



Llywodraeth Cymru  
Welsh Government

GUIDANCE

# Basic Payment Scheme: transfer of entitlements guidance

Describes when you can transfer entitlements and how you notify us of changes.

**First published:** 30 July 2021

**Last updated:** 23 May 2023

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# Introduction

You can transfer BPS entitlements by Sale; Lease or via Inheritance and can do so with or without land.

For the Transfer of Entitlements by Sale or Lease to be valid the recipient of the entitlements must meet the Active Farmer requirements as amended from 2021 at the time of transfer. The Active Farmer requirement does not apply to entitlements transferred via Inheritance.

You can own or lease entitlements anywhere in the UK, but entitlements that have been established in Wales, England, Scotland or Northern Ireland can only be used to claim payment in that country (or region within that country).

## How to notify the Welsh Government of a Transfer of Entitlements

The Transfer of Entitlements notification is only available online and must be accessed via your RPW Online account. If you are not yet registered with RPW Online, please refer to the Welsh Government website for the [how to register guidance](#) or call the Customer Contact Centre on 0300 062 5004. If you do not have an activation code, then please call the Customer Contact Centre.

The Welsh Government will carry out checks to determine whether the transfer is appropriate, before either refusing or authorising the request.

The notification must be submitted by the seller/lessor of the entitlements. If you are using an Agent or Auctioneer to transfer the entitlements for you and you want them to be able to submit the notification you will need to confirm through your RPW Online account that you are giving them the necessary online roles to

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do this. The minimum roles required to submit the notification are “Manage Entitlements” and “Submit Claims”. For further details, please refer to the Welsh Government website for the [how to register guidance](#).

## Active Farmer requirements

The recipient of entitlements transferred by sale or lease must be a farmer and meet the Active Farmer requirements as amended from 2021 at the time of transfer. The Active Farmer requirement as amended from 2021 does not apply to entitlements transferred via Inheritance.

If the recipient met the definition of a farmer and met Active Farmer requirements as amended from 2021 for the 2023 scheme year, we will consider that the requirements were met on the date the transfer took place in order to process the transfer. However, if the recipient’s circumstances in relation to the Active Farmer requirement as amended from 2021 have changed since submitting the SAF 2023, they should notify us in writing of the change. We will carry out additional checks on the recipient’s 2024 SAF to ensure they continue to meet the definition of a farmer and the Active Farmer requirements as amended from 2021.

If the recipient did not submit a SAF 2023 or failed the definition of a farmer or Active Farmer requirements as amended from 2021, as part of the validation process of the transfer of entitlements they will be sent an Active Farmer proforma.

In the event of the recipient of the entitlements (transferred as a Sale or Lease) not meeting the Active Farmer requirements as amended from 2021 then the transfer will not be valid. The entitlements will return to the seller/lessor and it is their responsibility to ensure that they meet the relevant usage requirements for those entitlements or they will transfer to the National Reserve.

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For further details on the definition of a farmer and the Active Farmer requirements please refer to [the SAF Rules Booklet](#).

## Notification period

The transfer notification facility for 2024 is available and the Welsh Government must be notified by 15/05/2024 in order for the recipient to make a claim on entitlements they are receiving for the 2024 scheme year.

## BPS usage rules

All BPS entitlements, including those allocated from the National Reserve are subject to the same two year usage rules.

For further details on the usage rules please refer to [the SAF Rules Booklet](#).

## Documentary evidence

If you are transferring entitlements via inheritance you must provide documentary evidence if this has not already been submitted. For example, a grant of probate with a copy of the will, or evidence of transfer following intestacy.

## Surrender of entitlements

You may surrender your entitlements at any time. For example, you may choose

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to do this if you have given up farming. If you wish to surrender your entitlements, please use your RPW Online account or write to the Customer Contact Centre providing the details and explaining what you want to surrender.

## **Termination / extension of lease agreement**

Where entitlements have been leased, they will automatically revert to the lessor at the end of the lease agreement.

If the lease ends early, or is to be extended, the lessor must inform RPW in writing through their RPW Online account or by writing to the Customer Contact Centre.

When a lease of entitlements ends, those BPS entitlements are returned to the lessor, providing they are an active farmer. Where the lessor intends to undertake agricultural activities they can submit a Single Application Form in order to claim those BPS Entitlements.

