



'The European Agricultural Fund
for Rural Development: Europe
investing in rural areas'.

TARGETED AGRICULTURAL MODERNISATION SCHEME II (TAMS II)

PIG AND POULTRY INVESTMENT SCHEME

TERMS AND CONDITIONS

Introduced by the Minister for Agriculture, Food and the Marine

**In implementation of European Parliament and Council Regulation (EU) No. 1305/2013
and Commission Regulations (EU) 807/2014, 808/2014 and 809/2014**

This Scheme is provided for in the 2014-2020 Rural Development Programme of Ireland
The European Agricultural Fund for Rural Development: Europe investing in rural areas.

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1 Introduction

The Department has prepared this document as an aid to ensure that farmers and advisors are aware of the requirements and conditions attaching to payments concerned and to assist in completing applications for the Pig and Poultry Investment Scheme. **When your application is submitted online you are accepting that you understand the Terms and Conditions outlined in this document and will fully comply with them.**

1.1 Governing Regulations

This scheme is being implemented pursuant to an approved programme under Council Regulation (EC) No. 1305/2013 of 17 December 2013 and Commission Regulations (EU) 807/2014, 808/2014 and 809/2014 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD). Regulations (EU) 1306/2013 and 640/2014 as amended lay down the details in relation to Force Majeure and Administrative Penalties.

The scheme will be operated by the Department of Agriculture, Food and Marine and will operate in all areas of the State.

1.2 Objective

The principal objective of the Scheme is to assist farmers purchase new equipment for the upgrading of pig and poultry units on their farms thereby supporting farmers' compliance with animal welfare legislative requirements as follows: Council Directive 2008/120/EC of 18 Dec 2008 laying down minimum standards for the protection of pigs;
Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production (broiler chickens);
Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens.
Facilitating energy efficient measures to improve competitiveness and contribute to the improvement of agricultural incomes.

1.3 Funding and Financing

- (i) The Scheme is jointly funded by the European Union and the national exchequer. The funding for the Scheme is limited and all applications are subject to the operation of selection criteria. The financial allocation to the Scheme shall not exceed €20m subject to review by the Minister. Grant aid will only be paid on approved, completed and eligible expenditure and shall be paid at the rate of 40% up to the applicable maximum investment ceiling of €80,000 **per holding**. The minimum amount of investment which is eligible for approval under this Scheme is €2,000 per application.
- (ii) Applicants who receive approval and payment for investment works at the maximum ceiling of €80,000 under this Scheme shall not be eligible to apply for grants under any other TAMS II Scheme operated by the Department under the 2014-2020 Rural Development Programme with the exception of the applications under the Low Emission Slurry Spreading Scheme (LESS) which is not subject to the ceiling.

Any approvals issued or grant-aid paid under this Scheme to the applicant or a company under his/her effective control and management within the meaning of 3.2 below shall be taken into account for this purpose ie. no holding shall be entitled to have taken into account for grant purposes under this Scheme any level of investment which is greater than €80,000.

In the case of a application by two or more eligible partners in a partnership registered on this Department's Register of Farm Partnership the maximum eligible investment ceiling shall be increased to €160,000 and the provisions at (ii) above will apply.

- (iii) The applicant must give an undertaking that he/she has not sought or received, directly or indirectly, other national or EU funding for investments and/or actions qualifying for aid under this Scheme.
- (iv) Grant aid per investment item will be calculated on the basis of the lowest of the following amounts:
 - (i) The Department's Reference Costings applicable at the date of approval;
 - (ii) The total of the invoices marked "paid", net of VAT, together with costs of own contribution in terms of labour and machinery, deemed to be eligible by the Department;
 - (iii) The cost of the investment proposed by the applicant indicated on their application form.

Where there are no Reference Costings applicable, grant-aid will be calculated on the basis of the lesser of (ii) and (iii) above.

Where applicable, the Reference Costings will be increased by 33% in respect of investments carried out on off-shore islands.

1.4 Commencement Date of Scheme

The Scheme will come into operation on the date announced by the Minister and will be closed for receipt of applications on 31st December 2020.

1.5 Justification for granting aid

Aid for investment will at all times be subject to the condition that, in the opinion of the Minister, the investment is justified.

1.6 Procedures

The Minister shall lay down the procedures to be followed in the operation of the Scheme and reserves the right to alter these procedures (including the marking scheme used for the purposes of assessment of applications) from time to time. The Minister may at any time lay down further conditions under the scheme.

1.7 Review of Terms and Conditions

The Minister reserves the right to restrict the availability of the scheme and to vary where occasion so demands the amount of financial aid wherever specified in the scheme subject at all times to the provisions of any relevant European Union legislation.

The Minister reserves the right to alter the Terms and Conditions of the Scheme. Revisions to the Scheme cannot be applied to previous versions of the Scheme particularly any additional investment(s).

1.8 Interpretation

The Department may expand upon, explain, interpret or define any meaning of any aspect of the Terms and Conditions of the Scheme.

2. Definitions

For the purpose of this Scheme: -

“agent” means a person authorised by the Department to apply on behalf of an applicant for the purposes of this Scheme;

“approved” means approved by a designated officer of the Department;

“Area of Natural Constraint” means any land designated as eligible for the Area Based Compensatory Allowance Scheme. A full list of townlands is available on the Department’s website at: www.agriculture.gov.ie

“commonage” means lands held in common ownership as delineated on the Department’s online mapping systems.

“date of application” is the date the application is submitted online;

“Department identifier” means herd number, pig number, flock number or cereal number;

“the Department” means the Department of Agriculture, Food and the Marine;

“eligible land” means land owned or held on lease. For the purposes of determining eligible land under the Scheme, the following shall not be included:

- a. the dwelling house including associated buildings and amenity grounds not used for farming;
- b. commercial forestry which does not include shelter belts;
- c. area permanently under water excluding drains;
- d. commercial quarries, gravel and sand pits;
- e. land held in fee simple subject to grazing rights;
- f. lands held in fee simple subject to turbary rights, except where such turbary rights have not been exercised within the five years prior to the date of entry into the Scheme. An affidavit from the applicant shall be furnished confirming the position in respect of such turbary rights;
- g. grazing rights on lands where the fee simple is owned by another;
- h. owned or leased commonage unless accompanied by at least 3 hectares of other eligible lands;

“farmer” shall mean a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity;

“farming” includes dairy farming, livestock production [including deer, goats, pig and poultry production which is subject to calculation of production units], the training of horses and the rearing of bloodstock,

the cultivation of grass and tillage crops, including horticultural crops whether under protected cropping conditions or in the open;

“holding” shall mean all the production units managed by a farmer situated within the territory of the same Member State;

“intensive enterprises” means pigs, poultry, mushrooms, rabbits, protected horticultural crops and the production of nursery stock;

