



Department of  
**Agriculture,  
Fisheries and Food**  
An Roinn  
**Talmhaíochta,  
Iascaigh agus Bia**



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

## **TERMS AND CONDITIONS**

# **TARGETED AGRICULTURAL MODERNISATION SCHEME (TAMS) RAINWATER HARVESTING SCHEME**

**Introduced by**

**The**

**Minister for Agriculture, Fisheries and Food**

**IN IMPLEMENTATION OF**

**Council Regulation (EC) No. 1698/2005**

This Scheme is provided for in the 2007-2013 Rural Development Programme of Ireland  
The European Agricultural Fund for Rural Development: Europe investing in rural areas

All Department Structural specifications and notices relevant to OFI Schemes can be accessed on the Department of Agriculture, Fisheries and Food website at [www.agriculture.ie](http://www.agriculture.ie) under the heading "Farm Buildings"

## RAINWATER HARVESTING SCHEME

### 1. General

- (i) This Scheme is being implemented pursuant to an approved programme under Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).
- (ii) The objective of the Scheme is to conserve water by maximising the use of rainfall run-off and reduce water costs on farm. This will be achieved by grant aiding support for rainwater harvesting facilities and equipment. This scheme will be targeted, in the first instance, at young trained dairy farmers. The rainwater harvesting facilities and equipment will be grant-aided at 40% up to a maximum grant level. Grant-aid will not be available under this Scheme in respect of any unit of work grant-aided under the National Development Plan 2000-2006 or under any other scheme provided for under the 2007-2013 Rural Development Programme.
- (iii) The Scheme will operate in all areas of the State.
- (iv) The Scheme will be administered by the Department of Agriculture, Fisheries and Food.
- (v) The Scheme will come into operation as and from 8 March 2011 and will be closed for valid applications on 31 December 2013. Applications received during periods to be determined by the Minister will be assessed in accordance with the criteria laid down in paragraph 4. Where a valid application does not receive approval in the course of the first assessment 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the receipt of the valid application, the application will be carried forward to any subsequent assessment(s), unless withdrawn by the applicant.
- (vi) Aid will not be given for works commenced or equipment/items purchased/delivered before written approval has been conveyed to a farmer.
- (vii) Grant of full planning permission or an exemption from planning from the relevant local authority is required for all rainwater harvesting tanks. All other items listed in Annex A to the Scheme do not require planning permission or exemption from planning. The Department will not accept an application for rainwater harvesting tanks as valid until either a grant of full planning permission, including conditions, or a declaration of exemption issued by the relevant local authority is received by the Department. Notification of a decision to grant planning permission will not be sufficient for this purpose.
- (viii) All structures/ facilities/equipment under the Scheme shall be constructed/installed in full compliance with the relevant Minimum Specification(s) issued at the date of approval by the Department.
- (ix) Grant-aid will not be paid in respect of new equipment unless ownership thereof has been transferred to the applicant prior to payment of the grant.
- (x) Grant-aid will not be paid for replacement of equipment damaged by fire, floods or other accidental damage.
- (xi) 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 27 of the Scheme.
- (xii) Grant approval will be conditional on the applicant having a fully functional rainwater harvesting system following the investment.
- (xiii) Applications for aid should be sent to the Department of Agriculture, Fisheries and Food, Rainwater Harvesting Scheme, On-Farm Investment Schemes Division, Johnstown Castle Estate, Co Wexford. Applications will not be accepted unless accompanied by the RHS Checklist and all necessary documentation listed on it. All fully completed applications will be acknowledged by the Department. If an applicant does not receive an acknowledgement within 2 weeks he/she should contact the Department of Agriculture, Fisheries and Food, Co Wexford. The Department strongly recommends that applications for grant-aid be sent to the Department by registered post or other form of tracked mailing system. Where application forms or any other correspondence pertaining to this Scheme are sent by applicants or their agricultural advisors/agricultural consultants/agricultural engineers to the Department by any other means, it shall be

entirely at the applicant's own risk. Certificates of posting will not be accepted as proof of posting in such cases. Where application forms are delivered by hand to the Department, a Departmental receipt must be obtained for the application concerned at the time of delivery. This receipt is the only document that will be accepted as proof of lodgement of an application form by hand.