If the lessor is not an active farmer the entitlements will revert to the national reserve when the lease ends.

If returned BPS Entitlements are not activated in full at least once in any two year period following the end of the lease, some or all of those BPS Entitlements will be clawed back and be lost to the National Reserve, beginning with the lowest value.

## **Withdrawal of notifications**

If a seller/lessor wishes to withdraw or amend a request to transfer entitlements they can do that, providing the transfer has not been confirmed.

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To do this they will need to provide their Customer Reference Number (CRN), the details of the entitlements to be transferred and the amended details, or clearly state that they wish to withdraw their request.

If the request is received after the transfer of entitlements has taken place, we will not reverse the transfer.

## Recovery of incorrectly allocated entitlements

You will have to surrender BPS entitlements that have been transferred to you if:

- The entitlements should not have been allocated, e.g. the transferring farmer has not activated all their BPS Entitlements at least once during the previous two years;
- Checks reveal the farmer you received entitlements from has not complied with the BPS scheme rules, including undertaking sufficient agricultural activities or failing active farmer checks.

The farmer receiving the entitlements will also be required to pay back any undue payments received from the entitlements whilst they were in their possession.

If you are leasing entitlements to another farmer, and that farmer does not meet the usage rules for those entitlements, the entitlements will be clawed back and lost to the National Reserve, beginning with the lowest value. Those BPS Entitlements will not then be available to revert to the lessor at the end of the lease.

If you are thinking about transferring entitlements you are advised to seek independent professional advice about the best way to protect your position in this type of situation.

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Transfers are private arrangements between farmers. The Welsh Government does not accept any responsibility for any losses incurred by Transferors/ Lessors or Transferees/Lessees.

## Confirmation

A letter will be sent to both the seller/lessor and the recipient, to confirm that the transfer of entitlements has taken place.

## Appeals procedure

The 'Independent Appeals Process for Rural Grants and Payments' allows you to request a review if you feel the Welsh Government has not reached a correct decision.

The appeals process consists of two stages:

- Stage 1: review by RPW
- Stage 2: review by an Independent Appeals Panel (if you are dissatisfied with the Stage 1 response).

The Independent Panel make recommendations to the Welsh Ministers who take the final decision, which concludes the process.

There is no charge for Stage 1 of the process but there is a charge at Stage 2 - £50 for a written hearing or £100 for an oral hearing. These charges are repaid in full if the Stage 2 appeal is either partially or fully successful.

Appeals, including supporting evidence, must be submitted via RPW Online within 60 days of the date of the letter outlining the decision you wish to appeal

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against.

We welcome receiving appeals in Welsh, and will respond to any correspondence in Welsh. This will not lead to a delay in processing your appeal.

Further details of the appeals process and how to submit an appeal using the online appeal form, can be obtained from the Customer Contact Centre or our website at: [Rural Grants and Payments appeals: Guidance](#).

## Complaints procedure

Complaints will be dealt with under the Welsh Government's Code of Practice on Complaints. Further advice on how to make a complaint can be obtained from the Customer Contact Centre or

Complaints Advice Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Tel: 03000 251378  
E-mail: [complaints@gov.wales](mailto:complaints@gov.wales)

You may also choose to contact:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

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Tel: 0300 790 0203

Website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

## Contacts

### RPW Online

Access the RPW Online service via the Government Gateway at [www.gateway.gov.uk](http://www.gateway.gov.uk), or once you have enrolled for the RPW Online service, access it via [www.wales.gov.uk/RPWOnline](http://www.wales.gov.uk/RPWOnline). If you are not yet registered with RPW Online, please refer to the Welsh Government website for the [how to register guidance](#) or call the Customer Contact Centre on 0300 062 5004.

### Enquiries – Customer Contact Centre

For all enquiries, please contact the [RPW Customer Contact Centre](#)

Enquiries can be submitted via RPW Online at any time.

## Access to Rural Payments Wales Offices for people with disabilities or special needs

If you have any special needs which you feel are not met by our facilities contact the Customer Contact Centre on 0300 062 5004. Welsh Government officials will then endeavour to make arrangements to accommodate your requirements.

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# Welsh Government website

For all of the latest Agricultural and Rural Affairs information, visit the [Welsh Government website](#). By visiting the website, you can also sign up to receive the [Gwlad e-newsletter](#).

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For more information refer to our [accessibility statement](#).

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