



STATUTORY INSTRUMENTS.

**S.I. No. 639 of 2017**



EUROPEAN UNION (BASIC PAYMENT SCHEME INHERITANCE)  
REGULATIONS 2017

EUROPEAN UNION (BASIC PAYMENT SCHEME INHERITANCE)  
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I, MICHAEL CREED, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving full effect to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013<sup>1</sup>, (as amended by Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013<sup>2</sup>, Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014<sup>3</sup>, Commission Delegated Regulation (EU) No 994/2014 of 13 May 2014<sup>4</sup>, Commission Delegated Regulation (EU) No 1001/2014 of 18 July 2014<sup>5</sup>, Commission Delegated Regulation (EU) No 1378/2014 of 17 October 2014<sup>6</sup>, Commission Delegated Regulation (EU) 2015/851 of 27 March 2015<sup>7</sup>, Commission Delegated Regulation (EU) 2016/142 of 2 December 2015<sup>8</sup>, Commission Implementing Regulation (EU) 2016/1616 of 8 September 2016<sup>9</sup> and Commission Delegated Regulation (EU) 2017/1155 of 15 February 2017<sup>10</sup>) and Commission Implementing Regulation (EU) No 641/2014 of 16 June 2014<sup>11</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Basic Payment Scheme Inheritance) Regulations 2017.

2. These Regulations apply to payment entitlements granted in accordance with Regulation 1307/2013.

3. (1) In these Regulations—

“Regulation 1307/2013” means Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 (as amended by Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013, Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014, Commission Delegated Regulation (EU) No 994/2014 of 13 May 2014, Commission Delegated Regulation (EU) No 1001/2014 of 18 July 2014, Commission Delegated Regulation (EU) No 1378/2014 of 17 October 2014,

<sup>1</sup>OJ L 347, 20.12.2013, p. 608

<sup>2</sup>OJ L 347, 20.12.2013, p. 865

<sup>3</sup>OJ L181, 20.6.2014, p. 1

<sup>4</sup>OJ L 280, 24.9.2014, p. 1

<sup>5</sup>OJ L281, 25.9.2014, p.1

<sup>6</sup>OJ L367, 23.12.2014, p. 16

<sup>7</sup>OJ L 135, 2.6.2015, p. 8

<sup>8</sup>OJ L 28, 4.2.2016, p. 8

<sup>9</sup>OJ L 242, 9.9.2016, p. 19

<sup>10</sup>OJ L 167, 30.6.2017, p. 1

<sup>11</sup>OJ L 181, 20.6.2014, p. 74

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 19th January, 2018.*

Commission Delegated Regulation (EU) 2015/851 of 27 March 2015, Commission Delegated Regulation (EU) 2016/142 of 2 December 2015, Commission Implementing Regulation (EU) 2016/1616 of 8 September 2016 and Commission Delegated Regulation (EU) 2017/1155 of 15 February 2017) and Commission Implementing Regulation (EU) No 641/2014 of 16 June 2014;

“will” has the same meaning as in the Succession Act 1965 (No. 27 of 1965).

(2) A word or expression that is used in these Regulations and is also used in Regulation 1307/2013 has, unless the context otherwise requires, the same meaning in these Regulations as it has in Regulation 1307/2013.

4. Where a deceased person bequeaths land in a will and—

(a) at the time of his or her death held an allocation of payment entitlements under Regulation 1307/2013, and

(b) made no provision for those payment entitlements in his or her will

such payment entitlements (or share thereof) shall transfer with the eligible land unless there is a legal impediment preventing the transfer.



Given under my Official Seal,  
21 November 2017.

MICHAEL CREED,  
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation)*

This Statutory Instrument provides legal basis to the Department of Agriculture, Food and the Marine for the inheritance of Basic Payment Scheme entitlements where the will of a deceased farmer is silent in relation to these entitlements. The SI provides for the entitlements to transfer with the land in such circumstances.

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