- (xiv) All payments under the Scheme will only be made by electronic fund transfer to bank/building society/credit union accounts held within the State. Applicants will, therefore, be obliged to provide relevant bank/building society/credit union details to ensure that all payments under the Scheme can be made by such means by the Department.

## 2. Definitions

For the purpose of this Scheme: -

“agricultural advisor/agricultural consultant/agricultural engineer” means a person holding a primary degree or higher qualification in agricultural science or agricultural engineering. Where an agricultural advisor/agricultural consultant /agricultural engineer intends to avail of the Scheme, the application shall be completed by an independent agricultural advisor/agricultural consultant/agricultural engineer and not by the applicant;

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

“architect/engineer” means a person with a primary degree or higher qualification in architecture or structural/civil engineering;

“body corporate” means a separate legal entity with a Certificate of Incorporation and a Memorandum and Articles of Association; a farm owned by a body corporate must be operated by a qualified manager/operator;

“business associate/partner” means, in respect of an agricultural advisor/agricultural consultant/agricultural engineer, a director of the same company or a person working for the same organisation in the same location as the said agricultural advisor/agricultural consultant/agricultural engineer;

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

“farm partnership” means a formal written agreement between two or more persons to farm together and to share the profit or loss generated each year;

“family member” means spouse, parent, brother, sister, son, daughter, grandchild or favourite nephew/niece;

“farmer” means a person, a group of persons, a partnership or a body corporate who is engaged in farming and who (i) has a herd number, (ii) is registered under the Bovine Tuberculosis Eradication Scheme, (iii) has a plant health registration number, (iv) has a primary food producer's registration number, or (v) is the holder of another Department identifier, and who has a Personal Public Service Number(s) or Company Incorporation Number;

“farming” includes dairy farming, livestock production (including deer, goats, pig and poultry production), 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” means the total area of land whether in one or more parcels including buildings thereon, occupied by a farmer, whether owned, taken on lease, rented or otherwise held for the purpose of farming;

“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 stamped 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. Such written evidence should be provided to the Department within one month;

“less favoured area” 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 ([www.agriculture.ie](http://www.agriculture.ie));

“milk quota” means the quantity of milk or milk products which may be delivered to a purchaser, or sold or transferred free for direct consumption by a producer from a holding during a milk quota year without the dairy farmer being liable to pay levy;

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

“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 waiting registration in Property Registration Authority with accompanying dealing number,
- a beneficial occupier who is a family member in possession and undisputed occupation of a holding and in receipt of rents and profits for at least 5 years;

“production units” means a standard for establishing the extent of farming activity on a holding and shall be calculated in accordance with the provisions of paragraph 10 of the Scheme;

“rainwater harvesting ” means the collection and storage of water which falls directly on to a roof area in the form of precipitation;

“Teagasc Production Partnership” means a partnership registered with Teagasc with a valid Certificate of Registration at the time of application;

“valid application” means a fully completed application including all required documentation.

### **3. Eligible Persons**

The Scheme is open to farmers who :-

- (i) own or have leasehold title to the site on which it is proposed to carry out the development;
- (ii) have a minimum of 5 hectares which have been declared under the Single Farm Payment Scheme/Area Aid/Integrated Administration and Control System in the year of application or preceding year, except in the case of proposed investments for pigs, poultry and horticulture enterprises;
- (iii) have between 30 and 1,000 production units in total at the time of application. In the case of Teagasc Production Partnerships, however, the maximum of 1,000 production units shall be multiplied by the number of partners in the Teagasc Production Partnership;
- (iv) agree to provide relevant bank/building society /credit union details to ensure that all payments made by the Department are paid by means of electronic fund transfer;
- (v) meet the requirements as to reliability with reference to any previous EU co-financed operations undertaken since 2000 within the meaning of Article 24(2) (e) of Commission Regulation (EC) 65/2011.