“legal person” means a separate legal entity with a Certificate of Incorporation and a Memorandum and Articles of Association;

“lease” means a demise for a term of years absolute in possession. The lease must have 5 years to run from the date of issue of the letter of approval to commence works and must be verified or stamped duty paid by the Revenue Commissioners, except in the case of a lease to a spouse. Where a lease expires within five years of the date of issue of such letter of approval, such approval shall not issue until written evidence of an extension of the lease concerned is lodged with the Department;

“the Minister” means the Minister for Agriculture, Food and the Marine;

“owned lands” means lands held in one of the following categories:

- registered as sole owner, tenant-in-common or joint owner on the Property Registration Authority folio or on the deed of conveyance/indenture memorialised in the Property Registration Authority,
- a deed of transfer/deed of assent stamped where appropriate by the Revenue Commissioners awaiting registration in Property Registration Authority with accompanying dealing number,
- land vested by the Land Commission and awaiting registration in the Property Registration Authority,
- land held with a Life Interest duly registered in the Property Registration Authority;
- a beneficial occupier who, being a family member of the registered owner, is in possession and undisputed occupation of a holding and in receipt of rents and profits for at least 5 years;

“registered partnership” means a partnership which has been registered by the Minister on the Department Register of Farm Partnerships;

“tranche” means a period of time in which an application can be submitted for assessment ;

“valid application” means a fully completed application submitted online and all required supporting documentation.

3. Eligibility

3.1 The Scheme is open to farmers who

- (i) Generate a minimum of 20 production units from farming – see Annex D;
- (ii) have a Department identifier

3.2 Eligibility of applicant where holding is owned/leased by a legal person

An application may be accepted in the name of a legal person provided that legal person satisfies the eligibility criteria at 3.1. A copy of a company's Companies Registration Office Certificate and Memorandum and Articles of Association must be submitted in support of the application.

3.3 Responsibility of Applicants and/or Agent

Full responsibility for the information contained in the application and supporting documentation submitted, whether online or manually in the case of supporting documentation rests with the applicant concerned. The Department shall not accept any responsibility for errors or omissions contained in applications for grant aid or any required supporting documentation.

Full responsibility for the receipt of applications on the Department's online system by the closing date referred to in 1.4 above rests with the applicant concerned.

It shall be the responsibility of the applicant to familiarise him/herself with the scheme Terms and Conditions, the specifications and any amendments thereof and with the consequences for breaches of the scheme.

The approval or payment of aid under the scheme does not imply acceptance by the Minister of any responsibility as regards the obligations undertaken by the participants.

4. What Investments are Eligible?

4.1 A list of the eligible investments is detailed at Annex B

All Department Structural Specifications and notices relevant to this Scheme can be accessed on the Department of Agriculture, Food and the Marine website at <http://www.agriculture.gov.ie/farmerschemespayments/farmbuildings/>

Queries of a technical nature relating to the specifications should be submitted by email to the following email address tams@agriculture.gov.ie. Annex F lists the contact phone numbers for technical queries. Grant aid will not be paid for (a) second-hand materials or equipment or (b) work carried out by contractors who do not comply with the tax clearance requirements laid down in paragraph 9 of the scheme

4.2 Farming activity

Investments shall relate only to the farming activities carried out or which, in the opinion of the Department, are reasonably likely to be carried out on the holding in question. For this purpose, the slaughter of animals, the collection or disposal of fallen animals, the sale or offering for sale of meat or the holding of animals for sale or for offer for sale shall not constitute farming. Investments pertaining to premises used for the slaughter of animals, the collection or disposal of fallen animals, the sale or offering for sale of meat or the holding of animals for sale or for offer for sale shall therefore be ineligible for grant-aid.

5. The Application Process

5.1 Applications submitted online

Applications must be submitted online through agfood.ie. Applicants who wish to apply online or through their agents must first be registered for online services (OLS) with the Department. Instructions for registration can be found online at www.agfood.ie or you can contact agfood online services helpline in the Department's Portlaoise office Locall 1810252118 or 0761 064424 or email agfood@agriculture.gov.ie

Where the Department identifier is registered in multiple names, applications submitted quoting the identifier are deemed to be submitted with the consent of all registered owners, e.g. in the following cases

- Where the Department identifier is registered in more than one name i.e Joint Herd number
- In the case of Partnerships, by all Partners
- In the case of companies, by the Company Directors.

Manual applications forms will not be accepted. Applications which are submitted in hard-copy format, including applications which are submitted by hand shall be rejected by the Department and returned to the applicant as ineligible.

Applicants will not be able to amend applications following submission online. For this reason applicants are advised to ensure that the application is completed fully and accurately prior to submission. Supporting documentation is subject to the conditions laid out in paragraph 5.2.

5.2 Documentation to be submitted as applicable

The following documents must be submitted in support of your application:

- Copies of drawings and farm building layout plan as per paragraph (5.3);
- Farmyard layout plan;
- A copy of a company's Companies Registration Office Certificate and Memorandum and Articles of Association;
- In certain cases an engineer's report (as per paragraph 5.3(c) of Scheme conditions*

The following documents must be submitted in support of your claim for payment:-

- Evidence of completion of Teagasc Farm Safety Code of Practice or equivalent ;
- Evidence of ownership of land (copy of folio and maps) for each site. If registration has not been completed, copy of stamped Deed of Transfer and Property Registration Authority dealing number;
- Evidence of leasehold title (copy of valid lease including maps) for each site;
- Marriage Certificate in the case of a lease to a spouse;
- Receipts and bank statement if requested (8.1);
- Tax Clearance Certificate (10.2);
- Contractors Tax Clearance Certificate. (10.1);
- Quality certificates (Electrical, Slats, Concrete, Protection of Steel work, CE certificates, Welding Cert etc).

*This report may be requested before an application is approved under the Scheme.

All accompanying documents which are required to support an application must be submitted by post or uploaded to this Department's online system together with the checklist issued by Department's online system within ten working days of the online application. An applicant may submit the required supporting documentation in one or more batches each of which must be accompanied by the relevant checklist. A grant application will not be deemed to be valid until **all** supporting documentation required to accompany the application form has been received by the Department. Applications that do not have

all the required supporting documentation will be deemed ineligible. The applicant will be requested to rectify any deficiencies in the supporting documentation. Where deficiencies are not rectified within 10 working days following the issuing of a second letter, such applications will be rejected.

All documentation not uploaded to this Department's online system should be sent to the Department of Agriculture, Food and Marine, Pig and Poultry Investment Scheme, On-Farm Investments Schemes Division, Johnstown Castle, Co. Wexford. The Department strongly recommends that this supporting documentation be sent to the Department by registered post or other form of tracked mailing system. Where supporting documentation is sent to the Department by ordinary post, it shall be entirely at the applicant's own risk. Certificates of posting will not be accepted as proof of posting in such cases. Any delay in the transmission of this accompanying documentation, howsoever it is sent to the Department, shall be solely the responsibility of the applicant.

