



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, Food and the Marine 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.

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.

- The notice must be lodged within 3 months of notification of the decision under appeal. An appeal received after 3 months will only be accepted if the Director considers that there are exceptional circumstances.
- Before submission of an appeal to the Agriculture Appeals Office, all internal review procedures within the Department of Agriculture, Food and the Marine 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.

Appeals Process

When a final decision issues from the Department of Agriculture, Food and the Marine (ie 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 Agriculture Appeals Office requests from the Department of Agriculture, Food and the Marine, 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 and the Marine for their comments and observations.**
- 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 (include 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.

Contact Us

Address: Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co Laois. R32 DTW5
 LoCall: 076 106 4418
 Tel: 057 863 1900
 Fax: 057 866 7177
 Email: appeals@agriappeals.gov.ie
 Web: www.agriappeals.gov.ie

Oral Hearings

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

- Oral hearings are held 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.**
- Department official(s) familiar with the case will also attend the hearing.
- The appellant must notify the Agriculture 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.

Checklist Before Submission

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| 1. Scheme is covered by the Agriculture Appeals Office (please check list below) | Yes/No |
| 2. Decision is within the last 3 months | Yes/No |
| 3. Internal review completed by the Department of Agriculture, Food and the Marine, Yes/No informing you of your right to appeal. | |
| 4. All information requested has been provided, including a copy of the decision letter you received from the Department. | Yes/No |

Right of Review

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

- An Appeals Officer may change a decision where there is new evidence/facts or 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 Lr Leeson St, Dublin 2, (01) 6395600.
- The High Court may revise a decision on a point of law.

Schedule of Schemes Covered

The Agriculture Appeals Office deals with appeals under the following schemes:

Afforestation Grant and Premium Scheme
Agri-Environment Options Scheme (AEOS)
Animal Welfare, Recording and Breeding Scheme for Suckler Herds (AWRBS)
Areas of Natural Constraints (ANC)
Areas of Specific Constraint (Island Farming) scheme
Basic Payment Scheme (BPS)
Beef Data Programme (BDP)
Beef Genomics Scheme (BGS)
Beef Data and Genomics Programme (BDGP)
Bio Energy Scheme
Burren Programme
Dairy Efficiency Programme
Depopulation Scheme
Disadvantaged Areas Scheme (DAS) excluding Land Parcel Identification System Review 2013 (LPIS Review 2013)
Farm Improvement Scheme
Forest Environment Protections Scheme (FEPS)
Forest Genetic Resources Reproductive Material: Seed Stand & Seed Orchard Scheme
Forest Roads Scheme
Green, Low-Carbon, Agri-Environment Scheme (GLAS)
Greening Payment
Grassland Sheep Scheme (GSS)
Hardship Grant Scheme
Income Supplement Scheme
Innovative Forest Technology Scheme – Central Tyre Inflation
Installation Aid Scheme (IAS)
Knowledge Transfer Programme (KT)
Native Woodland Conservation Scheme
Native Woodland Scheme
Neighbourwood Scheme
Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors
Organic Farming Scheme
Prevention and Restoration of Damage to Forests: Reconstitution of Woodland Scheme (Windblow)
Protein Aid Scheme
Reconstitution of Woodland Scheme
Reconstitution Scheme (Chalara Ash Dieback) 2014-2020
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 Investment Aid for Farm Waste Management (FWM)
Scheme of Investment Aid for the Development of the Commercial Horticulture Sector (excluding decisions on approval of applications)
Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS)
Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES)
Scheme of Investment Aid for Demonstration On-Farm Waste Processing Facilities
Sheep Welfare Scheme
Single Payment Scheme, excluding Article 37(2), 40 and 42 of Chapter 2 of Council Regulation (EC) No 1782/2003* and Land Parcel Identification System Review 2013 (LPIS Review 2013)
Sow Housing (Animal Welfare) Scheme
Support for Collaborative Farming Grant Scheme
Targeted Agricultural Modernisation Scheme (TAMS), including – (RDP 2007-2013)
 (a) The Dairy Equipment Scheme
 (b) The Poultry Welfare Scheme
 (c) The Sheep Fencing/Mobile Handling Equipment Scheme
 (d) The Sow Housing Welfare Scheme
 (e) The Rainwater Harvesting Scheme, and
 (f) The Farm Safety Scheme
Targeted Agricultural Modernisation Scheme II (TAMS II) RDP 2014–2020
 (a) The Animal Welfare, Safety and Nutrient Storage Scheme
 (b) The Dairy Equipment Scheme
 (c) The Low-Emission Slurry Spreading (LESS) Equipment Scheme
 (d) The Organic Capital Investment Scheme
 (e) The Pig and Poultry Investment Scheme
 (f) The Young Farmers Capital Investment Scheme, and
 (g) Tillage Capital Investment Scheme
Traditional Farm Building Grant Scheme 2017 and 2018
Upland Sheep Payment Scheme
Weather Related Crop Loss Support Measure
Woodland Improvement Scheme
Young Farmers' Installation Scheme
Young Farmers Scheme.

*OJ L270, 21.10.2003, p.1

Data Protection - GDPR

- The Agriculture Appeals Office (AAO) collects personal data to process appeal applications and the data collected is also used for statistical purposes: personal data, excluding the county address provided by the customer, is not used or analysed for statistical purposes. The AAO is fully committed to keeping all personal data submitted by its customers fully safe and secure during administrative processes.
- Transparency and openness in the use of personal data is important to the Agriculture Appeals Office and the AAO aims to fully inform all its customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by the AAO. This information and the information on the rights of customers who provide personal data to the Agriculture Appeals Office is detailed in the data protection section on the Office's website www.agriappeals.gov.ie.
- Personal data processed by the AAO will only be used for the specific purpose(s) as outlined when the data is collected (Notice of Appeal Form) and as outlined in detail in the data protection section on the Office's website www.agriappeals.gov.ie. The personal data provided to the Agriculture Appeals Office will only be used in accordance with the Data Protection legislation in force. The Agriculture Appeals Act 2001, as amended, is the legal basis which provides for the data being collected and processed by the Agriculture Appeals Office.
- Please be advised if you are attending the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois, R32 DTW5 that CCTV is in operation for the security and safety of staff. More information is in the data protection section on the Office's website www.agriappeals.gov.ie.
- Please see the Agriculture Appeals Office website www.agriappeals.gov.ie for further information on the items above and for detailed information on data protection with regard to the processing of personal data by the Office.