### **4. Assessment of Applications for aid**

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

- (i) Priority shall be given to applicants whose holdings are regarded as requiring heavy water usage which shall be calculated using the coefficients set out in the Annex to the marking sheet referred to below.
- (ii) The proposed cost of the project by the applicant as set out in paragraph 7 of the application form. For this purpose, applicants will be given preference where the proposed costs are lower than the Department’s Reference Costs.
- (iii) Priority shall be given to applications involving the installation of a rainwater harvesting tank and/or a water treatment unit.

- (iv) Priority shall be given to young trained farmers in accordance with paragraph 5 below.
- (v) Priority to applicants where any part of the holding that is owned or leased is in a less favoured area.

Copies of the marking system which shall be used by the Department for this purpose are available on request from On-Farm Investment Schemes Division, Department of Agriculture, Fisheries and Food, Johnstown Castle Estate, Co. Wexford and are also available on the Department’s website under the heading “Farm Buildings”.

## 5. Qualifications of Young Trained Farmer

In order to qualify as a young trained farmer, applicants must be between their 18<sup>th</sup> and 35th birthday on the date of receipt of a valid application and must also have completed one of the courses listed in Annex B below or an equivalent course.

Qualifications that are claimed to be equivalent will be considered. All such cases should be submitted to the On-Farm Investment Schemes Division, Johnstown Castle Estate, Co Wexford, for decision prior to lodging an application under the Scheme.

## 6. Financial Aids Payable under the Scheme

The maximum amount of investment eligible for grant-aid under the Scheme is €25,000 per holding in the case of investments listed in Annex A below.

Where an application for grant-aid is comprised of more than one investment item, approval may be granted in respect of a lesser number of items than that specified in the application form

Grant-aid will be calculated on 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 contributions in terms of labour and machinery, deemed to be eligible by the Department, and
- (iii) The cost of the project proposed by the applicant as 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 the off-shore islands.

Grant-aid will only be paid on approved and eligible expenditure. If the monetary amount of claim submitted by the applicant exceeds the amount eligible for grant-aid by more than 3%, then a monetary penalty of the difference between the two amounts will be deducted from the amount payable.

The rate of grant-aid payable under the Scheme as a percentage of approved Reference Costings\*/receipts/costs proposed by the applicant, is as follows -

Type of Investment	Grant Rate
Rainwater harvesting (see Annex A)	40%

In the case of investments in relation to pig units, it is a requirement of this Scheme that a water meter be installed (or already be in place) prior to payment, to allow for the monitoring of water usage in the pig unit.

The maximum eligible investment ceiling under the Scheme is €25,000 per holding, i.e. a maximum grant of €10,000. The minimum amount of investment, which is eligible for aid under this Scheme, is €2,000 per holding. Where it is proposed to carry out the investments on leased lands, Form RHS2 must be completed.

The applicant must give a written 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.

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.

\*Reference Costings and Specifications are available on the Department's website ([www.agriculture.ie](http://www.agriculture.ie))

## **7. Requirement for Receipts in Respect of Work Carried Out by Persons other than the Applicant**

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 RHS 20. Items invoiced or delivered, purchased or payments made before the date of approval are not eligible for grant-aid. If it is indicated that work commenced prior to the grant of written approval, grant-aid will not be paid as per paragraph 1(vi) above.

All receipts must be original, must be on headed paper and must 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 approved item excluding VAT,
- (e) The total VAT paid,
- (f) The amount of discount, if any.

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)-(f) 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.

Receipts/invoices will only be returned by the Department to an applicant after payment has issued to him/her in respect of the work concerned.

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.

The receipts/invoices submitted must only include items relevant to the works that received approval. If the monetary amount of claim submitted by the applicant exceeds the amount eligible for grant-aid by more than 3%, then a monetary penalty of the difference between the two amounts shall be deducted from the amount payable.