Applications not supported by all required documentation will be deemed ineligible.

5.3 Submission of drawings and supporting documentation in relation to application

In the case of a structure/ building/ fixed equipment for which grant aid is been sought, one or both of the following is required :

*Farmyard layout plan – plan of all the existing and proposed structures- scale of 1:500,
Farm building layout plan – plan of the investment structure /building scale of either 1:100 or 1:200*

- (a) For investments not requiring the submission of final planning permission or a declaration of exemption, the following supporting documentation shall be lodged with the application for grant aid:
 - (i) Farm building layout plan- The floor plan shall show all significant dimensions of the structure where the investment is proposed: i.e.: the overall internal width and length of the structure. The drawings shall be to a specified scale, either 1:100 or 1:200.
 - (ii) A farmyard layout plan indicating where the proposed investment is to be located, to a scale of 1:500

- (b) An Engineer's report is required for the following:

Upgrading Poultry House - Where the roof insulation of an existing poultry house is being upgraded, a chartered engineer's report shall be submitted certifying that the rafters and purlins are structurally sound and capable of supporting the additional load being applied for a period of 20 years.

Note 1: All dimensions shown on the drawings must be internal and in meters.

Note 2: The drawings must have sufficient dimensions that all the dimensions in the application form can be verified from the drawings.

6. When the applications are received in the Department

6.1 Assessment of scheme applications

Applications for aid will be assessed in accordance with the following criteria in order of priority:

- Age of applicant (priority will be given to younger farmers);
- Payment under TAMS 1 Sow Welfare Scheme and Farm Safety Scheme.
- The proposed cost of the project by the applicant as set out in paragraph 5 of the application form. For this purpose applicants will be given preference where the proposed costs are lower than the Department's Reference Costs;
- Size of the holding/enterprise;
- Any part of a holding in an Area of Natural Constrain

Copies of the most up-to-date marking sheet used by the Department for this purpose are available on request from On-Farm Investment Schemes Division, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co Wexford and are also available on the Department's website at: <http://www.agriculture.gov.ie/farmerschemespayments/farmbuildings/>

Applicants agree that the Department may request/access data held externally in relation to their application which are required for the purpose of assessment/verification of their application under this Scheme.

Applications received during periods to be determined by the Minister will be assessed in accordance with the criteria laid down above. Where a valid application does not receive approval in the course of the first assessment or tranche which is carried out by the Minister after the receipt of the valid application, the application will be carried forward to any subsequent assessment(s) or tranche, unless withdrawn by the applicant.

6.2 Conditions relating to approval

The approval of aid may be withdrawn if the applicant fails to abide by the terms of the Scheme or in the event of any material change in the circumstances of the applicant or of the farm business or in any other respect, which would be in conflict with the Terms and Conditions of the Scheme. In such event-

- (i) All or such portion of aid given or to be given, shall be reimbursed or withheld; and
- (ii) No grant-aid will be payable in respect of any works completed to date,

If work has not been completed within the approved timescale, the approval will be automatically withdrawn.

Request to withdraw a specific item or all investment items approved is allowed before or as part of claim for payment.

If following the issuing of approval under the scheme, there is a change in the control of the holding i.e. change from a natural person to a legal person or from natural person to natural person, approval for this change must be requested in writing from the Department. Grant-aid will not be paid to the new owner until the change in ownership has been approved.

An application will not be accepted or approval may be withdrawn if, in the opinion of the Minister or his officials, it is established that an applicant artificially created the conditions required to obtain grant aid with view to obtaining an advantage contrary to the objectives of the Scheme.

Aid will not be given for works commenced or equipment purchased before written approval has been conveyed to an applicant – see also 8.1. However, the entire application will be rejected, if the value of the investment works commenced or equipment purchased prior to approval is greater than or equal to

50% of the total value of investments applied for (calculations based on lesser of proposed or reference costs).

7. Conditions to be in place prior to commencement of work

7.1 Health and Safety

Certain construction dangers may be encountered in the course of completion of investment works under this Scheme. Neither the Minister nor any official of the Department will be in any way liable for any damage, loss or injury to persons, animals or property in the event of any occurrence relating to the development and the applicant shall fully indemnify the Minister or any official of the Department in relation to any such damage, loss or injury howsoever occurring during the development works.

If the work is being undertaken by a contractor, the farmer should ensure that any contractor or sub-contractor understands the risks involved in the development and is prepared to guard against them and further that the contractor or sub-contractor has adequate employers and public liability insurance cover in place in the event of any injury, loss, damage or other mishap occurring. A farmer should obtain a suitable written indemnity from any contractor or sub-contractor in relation to any damage or injury or other loss that might occur during the development works and in this regard seek professional insurance advice from an insurance broker or insurance company.

Applicants are advised of the need to acquaint themselves with the provisions of the Safety, Health and Welfare at Work Act 2005, Safety, Health and Welfare at Work Construction Regulation 2006 and the regulations made hereunder. A general guide to this Act, prepared by the Health and Safety Authority, is included in Annex E. Copies of the AF 1 form referred to in that Annex are available from the Health and Safety Authority or from the Department's website at: www.agriculture.gov.ie/media/migration/farmingschemesandpayments/farmbuildings/farmbuildingspecifications/pdfversions/Health_Safety_FormAF1.pdf

7.2 Soundness of construction or adequacy for its purpose of investments

The approval or payment of aid under the Scheme does not imply the acceptance by the Department of any responsibility as regards the soundness of construction or adequacy for its purposes of any investment that is the subject of such approval or payment. Neither does approval or payment of aid under the Scheme represent a guarantee by the Department of the quality or suitability for its purposes of any product used in the investment.

7.3 Environmental impact of proposed works

Where the carrying out of works is liable to cause any pollution of water sources or to damage the environment in any way, the applicant must take all reasonable steps to prevent this happening. Grant-aid will not be paid where proposed works cause damage to a structure or area of historical or archaeological importance.

7.4 Legal provisions, consents

All works shall be carried out in accordance with the provisions of all relevant statutes, regulations and Bye-laws, and the onus of obtaining all consents, permissions, etc. including consent to entry on or interference with land, other property or right of any other person or persons rests with the applicant.

8. Completion of Work and Claims for Payment

Grant aid will not be paid in respect of new equipment or investments unless full ownership thereof has been transferred to the applicant prior to the lodgment of the payment claim. Full ownership is defined as when the applicant has fully paid for the investment. All works must be completed and a valid claim for payment received by the Department within three years of the date of issue of approval or by a date specified in the letter of approval, whichever is earlier. An applicant must indicate the quantity/dimension of the completed investment(s) on the payment claim form PPIS 20. Payment will be based on the lesser of the quantity/dimension claimed per investment item on the payment claim form PPIS 20, found at inspection or detailed on receipts/invoices. Note also the provisions of 3.3, 4.1, 8.1, 8.2, 10.1, 10.2.

