Department should be notified as soon as possible. The Department will assist the new owner in transferring the forestry grants / premiums to their name

Who is entitled to claim Forestry Premium?

The forestry scheme is based on ownership and only the owner of the planted land is entitled to claim the premium. If you are not the owner of all or part of the planted land and you continue to claim payment, the Department may be required to recover all grants and premiums paid on the land that you do not own.

Will I have to repay grants and premiums if I sell or transfer the planted land?

If you sell or transfer grant-aided forestry, the new owner may take over participation in the Scheme. If the new owner **does not**take over, all grants and premiums already paid from the date of planting must be repaid to the Department. Make sure your solicitor is aware of this when drawing up contracts for sale.

Can I transfer the planted land and continue to receive the forestry premium?

In most cases, you cannot. If you wish to transfer ownership of the planted lands to an immediate family member, there is a provision in the scheme for Joint Management Consent (JMC), whereby the new owner can give formal written consent to you to continue as the scheme applicant. The JMC facility is available only between immediate family members (i.e. husband, wife, parent, son, daughter, brother or sister). It does not apply to companies, even if you or your family members are the owners / directors.

I am being paid at the “farmer” rate. If I sell or transfer the planted land will the new owner be entitled to claim the same rate?

### (lands planted before 31/12/2014)

Where planted land is sold or transferred, the new owner will have to demonstrate that they qualify to receive farmer rate in their own right. The criteria for assessing farmer status for the purposes of the scheme are set out in Part IV of the Guide and Scheme conditions. Note in particular that ‘farmer’ status must be proven **for the year of the transfer event or one of the three preceding years**.

Where a new owner does not qualify for ‘farmer’ status, then the scheme will revert to the lower ‘non- farmer’ rate for a 15-year term.

I want to transfer ownership of my forestry land to a company – can the company be paid at the same farmer rate?

The new owner (the company) can apply to continue the scheme but will have to demonstrate farmer status in its own right (see Part IV of the Guide). The Deptartment may seek additional documentation to show that farming is its main business.

I have inherited a plantation that was being paid at the “farmer” rate. Will I be entitled to payment at the same rate?

Where land is inherited by an immediate family member, the scheme provides that the new owner will receive the farmer rate automatically. If the person inheriting is not an immediate family member, then they must prove eligibility for farmer rate in their own right. If they are unable to do so, the ‘non- farmer’ rate and term will apply.

I have completed the forestry scheme and want to sell the plantation – do I need to notify the Department?

At the end of the scheme, payments from the Department cease and there is no further need to give notice of changes of ownership. The only continuing restrictions on the owner’s use of their property at that stage are those applying under the Forestry Act 2014 in relation to the felling of trees.

### New Forestry schemes: 2014-2020- (lands planted since 1 Jan 2015)

The requirements on ownership and notification of sale or transfer are very similar but there are some important differences between the conditions attaching to the new forestry schemes and those applicable under older schemes. In relation to change of ownership, the new Scheme requires the new owner to submit all necessary documentation **no later than one year** after the date of the deed of transfer for the land ownership change, or the date that a deceased applicant’s estate is settled.

### Further Information

Guides to Change of Ownership / Applicant for each Scheme can be found on the Department’s website [here](https://www.agriculture.gov.ie/forestservice/grantsandpremiumschemes2015-2018/grant-aidedforestry-changeofownershiporapplicant/) (**please ensure that you consult the correct Guide**). The Guides should be read in conjunction with the relevant scheme conditions and the Forestry Standards Manual, which set out the detailed provisions and requirements attaching to forestry schemes.