## **8. Work Carried Out or Machinery Supplied by Applicant or Family Member**

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 RHS 20 and be broken down per approved investment item. Where own machinery is used, the hours worked and the date(s) on which they were worked must be similarly shown on Form RHS 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.

## **9. Completion of Works**

All works must be completed and a valid claim for payment submitted to the Department within two years of the date of issue of approval to commence works. Requests for an extension to this deadline will not be considered whether on grounds of *force majeure* or any other reason.

Materials used in the construction of developments must, where specified, be accompanied by relevant quality certificates.

## 10. Calculation of Production Units

The table below sets out how production units on the holding are calculated:

<b>Production units</b>			
<i>Cattle 6 - 24 months</i>	<i>0.3 unit</i>	<i>Pig Production Sow Breeding only</i>	<i>0.8 unit</i>
<i>Cattle 24 – 36 months</i>	<i>0.5 unit</i>		
<i>All other Cattle Including Cows (excluding number of Cows required to produce permanent (net) Quota)</i>	<i>1.0 unit</i>	<i>Sow Breeding and Finishing Pigs Finishing only</i>	<i>1.1 units 6.0 units/100 pig places</i>
<i>Milk Quota</i>	<i>1.0 unit per 1818 Litres (400 gls)</i>	<i>Ewes/Rams</i>	<i>0.15 unit</i>
		<i>Hoggets</i>	<i>0.1 unit</i>
<i>Cereals/peas/ beans</i>	<i>1.0 unit per hectare</i>		
<i>Potatoes</i>	<i>2.0 units per hectare</i>	<i>Horse</i>	<i>1.0 unit</i>
<i>Sugar beet</i>	<i>2.0 units per hectare</i>	<i>Deer (red)</i>	<i>0.30 unit</i>
<i>Strawberries</i>	<i>2.0 units per hectare</i>	<i>Deer (fallow and sika)</i>	<i>0.15 unit</i>
<i>Raspberries</i>	<i>2.0 units per hectare</i>		
<i>Apples</i>	<i>2.0 units per hectare</i>	<i>Broilers</i>	<i>3.0 units/1000 bird places</i>
<i>Other Intensive Crops</i>	<i>2.0 units per hectare</i>	<i>Broiler Breeders</i>	<i>8.0 units/1000 birds</i>
<i>Mushrooms</i>	<i>20 units per tunnel</i>	<i>Layers</i>	<i>3.0 units/1000 birds</i>
<i>Glasshouse crops</i>	<i>125 units per hectare</i>	<i>Turkeys (fattening)</i>	<i>3.0 units/1000 birds</i>
<i>Nursery stock:</i>			
<i>Liner production</i>	<i>75 units per hectare</i>	<i>Free Range Egg Production</i>	<i>1.5 units/100 birds</i>
<i>Shrub production (containers)</i>	<i>50 units per hectare</i>		
<i>Ornamental trees/Christmas trees, field grown</i>	<i>25 units per hectare</i>	<i>Rabbits</i>	<i>1.0 unit/100 does</i>
<i>Forest trees and hedging</i>	<i>15 units per hectare</i>	<i>Goats (milking)</i>	<i>0.25 unit/goat</i>
<i>Hay/ silage for sale</i>	<i>1.0 unit per hectare</i>	<i>Ewes (milking)</i>	<i>0.25 unit/ewe</i>

## 11. Planning Permission

Planning permission or a declaration of exemption from the relevant local authority is required for all rainwater harvesting tanks.

It is the clear responsibility of the applicant, in consultation with his/her agricultural advisor/agricultural consultant/agricultural engineer to ensure that any rainwater harvesting tank to be installed is compliant with planning permission legislation. In any case where it is brought to the Department's attention that any rainwater harvesting tank is not compliant with planning regulations, then no grant-aid will be paid until the planning issues are resolved. In no case may the approval for grant-aid or payment of grant-aid for any rainwater harvesting tank be used as a justification for the retention of illegal buildings. In cases where the rainwater harvesting tank is required to be demolished, 100% recoupment of any grant-aid paid is required.