In accordance with EU regulations, all EU scheme payments to farmers can only be made to a bank or building society or credit union accounts held with the State. A copy of the relevant form is available from Direct Credit Section, Department of Agriculture, Food and the Marine, Farnham Street, Cavan or on the Department's website.

8.1 Requirement for receipts in respect of work carried out by persons other than the applicant

- The receipts/invoices submitted must include items relevant to the works that received approval. Cash payments are ineligible unless the payment can be supported by alternative documentary evidence (see below for more details).
- Receipts for approved works and purchases must be provided before the final inspection by the Department's Officer and must be accompanied by completed Form PPIS 20. Where items/materials invoiced, delivered or purchased or paid for or works commenced on proposed investment(s) prior to the issue of written approval, grant-aid will not be paid as per 6.2 above.
- All receipts should be original, should be on headed paper and should at least include the name, address and VAT number of the supplier/contractor (if registered). In addition, the receipt must indicate -
 - (a) The name and address of the applicant,
 - (b) The invoice number and date, where applicable,
 - (c) The details of purchase in an itemised form specifically referencing serial number, where applicable,
 - (d) Actual cost of each item excluding VAT,
 - (e) The total VAT paid,
 - (f) The amount of discount, if any.
 - (g) In the case of receipts comprising of both goods and service (supply and fit), there must be a breakdown between the categories.
- Alternatively, an original invoice which is (i) marked paid and signed and dated by an employee/agent of the supplier/contractor, and (ii) contains the details set out at (a)-(g) above, is also acceptable.
- Where the invoice/receipt is not denominated in Euro, evidence of the exchange rate used for the purposes of payment must also be provided.
- The receipts/invoices submitted must be in the name of the applicant, or in the case of partnerships a) the partnership name or b) at least one individual in the partnership. Receipts/invoices submitted where the applicant is a company, must be submitted in the name of that company.
- Receipts/invoices will be returned as soon as possible by the Department to an applicant after payment has been approved in respect of the investments concerned or until all queries relating thereto have been resolved to the satisfaction of the Department.
- Where receipts are required in respect of eligible investments, such receipts must show the serial number(s) of the equipment concerned.

- The Department reserves the right to request alternative evidence with regard to any invoice/receipt submitted with a payment claim directly from the applicant or from a third party. If required, an applicant must submit proofs of payment that are acceptable to the Department. These proofs will consist of copies of bank statements showing relevant entries and/or copies of the two sides of encashed cheques. Alternatively, online bank statements (only high quality colour printouts with bank logo) with copies of encashed cheques will be acceptable, or if payment is made by direct credit transfer and copies of original bank statement or online bank statement listing payments to the supplier must be submitted. Amounts listed on bank statements must be clearly linked to the relevant item on which grant aid is claimed.

8.2 Own labour or machinery supplied by applicant or family member

In the case of some of the investments as identified in Annex B where some or all of the works are carried out by the applicant or a family member, the hours worked and the date(s) on which they were worked must be set out on Form PPIS 20. Where own machinery is used, the hours worked and the date(s) on which they were worked must be similarly shown on Form PPIS 20 together with the hourly rate charged. In all cases, the work must be carried out in full compliance with the Department's technical specifications in order to be eligible for grant-aid. Payment shall only be made by the Department where the hours claimed and rates charged are deemed appropriate and within Department guidelines. Information on Guidelines are available on the Department's website at:

<http://www.agriculture.gov.ie/farmerschemespayments/farmbuildings/>

8.3 Maximum tolerances in the dimensions of Completed Structures

Investments must be complete according to the dimensions given in the approval letter, and be sited as shown on the plans presented with the application. However, the following changes are permitted, subject to compliance with the relevant Minimum Specification(s) issued at the date of approval by the Department.

- (a) the internal rearrangement of a building for example, animal area, internal feed area.

If it is necessary to make changes greater than those permitted under the tolerances listed above applicants should submit with their payment claim form PPIS 20, the revised drawings. If a tolerance has been breached and revised drawings are not submitted with a payment claim form PPIS 20, then a 5% penalty will apply to the relevant structure.

Note: Nothing in this paragraph shall:

- (i) absolve the applicant/agricultural advisor/agricultural consultant/agricultural engineer from the responsibility to obtain revised planning permission where this is relevant; or
- (ii) permit the maximum level of investment eligible for grant-aid set out in the letter of approval for the structures and buildings concerned to be exceeded.

The applicant should only claim the dimension/capacity of the completed structure/investment on the payment claim form PPIS 20.

In all cases the maximum grant-aid payable will be based on the lower of the approved/completed/found dimension of the investment(s). A penalty shall be applied if an applicant claims that the dimension or capacity of investment(s) is greater than the dimension or capacity found at inspection, subject to a 3% tolerance. If the over claim of dimension or capacity is greater than 25%, then a 100% penalty will apply to the relevant investment. .

In the case of some of the equipment listed in Annex B below it must bear permanent, indelible and unique serial number(s) in order to be eligible for grant-aid under the Scheme. The use of permanent markers, etc. shall not be acceptable for this purpose. All individual components must be similarly identified. All relevant serial numbers must be shown on the invoice/receipt submitted to the Department.

Materials used in the construction of investment must, where specified, be accompanied by relevant quality certificates. All quality certificates, tax clearance certificates and other relevant documentation must be lodged with the payment claim form PPIS 20. A payment claim may be rejected or reduced if required documentation is not lodged within the specified time frame.

Request to withdraw a specific item or all investment items approved is allowed before or as part of claim for payment.

8.4 Scheme conditions with regard to Investments

All structures under the Scheme shall be constructed in full compliance with the relevant Minimum Specification(s) issued at the date of approval by the Department and, in particular, must comply with the Council Directives, especially the provisions of paragraphs 1(b), 2, 4, 5 6, 8 and 9 of Article 3 and Annex I of Council Directive 2008/120/EC together with Annex I and II of Directive 2007/43/EC and the Annex to Directive 1999/74/EC

(i) Certification of materials used in the construction of developments

Materials used in the construction of developments must, where specified, be accompanied by relevant certificates, e.g. concrete quality certificate, slat certificate, a structural steel protective coating certificate etc. as specified in the relevant specifications.

All electrical work must comply with National Rules on Electrical Installation, an E.T.C.I. Certificate and a Supplementary Agricultural Certificate will be required.

Every sheet of cladding material used must have an identifiable stamp approved by the Department (Specification S. 102).

All building materials that are covered by a Harmonized Standard under the Construction products regulations shall be CE marked and accompanied by a Declaration of Performance and CE certificate as specified in the relevant Department specification. **All steel frames for buildings shall be CE Certified and accompanied by a Declaration of Performance.** In the case where the steel frames for the buildings are fabricated by the applicant the CE Certificate for the purchase of the material and the welding certificate must be provided.

(ii) Maximum aided investment for ancillary concrete

Concrete equivalent to an 8m wide apron must be provided along the working side of the structure.

8.5 Use of investments

The applicant shall be required to use the investment(s) for a minimum of 5 years from the date of issue of the payment in respect of the investment(s) grant-aided. Failure to do so will result in the EAFRD portion of the grant-aid being recouped.

In the case of replacement equipment, the replacement must be of at least a similar capacity or dimension as to that which has been replaced. Proof of purchase of the replacement equipment may be requested.

9. Farm Safety Training Course

It shall be mandatory that all applicants will have completed within the last five years prior to the submission of their claim for payment the half day Farm Safety Code of Practice (given by Teagasc or other trained persons) or have completed the FETAC Level 6 Advanced Certificate in Agriculture (Green Cert.). In the case of a Registered Farm Partnership or a Company the course must have been completed by the young farmer. In the case of an application from two eligible young farmers in a registered farm partnership only one of the applicants needs to have completed the course. Your claim for payment will not be processed until evidence of completion of the course is provided.

10. Tax requirements

10.1 Contractor's tax clearance requirements

In conformity with the general practice of the Government, the payment of financial aid as provided for in this Scheme is subject to the condition that, where an applicant employs a contractor to carry out some or all of the investment included in this Scheme, such contractor must have a current C2 certificate or a tax clearance certificate from the Office of the Revenue Commissioners where the total receipts from that contractor exceed €650.

Evidence of tax compliance must be submitted at the time of lodgment of the completed Form PPIS 20, which must be completed in full, i.e. including the declaration in regard to contractors used. Evidence must be provided of tax compliance on a date which shall not precede the date of issue of Department approval to proceed with the investment works concerned. Where such evidence is not provided, the work carried out by the contractor shall be ineligible for grant-aid.

10.2 Applicant's tax clearance

Evidence that an applicant's tax affairs are in order before payment of an approved grant will be required. In the case of grant payments of less than €10,000, applicants will be required to indicate the tax district dealing with their tax affairs and also to declare that to the best of their knowledge that their tax affairs are in order. For grant payments of €10,000 or more in any twelve month period, applicants will be required to furnish a valid Tax Clearance Certificate from the Revenue Commissioners before payment of grant-aid is made.

11 Inspection by the Department

11.1 Compliance Inspection

The Department reserves the right to carry out inspections at any time on approved works. In submitting an Pig and Poultry Investment Scheme application, applicants agree to permit officials of the Department to carry out on farm inspections with or without prior notice at any reasonable time(s) and without prejudice to public liability. **Every on the spot inspection will be the subject of a report.** Applicants found not to be in compliance as a result of an on-farm inspection will be cross reported to the relevant section of the Department, which may result in penalties or sanctions.

11.2 Right of entry

The Department reserves the right to arrange for the inspection at all reasonable times of any land, premises, plant, equipment, livestock and records of participants or applicants for participation in this Scheme. An aid application or payment claim will be rejected if the beneficiary or his representative prevents an on-the-spot check from being carried out, except in cases of force majeure or in exceptional circumstances.

12. Penalties

12.1 Failure to comply with the Scheme's terms and conditions and eligibility criteria will result in an appropriate penalty/sanction. The support claimed shall be refused or withdrawn in full where the eligibility criteria are not complied with.

12.2 Penalties will apply to certain specific breaches of the Scheme and are set out in Annex C. Any outstanding debts due to the Department will be subject to interest charges in accordance with the provisions of SI No.13 of 2006, European Communities (Recovery of Amounts)(Amendment) Regulations 2006. Such debts will be recovered from future payments due if not already refunded in full by the applicant. Interest will be calculated for the period elapsing between the notification of the repayment obligation to the farmer and either repayment or deduction. Penalty amounts may be deducted from future payments due to the beneficiary under other EU funded schemes. Where monetary penalties are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery.

12.3 Serious breaches of the scheme terms and conditions may lead to the support being refused or withdrawn in full. Furthermore the beneficiary shall be excluded from the same measure or type of operation for the calendar year of the funding and for the following calendar year.

12.4 Where an applicant is found to have intentionally made a false declaration in respect of any application for grant-aid under this Scheme, including in regard to any payment claim or any accompanying documentation relating thereto, the applicant shall be excluded from receiving support under the same measure or type of operation for the calendar year of the finding and for the following calendar year. (Article 35.640/2014). For this purpose, "measure" has the meaning ascribed to it by Council Regulation (EC) 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

12.5 In cases where penalties are applied, participants will have 21 working days from the date of formal notification of the penalty by the Agricultural Environment and Structures (AES) Division to request a review of that decision, setting out in writing the grounds on which they are requesting a review. The applicant will be notified of the outcome of the review in writing. This initial appeal shall be without prejudice to the right to appeal to the Statutory Agricultural Appeals Office.

13 General Conditions relating to the Scheme

13.1 Publicity

Information in relation to the introduction of TAMS II Schemes and revision of Schemes where required will be published on the Department's website <http://www.agriculture.gov.ie/> under the heading "Press Releases".

The requirements of 2.2 of Annex III of Regulation 808/2014 must also be adhered to in relation to the

responsibilities of the beneficiaries in acknowledging support under the European Agricultural Fund for Rural Development where the applicant has a professional website.

13.2 Information and Data Protection

In accordance with Regulation 1306/2013 of the European Parliament and of the Council data of beneficiaries of funding under the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), it is a legal obligation on Member States that they inform beneficiaries that their data will be made public and that the data may be processed by auditing and investigating bodies of the European Union and the Member States for the purpose of safeguarding the Union's financial interests

You should be aware that all the information supplied on your application form and in any supporting documentation shall be made available to any other Department or Agency or Local Authority for the purpose of audits, Cross Compliance controls, controls relating to the legislation underpinning Cross Compliance and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act.

The rights of data subjects and how they may be exercised, in this respect, are laid down in the Data Protection Acts, 1988 and 2003. This publication of payment details is a requirement of EU law. The data therein may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Communities' financial interests. The data therein cannot be used for direct marketing or other purposes and this will be made clear on the website.

Subject to the provisions of the Freedom of Information Act 2014, the Data Protection Acts 1988 and 2003, and any enquiries, all aspects of applicants and the processing of same, to the extent that they are managed by the Dept. of Agriculture, Food and the Marine or employing organisation, are treated in strict confidence and are not disclosed to anyone outside those directly involved in the process.