Where changes are made to the proposals covered by planning permission or a declaration of exemption, then either revised planning permission or a revised declaration of exemption shall be obtained before grant-aid may be paid.

## 12. Submission of Drawings in relation to Application

- a) Where planning permission or a declaration of exemption has been obtained, a full set of the drawings stamped by the local authority shall be submitted with the application for grant-aid.
- b) A farm building layout plan to a scale of 1:500 showing the position of all of the proposed investments and the location of any drains and gutters shall be provided in all cases. The plan shall show all significant dimensions: internal width, length and depth of each tank and location of all investment items.

- c) The plan shall also include the location and dimension of the roof area for the proposed collection of rainwater and any existing rainwater harvesting facilities (storage tank, drains, sump pumps, etc).

### **13. Amendments to Proposed investments**

Permission for any proposed changes (including proposals to withdraw items for grant-aid) must be requested, in writing, from the Department before the modifications are made. The modifications shall not be made unless written authorisation is received from the Department. Where modifications are made without prior approval, then a penalty of 25% shall apply in accordance with paragraph 20.

### **14. Maximum tolerances in the dimensions of completed structures**

Rainwater harvesting tanks must be constructed according to the dimensions given in the application (which must be in compliance with EU and National Legislation) and be sited as shown on the plans presented with the application. However, the following tolerances may be allowed: -

- a) If for reasons of safety, or for difficulties of construction, it is necessary to re-site the tank, this may be done without further consultation if the completed structure is offset in any direction by not more than one metre. If the new site is offset by more than one metre, the applicant must apply in writing to the Local Office for an amendment to the proposed investment, enclosing relevant supporting documentation, where applicable. The applicant must not proceed with the works until a written reply is received from the Department.
- b) The final length, width, or depth must not be less than 500mm of the approved dimensions or greater than 1000mm above the approved dimensions, or of modified dimensions that have been agreed in writing with the Department.

Note: Nothing in paragraph 13 or 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.
- (ii) permit the maximum level of investment eligible for grant-aid set out in the letter of approval for the structures concerned to be exceeded.

If it is necessary to make changes greater than those permitted under the tolerances, then approval shall be sought, in writing before changes are made, from the relevant Local Office of the Department. A 25% penalty shall be applied if the tolerances are exceeded without prior written consent of the Department in accordance with paragraph 20. The tolerances will be applied to the approved dimensions or modified dimensions agreed with the Department.

### **15. 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.

### **16. Usage of Structures/Facilities/Equipment**

Any rainwater collected cannot be used for domestic purposes. Grant-aided investments can only be used for the collection and storage of rainwater harvested directly from the roof area. The storage volume of the rainwater harvesting tank shall be in compliance with S.171 - The Minimum Specification For Rainwater Harvesting Equipment.

Grant approval will be conditional on the applicant having a fully functional rainwater harvesting system following the investment. This requirement applies irrespective of the number of investment items, listed in Annex A, being grant-aided. No payment of grant-aid will be made until this condition is satisfied.

The applicant shall be required to use the structures/facilities/equipment for the purpose for which grant-aided for a minimum of 5 years after the date of issue of the letter of approval to commence works. In the case of equipment, this applies to its replacement. Failure to do so will result in all of the grant-aid being recouped.



## **17. 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.

## **18. Commencement of Work**

Applicants must inform the Department prior to commencement of work, by returning a completed Card A to the relevant local office of the Department which issued the approval. Card A will be issued along with the approval documentation. Penalties will apply for non-compliance - see paragraph 20 below. However, in the cases of approvals relating only to the purchase of equipment, the Card A must be submitted, at the latest, with claim for payment.

## **19. Compliance Inspection**

The Department reserves the right to carry out inspections at any time on approved works. Where it is found that works are not being carried out in accordance with the Department's specifications, disallowance of grant-aid of up to 100% will apply in accordance with paragraph 20 of the Scheme.