13.3 Inheritance Enquiry Unit

The Inheritance Enquiry Unit is available to the family members and the legal representatives of deceased farmers to:

- Identify those schemes in which the deceased person participated and establish whether there are any outstanding payments due to the estate of the deceased.
- Assist the legal representatives in contacting various sections of the Department
- Advise on what legal documents are required
- Make arrangements for the issue of any outstanding payments due to estate of the deceased and for the transfer of Single payment entitlements (if any)

The Unit will act as a single repository for legal documentation submitted by representatives of the deceased thus removing the necessity for forwarding duplicate copies to several sections within the Department

As soon as possible, the legal representative of the estate of a deceased farmer and/or the solicitor acting on behalf of the estate should contact:

Inheritance Enquiry Unit, Department of Agriculture Food and the Marine, Eircom Building,
Knockmay Road, Portlaoise.

Tel: 1890 252 238 or 0761 064428

Fax: 05786 89990

Email: inheritance@agriculture.gov.ie

13.4 Force Majeure or Exceptional Circumstances

Without prejudice to the actual circumstances to be taken into consideration in individual cases the following categories of force majeure may be recognised by the Department so that the partial or full reimbursement of aid received by the beneficiary may not be required:-

- death of the beneficiary;
- long-term professional incapacity of the beneficiary;
- expropriation of all or a large part of the holding if that expropriation could not have been anticipated on the day of lodging the application;
- a severe natural disaster gravely affecting the holding;
- the accidental destruction of livestock buildings on the holding;
- an epizootic or a plant disease affecting part or all of the beneficiary's livestock or crops respectively.

Cases of *force majeure* or exceptional circumstances shall be notified in writing by the beneficiary or his/her agricultural advisor/agricultural consultant/agricultural engineer, together with relevant evidence, to the relevant local AES office of the Department within 15 working days from the date on which the beneficiary, or his/her agricultural advisor/agricultural consultant/agricultural engineer, is in a position to do so.

13.5 Appeals to the Agriculture Appeals Office

Where a decision rejecting or otherwise affecting an applicant's entitlement under the Scheme is taken, the applicant has, by virtue of the Agriculture Appeals Act, 2001, the right to appeal that decision to the Agriculture Appeals Office. The appeal must be made, in writing, within three months of the date of the decision. The appeal must include the facts and contentions upon which the applicant intends to rely together with such documentary evidence that the applicant wishes to submit in support of his/her appeal.

Annex A

Legal Documentation Required from an Applicant

The following evidence of title is required for participation in this Scheme. Only copies of the following documentation, certified as true copies of the originals by an agricultural advisor/agricultural consultant, socio-economic advisor or solicitor, should accompany the application. Unless specifically requested, original documents should not be furnished. All conveyances must be undertaken by a solicitor.

A. Lands Owned

(i) Registered Land (*Land registered in the Property Registration Authority*)

Up-to-date copy Folio/s with File Plan(s) showing the applicant as the registered owner/joint owner/tenant-in-common *or*, where registration has not been completed, a Deed of Transfer or Deed of Assent, stamped where appropriate, transferring the land to the applicant solely, jointly or in common together with Map of the land so transferred, Property Registration Authority Dealing Number and up-to-date copy/s of the parent Folio/s and File Plan/s.

(ii) Unregistered Land (*Deeds registered in the Property Registration Authority*)

The title Deeds to the land, the most recent of which is the stamped Deed of Conveyance or Deed of Assent, stamped where appropriate, conveying the land to the applicant solely, jointly or in common and duly registered in the Property Registration Authority together with Map of the land so conveyed.

(iii) First Registration

Land the subject of an Application for First Registration under Section 49, Land Registration Act, 1964 are not eligible for the purposes of this Scheme unless same is registered prior to making application under the Scheme. Applications for First Registration by way of Transmissions on Death, Compulsory Registration and those based on a full unregistered title are acceptable provided same are certified as such by the Property Registration Authority.

(iv) Land Commission Land

Where the title to land allotted by the Land Commission has not yet been registered in the Property Registration Authority, the following is acceptable evidence of title:-

- a) Letter of confirmation of the allotment to the applicant from the Lands Division of the Department.
- b) Where land was allotted to a previous owner, the applicant shall furnish documentary evidence, Deed of Conveyance/Assent, stamped where appropriate, of beneficial ownership and/or confirmation from Lands Division that the applicant is now the present allottee.

(v) Inheritance

An applicant entitled to benefit from the estate of a deceased person shall provide, in addition to the documents of title of the deceased as per (i),(ii), (iii) and (iv) above, the relevant Grant of Probate/Letters of Administration (with Will annexed or Intestate) and Deed of Assent showing such entitlement together with Map and Property Registration Authority Dealing Number in the case of registered land or Property Registration Authority deed registration in the case of unregistered land.

B. Entailed Estate

Where the applicant holds title by way of a Life Interest, the Settlement, or relevant extract therefrom, shall be furnished with the application.

C. Leases

The term or residue of the Lease shall cover a minimum of five years and: -

- i. be accompanied by a Map of the lands leased
- ii. state term and operative dates
- iii. state the annual rent
- iv. state the area, location and Folio number/s and Register (registered land)
- v. state area, townland, Barony and County (unregistered land)
- vi. any amendments or extensions to Leases shall be effected by way of a deed of variation or endorsement.

ANNEX B

List of eligible investments

Structure	Substructure	Planning Permission required	Detailed Drawings required (5.3)	Farm Yard Sketch (FYP) (5.3)	Nitrates Relevant	Own Labour permitted
Medicine Dispenser Units						
	Individual pen Fixed in Water medicine dispenser for pig unit	No	yes	FYP	No	Yes
	Individual pen Fixed in feed medicine dispenser for pig unit	No	yes	FYP	No	Yes
	Fixed in Water medicine dispenser for poultry unit	No	yes	FYP	No	Yes
Water meters						
	water meter for pig housing	No	Yes	FYP	No	Yes
	water meter for poultry housing	No	Yes	FYP	No	Yes
Solar Panels (permanently attached to buildings used for pig / poultry / egg production)						
	Solar panels for electricity production (photovoltaic)	No	yes	FYP	No	no
	Solar panels for water heating	No	yes	FYP	No	no
Heat Recovery Units / Heat Pumps						
	Heat recovery units	No	yes	FYP	No	No
	Air source heat pumps	No	yes	FYP	No	No
Energy efficient boilers						
	Biomass boiler	No	Yes	FYP	No	no
Feed System Upgrade for medication reduction and energy efficiency						
	New Wet-Feed mixing system to allow feed to ferment (controller, tanks and pumps)	No	Yes	FYP	No	No
	Upgrade existing wet feed system to allow feed to ferment (new tanks and pumps)	No	Yes	FYP	No	No

	Frequency controller for feed pumps and feed mixer motors	No	Yes	FYP	No	No
Structure	Substructure	Planning Permission required	Detailed Drawings required (5.3)	Farm Yard Sketch (FYP) (5.3)	Nitrates Relevant	Own Labour permitted
Energy Efficiency Upgrade for farrowing house						
	Energy efficient lighting	No	Yes	FYP	No	Yes
	Insulated doors	No	Yes	FYP	No	Yes
	Wall Insulation	No	Yes	FYP	No	Yes
	Roof insulation	No	Yes	FYP	No	Yes
	Ventilation System	No	Yes	FYP	No	Yes
	Electrical Heat Pads	No	Yes	FYP	No	Yes
	Water heat Pads	No	Yes	FYP	No	Yes
	Insulated Creep boxes - Covered	No	Yes	FYP	No	Yes
Energy Efficiency Upgrade for Weaner housing						
	Energy efficient lighting	No	Yes	FYP	No	Yes
	Insulated doors	No	Yes	FYP	No	Yes
	Wall Insulation	No	Yes	FYP	No	Yes
	Roof insulation	No	Yes	FYP	No	Yes
	Ventilation System	No	Yes	FYP	No	Yes
	Electrical Heat Pads	No	Yes	FYP	No	Yes
	Water heat Pads	No	Yes	FYP	No	Yes
	Creep covers	No	Yes	FYP	No	Yes
	Indirect Heating system	No	Yes	FYP	No	Yes
Energy Efficiency Upgrade for Fattener housing						
	Energy efficient lighting	No	Yes	FYP	No	Yes
	Insulated doors	No	Yes	FYP	No	Yes
	Wall Insulation	No	Yes	FYP	No	Yes
	Roof insulation	No	Yes	FYP	No	Yes
	Ventilation System	No	Yes	FYP	No	Yes
Energy Efficiency Upgrade Poultry House						
	Roof Insulation	No	Yes	FYP	No	Yes
	Wall Insulation	No	Yes	FYP	No	Yes
	Insulated Doors	No	Yes	FYP	No	Yes
	Energy efficient lighting for free range layer house	No	Yes	FYP	No	Yes
	Energy efficient lighting for broiler houses	No	Yes	FYP	No	Yes
	Ventilation fans and control system for free range layer house	No	Yes	FYP	No	Yes
	Ventilation fans and control system for broiler house	No	Yes	FYP	No	Yes

Structure	Substructure	Planning Permission required	Detailed Drawings required (5.3)	Farm Yard Sketch (FYP) (5.3)	Nitrates Relevant	Own Labour permitted
	Replacement concrete floor for temperature control	No	Yes	FYP	No	Yes
	Indirect heating system	No	Yes	FYP	No	Yes
Disease reduction facilities for existing poultry houses						
	Concrete outside pop holes for free range poultry houses	No	Yes	FYP	No	Yes
	Drinker system for poultry broiler house	No	Yes	FYP	No	Yes
	Drinker system for free range poultry layer house	No	Yes	FYP	No	Yes
	Ancillary concrete	No	Yes	FYP	No	Yes

ANNEX C

Schedule of Penalties

Failure to comply with the provisions of S.I. No. 31 of 2014 Good Agriculture Practice for the Protection of Waters and the Animal Welfare and Dairy Hygiene Regulations may result in a cross compliance penalty.

Applicants found not to be in compliance with farm waste and farm nutrient storage requirements, dairy hygiene or animal welfare regulations as a result of an on-farm inspection will be cross reported to the relevant section of the Department, which may result in penalties or sanctions.

Offence	Penalty
False or misleading information in application form, payment claim and/or accompanying documentation	No aid payable or 100% recoupment of grant-aid paid.
The use of investment(s) for purposes other than those intended for a period of 5 years after date of letter of approval	100% recoupment of grant-aid paid.
Over-claim of investment(s) dimension/quantities by more than 3%	Subtraction of over-claimed dimension/quantities from dimension/quantities found at inspection to determine dimension/quantities for payment
Over-claim of investment(s) dimension/quantities by more than 25%	100% reduction in grant-aid for relevant investment(s)
Over-claim of eligible expenditure by more than 10%	Subtraction of over-claim from eligible amount payable
Investments not in accordance with Department's Specifications (where the deficiency cannot be remedied)	
1. Deficiencies that affect structural integrity, life or safety of the investment.	100% reduction in grant-aid of relevant investment
3. Treatment of structural steel not in accordance with Specifications.	100% reduction in grant-aid of relevant investment
4. Deficiencies that do not affect structural integrity, expected life or safety of the investment.	10% reduction in grant-aid of relevant investment
Investments not in accordance with Department's Specifications, where the deficiency can be remedied	10% reduction in grant-aid for relevant investment(s)

<p>a) Deficiency found at first pre-payment inspection</p> <p>b) Deficiency found at second pre-payment inspection</p>	<p>100% reduction in grant-aid for relevant investment(s)</p>
<p>Failure to apply with publicity requirements as set out in Paragraph 12.1</p>	<p>May attract a 1% reduction.</p>
<p>Investment work commenced or equipment purchased prior to approval (calculations based on lesser of proposed or reference costs)</p> <ul style="list-style-type: none"> - less than 25% of the value of investments applied for - greater than or equal to 25% of the value of investments applied for 	<p>Rejection of relevant investments</p> <p>Rejection of entire application</p>

ANNEX D

Calculation of Production Units for Intensive Enterprises

The table below sets out how Production Units on the holding are calculated in respect of the following intensive enterprises:

Pig Production:	
Sow Breeding only	0.8 unit
Sow Breeding and Finishing	1.1 units
Pigs Finishing only	6.0 units/100 pig places
Broilers	3.0 units/1000 bird places
Broiler Breeders	8.0 units/1000 birds
Layers	3.0 units/1000 birds
Turkeys (fattening)	3.0 units/1000 birds
Free Range Egg Production	1.5 units/100 birds

ANNEX E



Guide for Clients involved in Construction Projects

INFORMATION SHEET

This guidance explains in practical terms what you must do if you are a Client commissioning construction work in order to fulfill your legal duties.

1. What is a Client?

A 'Client' is any person engaged in trade, business or other undertaking who commissions or procures the carrying out of a construction project for the purpose of such trade, business or undertaking. A **Project** includes the preparation design, planning and the construction activities. '**Construction**' is broadly defined and includes; maintenance, repair, redecoration, fitting out, alteration, structural cleaning as well as civil engineering and engineering construction work.

2. Am I a Client?

You are a Client if you

- ▲ Are a pub owner and carry out repair or maintenance work to your premises
- ▲ Build a cattle shed or a milking parlour
- ▲ Build a house for sale, letting or guest keeping
- ▲ Extend on to your private dwelling for the purposes of carrying out business trade or other undertaking
- ▲ Extend a supermarket or
- ▲ Commission, decommission, dismantle or repair building services (mechanical, electrical etc) which are normally fixed to a structure.