## **20. Penalties**

The following penalties will apply for non-compliance with the terms and conditions of the Scheme:

<b>Offence</b>	<b>Penalty</b>
False or misleading information in application form, payment claim and/or accompanying documentation	No aid payable or 100% recoupment of grant-aid paid.
Failure to use structures/facilities/equipment for rainwater harvesting for a period of 5 years after date of letter of approval	100% recoupment of grant-aid paid.
Where required, failure to inform Department prior to commencement of works (Card A which is issued with approval documents) – see paragraph 18	5% reduction in grant-aid.
Alterations to approved structures without the Department’s prior approval	25% reduction in grant-aid if the tolerances given in paragraph 14 are exceeded.
Over-claim of eligible expenditure by more than 3%	Subtraction of over-claimed amount from eligible amount payable
Structures/facilities/equipment not in accordance with Department’s Specifications (where the deficiency cannot be remedied)	
1. Deficiencies that affect expected life of works	100% of grant-aid payable
2. Deficiencies that do not affect expected life of works	10% of grant-aid payable
Structures/facilities/equipment not in accordance with Department’s Specifications (where deficiency is not remedied by second inspection but has been subsequently remedied)	10% reduction in grant-aid

If the monetary amount of claim submitted by the applicant exceeds the amount eligible for grant-aid by more than 3%, then a monetary penalty of the difference between the two amounts shall be deducted from the amount eligible for grant-aid (see Article 30 of Commission Regulation (EC) 65/2011). The inclusion of ineligible items in the invoices marked ‘paid’/receipts may therefore result in the imposition of this penalty. For this purpose, an ineligible item is regarded as any item which is not included in the letter of approval issued by the Department and which is not relevant to the proposed investments.

Where monetary penalties are not paid within the period specified, the Department will take whatever action is necessary for their recovery.

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.

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 during the calendar year in question and the following calendar year. For this purpose, “measure” has the meaning ascribed to it by Council Regulation (EC) 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

## **21. Force Majeure or Exceptional Circumstances**

The following categories of *force majeure* or exceptional circumstances may, in particular, 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 a large part of the holding if that could not have been anticipated at the time of application to enter the Scheme;
- a severe natural disaster seriously affecting land on the holding;
- the accidental destruction of livestock or buildings on the holding;
- an epizootic disease affecting all or part of the beneficiary's livestock.

Cases of *force majeure* or exceptional circumstances shall be notified in writing by the beneficiary or his/her agricultural advisor/agricultural consultant or socio-economic advisor together with relevant evidence, to the relevant local office of the Department within 10 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. Requests for extensions to the time period for completion of works and submission of claim for payment under the Scheme (paragraph 9) will not be granted whether under grounds of *force majeure* or under any other reason.

## **22. Withdrawal of 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 or 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.

## **23. Existing Applications under previous Department Schemes**

Farmers who have been approved to carry out works under the Farm Improvement Scheme may not cancel their approval for grant-aid thereunder and apply for grant-aid for the same works under this Scheme.

## **24. Procedures**

The Minister shall lay down the procedures to be followed in the operation of this Scheme and reserves the right to alter these procedures (including the marking sheet used for the purposes of assessment of applications) from time to time.

## **25. 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.

## **26. Particular Responsibilities of Applicant**

### **(i) 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.

**(ii) Legal Provisions, Consents, etc.**

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.

**(iii) 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 any or all of the work is undertaken by a farmer, he/she should seek competent advice and undertake all temporary work required to ensure the stability of excavations and to divert any drains, springs or surface water away from the works and to guard against possible wind damage.

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.

Children should not be allowed to play or spend time in the vicinity of any building work.

Applicants are advised of the need to acquaint themselves with the provisions of the Safety, Health and Welfare at Work Act 2005 and the regulations made thereunder. A general guide to this Act, prepared by the Health and Safety Authority, is attached at Annex C below. 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 under "Farm Buildings".

**27. Contractor's Tax Clearance Requirement**

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 €635.

Evidence of tax compliance must be submitted at the time of lodgement of the completed Form RHS 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.

**28. Tax Clearance of Applicant**

Evidence that an applicant's tax affairs are in order before payment of an approved grant will be required. 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.

**29. 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. Refusal to allow right of entry will result in withholding or recovery of grant-aid.

### **30. Recovery of Interest in Respect of Undue Payments**

Where the Minister is required to recover a payment under the Scheme which has been unduly made, interest shall be due on such recoveries in accordance with the provisions of the European Communities (Recovery of Undue Amounts) Regulations 2003 (S.I. No. 463 of 2003).

### **31. Documents to be furnished with Applications under the Scheme**

1. Application Form
2.
  - (i) In the case of rainwater harvesting tanks, grant of full and final planning permission, including conditions, or a declaration of exemption that the tank is exempt from planning permission.
  - (ii) Where appropriate, copies of the drawings on which planning permission or declaration of exemption was obtained, stamped by the relevant local authority – see paragraph 12(a).
  - (iii) Site location Map - Discovery series (1:50,000 scale)
  - (iv) Farm Building Layout Plan – see paragraph 12(b).
  - (v) Where appropriate, original educational certificates (or copies certified by agricultural advisor/agricultural consultant/agricultural engineer)
3. Where development is taking place on leased land, Form RHS 2 and copy of lease, including map(s).
4. In the case of dairy farmers, Form RHS 3 or letter of milk quota allocation from the Milk Policy Division of the Department.

### **32. Procedure for Application for Aid**

Applications for aid should be made to On-Farm Investments Schemes Division, Rainwater Harvesting Scheme, Department of Agriculture, Fisheries and Food, Johnstown Castle Estate, Co Wexford accompanied by the Check List and the documentation set out at paragraph 31 above. Applications not fully completed and accompanied by all documentation will be returned to applicants. The applicants will be requested to rectify the deficiencies outlined and if this is done satisfactorily within 21 working days of that request, the application will be reinstated and processing will recommence. The closing date for receipt of valid applications shall be 31 December 2013. In accordance with paragraph 1(vii) above, applications for rainwater harvesting tanks which do not have documentary evidence of the grant of full planning permission or a letter confirming exemption from planning permission from the relevant local authority by this date shall be ineligible for grant-aid.

Applications which are deemed ineligible will be rejected and returned to applicants.

#### **Note:**

The application form must be signed by all parties in the following cases:

- where the herd number/other Department identifier is registered in joint names,
- in the case of partnerships.

In the case of a body corporate, the company secretary must sign the application form.

### **33. Funding Limit on Scheme**

The funding for the Scheme is limited and all applications are subject to the operation of selection criteria. Subject to paragraph 34 below, the financial allocation to the Scheme shall not exceed €8 million.

### **34. Review of Procedure and Grant-Aid**

The Minister reserves the right to alter the terms and conditions of the Scheme, close the Scheme and/or alter the grant-aid at any time.

### **35. Responsibility of Agricultural Advisor/Agricultural Consultant/Agricultural Engineer**

The applicant and his/her agricultural advisor/agricultural consultant/agricultural engineer must complete the checklist certifying that all the required documentation has been included and conforms with the requirements of the Scheme. It is the responsibility of the agricultural advisor/agricultural consultant/agricultural engineer to ensure the accuracy of the documentation validated by him/her in relation to the application. The Department shall not accept any responsibility for errors or omissions contained therein. Accordingly, intending participants should only engage the services of appropriately indemnified/insured individuals or companies.

### **36. Investments Eligible for Grant-Aid**

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.

### **37. Conditions in Regard to Investments**

#### **(i) Limitation of Investments to Farming Activities Only**

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.

#### **(ii) Certification of Materials Used in the Construction of Developments**

Relevant Certificates, e.g. concrete quality certificate must, where specified, accompany materials used in the construction of developments.