You are not considered to be a Client if you

- ▲ Build or extend your private dwelling for family use only.

What Regulations apply to me?

You as a Client have duties under the Safety Health and Welfare at Work Construction Regulations 2006 which apply to most construction projects. They apply whether you are doing the work yourself or having somebody do it

for you. They apply to small and large projects. Where the project is for the purpose of trade, business or other undertaking, the Client duties apply.

3. What must I do as a Client?

1. Appoint, in writing, a competent Project Supervisor for the Design Process (PSDP) before design work starts
2. Appoint, in writing, a competent Project Supervisor for the Construction Stage (PSCS) before construction begins
3. Be satisfied that each designer and contractor appointed has adequate training, knowledge,
4. Experience and resources for the work to be performed
5. Co-operate with the Project Supervisor and supply necessary information
6. Retain and make available the Safety File for the completed structure
7. Provide a copy of the safety and health plan prepared by the PSDP to every person tendering for the project
8. Notify the Authority of the appointment of the PSDP where construction is likely to take more than 500 person days or 30 working days (see form AF1)
9. Allow a reasonable amount of time for project completion

4. When must I appoint Project Supervisors?

You must appoint in writing a competent Project Supervisors for the Design Process (PSDP) before design work starts and a competent Project Supervisor for the Construction Stage (PSCS) before construction work starts, in order to co-ordinate the design and construction. They must acknowledge in writing that they accept the appointment. There can only be one PSCS for one project at a given time.

You do not have to appoint Project Supervisors if the work is routine maintenance work such as cleaning, decorating and repair and

- ▲ there is only one contractor involved;
- ▲ the project does not last longer than 30 days or 500 person days;
- ▲ the work does not involve a *particular risk* e.g. Working in deep trenches and excavations, falling from a height where there is an aggravated risk of injury, use of chemical or biological substances, including work involving asbestos, work with ionizing radiation (usually x-ray examination of structural joints etc.), work near high voltage power lines, work over or near water, work in confined, unventilated spaces, work carried out by drivers using an air supply system, work in a compressed air atmosphere, work involving the assembly or dismantling of heavy prefabricated components.

5. Who can act as a project Supervisor and how do I know if they are Competent?

When making the appointments of Project Supervisors, you must satisfy yourself that those appointed are competent to carry out the duties under the Regulations.

You as a Client will need to make reasonable enquires to check that the person

or company to be appointed as the PSDP or PSCS is able to fulfil the responsibilities of the position. A designer or a contractor may be appointed so long as they are competent. The extent of these enquiries will depend on the scale, complexity, the hazards of the project and any particular risks and may include, but not limited to, enquiring about the following:

- ▲ Membership of professional bodies;
- ▲ Knowledge of design and construction, particularly in relation to the nature of the project;
- ▲ Safety and Health qualifications, training (e.g. degree, diploma, certificate, continual professional development);
- ▲ Safety and Health experience on similar projects. (e.g. knowledge of preparing a Safety File).
- ▲ Sufficient staff with qualifications, training and experience, both within the company and from other sources, relevant to the project;
- ▲ Evidence of a functioning safety management system.
- ▲ Evidence of Regulatory Compliance.

6. What must the Project Supervisors do?

The Project Supervisors Design Process must:

- ▲ Identify hazards arising from the design or from the technical, organisational, planning, or time related aspects of the project;
- ▲ Where possible, eliminate the hazards or reduce the risk;
- ▲ Communicate necessary control measures, design assumptions, or remaining risks to the PSCS so they can be dealt with in the Safety and Health Plan;
- ▲ Ensure that the work of designers is co-ordinated to ensure safety;
- ▲ Organise co-operation between designers;
- ▲ Prepare a written safety and health plan for any project where construction will take more than 500 person days or 30 working days or there is a Particular Risk and deliver it to the client prior to tender;.
- ▲ Prepare a safety file for the completed structure and give it to the client;
- ▲ Notify the Authority and client of non-compliance with any written directions issued;
- ▲ The PSDP may issue directions to designers or contractors or others.

The Project Supervisor Construction Stage must:

- ▲ Co-ordinate the implementation of the construction regulations by contractors;
- ▲ Organise co-operation between contractors and the provision of information;
- ▲ Co-ordinate the reporting of accidents to the Authority;
- ▲ Notify the Authority before construction commences where construction is likely to take more than 500 person days or 30 working

days;

- ▲ Provide information to the site safety representative;
- ▲ Co-ordinate the checking of safe working procedures;
- ▲ Co-ordinate measures to restrict entry on to the site;
- ▲ Co-ordinate the provision and maintenance of welfare facilities;
- ▲ Co-ordinate arrangements to ensure that craft, general construction workers, and security workers have a Safety Awareness card, e.g. Safe Pass and a Construction Skills card where required;
- ▲ Co-ordinate the appointment of a site safety representative
- ▲ Appoint a safety adviser where there are more than 100 on site;
- ▲ Provide all necessary safety file information to the PSDP;
- ▲ Monitor the compliance of contractors and others and take corrective action where necessary;
- ▲ Notify the Authority and the client of non-compliance with any written directions issued;
- ▲ The PSCS may issue directions to designers or contractors.

7. What must I do as a Client with the Safety and Health Plan?

The client must make sure that every person being considered or tendering for the role of Project Supervisor for the Construction Stage gets a copy of the safety and health plan. Its purpose is to “flag-up”, at an early stage, any safety and health issues specific to that project.

8. What is the Safety File?

The Safety File is a key document intended for the safety of end users of the structure or those who will extend or maintain the structure in future. The PSDP must prepare and pass the Safety File to the Client at completion, you as the Client must make the Safety File available, if necessary, e.g. to subsequent designers or contractors engaged in maintenance or renovation of the structure, or pass it on to any new owner of the built structure.

If you as a client sell or otherwise dispose of your interest in the structure, then you must pass on the Safety File to the new owner. Where you dispose of his or her interest in part of a structure or development then you must pass on the relevant section of the Safety File for the relevant part. This might happen in the case of the selling of an office floor of a building, or the selling of a house or a number of houses in a new estate. The person receiving the Safety File must keep it available for inspection.

Where can I get further information?

Further information including the Guidelines to the Safety Health and Welfare at Work (Construction) Regulations are available at www.hsa.ie

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ANNEX F

Contact Details

Queries of a technical nature relating to the specifications should be submitted by email to the following email address tams@agriculture.gov.ie.

A helpline number [0761 064452](tel:0761064452) if available between 10.00 am to 12.30 pm and 2.00 pm to 4.30 Monday to Friday excluding public holidays.