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.

#### **(iii) Identification of equipment**

All equipment referred to in Annex A below 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.

### **38. Drinking Water Regulations**

Applicants must note that they are obliged to comply with the terms of the European Communities (Drinking Water) (No. 2) Regulations 2007 (S.I. No. 278 of 2007), as amended.

### **39. Information and Data Protection**

The Minister may from time to time disclose information relating to participants in the Schemes to other Government Departments, agencies, public authorities and/or bodies for the propose of implementing national and European legislation.

All applicants under the Scheme should note that they bound by the provisions of Article 58(3) and paragraph 2.1 of Annex VI to Commission Regulation No. 1974/2006, which provides, inter alia, for the publication of a list of Scheme beneficiaries and the amount of public contributions allocated.

## Annex A

### 1. Investments eligible for a 40% grant rate up to maximum eligible investment ceiling of €25,000

#### **Rainwater harvesting facilities/equipment \***

##### **1. Installation of guttering on existing buildings (for water collection only)**

Guttering (round and box) on buildings including downpipes.

##### **2. Filter mechanism**

Fine and coarse water filters (maximum one filter per downpipe which must be appropriately protected).

##### **3. Buried drains to direct rainwater from gutters to rainwater collection tank**

Buried drains and manholes with covers.

##### **4. Sump pumps and sump tanks**

Sump pumps and sump tanks for distribution of rainwater to rainwater harvesting tank (excluding any piping or water troughs)

##### **5. Tanks for rainwater storage (must be covered)**

Rainwater tanks, including precast concrete, cast insitu concrete, fibreglass and plastic, allowed both under and overground all with covers.

##### **6. Water Treatment**

Water treatment by either chlorination or UV treatment (must be appropriately protected).

##### **7. Water meters**

Water meters for monitoring of water usage.

Note: In the case of investments in relation to pig units, it is a requirement of this Scheme that a water meter be installed (or be in place) by the end of the investment.

\* Without prejudice to the individual items being grant-aided, grant-aid approval will be conditional on the applicant having a fully functional rainwater harvesting system following the investment. This requirement applies irrespective of the number of investment items, listed above, being grant-aided.

## Annex B

### List of courses referred to in paragraph 5 of the Scheme

<b>Further Education Award Titles (Major)</b>	
<b>1. GENERAL AGRICULTURE</b>	1.1. ACOT/Teagasc Certificate in Farming or NCVA Certificate in Rural Enterprise 1.2. FETAC Certificate in Farming 1.3. FETAC National Vocational Certificate in Rural Enterprise - Level 2 1.4. FETAC National Vocational Certificate in Rural Enterprise - Level 5 1.5. FETAC Level 6 Advanced Certificate in Farming 1.6. FETAC Level 3 Vocational Certificate in Agriculture 1.7. FETAC Level 6 Vocational Certificate in Agriculture 1.8. FETAC Level 6 Advanced Certificate in Agriculture
<b>2. EQUINE</b>	2.1 Teagasc Certificate in Horse Breeding and Training (Part 2) 2.2 FETAC (Teagasc) Certificate in Horse Breeding and Training (Part 2) 2.3 FETAC Level 3 Vocational Certificate in Horse Breeding and Training 2.4 FETAC Level 6 Vocational Certificate in Horse Breeding & Training - Equitation or Stud Management 2.5 FETAC Level 6 Advanced Certificate in Horsemanship 2.6 FETAC Level 6 Advanced Certificate in Stud Management
<b>3. HORT</b>	3.1. FETAC Level 3 Vocational Certificate in Horticulture 3.2. FETAC Level 6 Vocational Certificate in Horticulture 3.3. FETAC/Teagasc Diploma in Horticulture 3.4. FETAC Level 6 Advanced Certificate in Horticulture
<b>4. FORESTRY</b>	4.1 FETAC Level 3 Vocational Certificate in Forestry 4.2 FETAC Level 6 Vocational Certificate in Forestry 4.3 FETAC Level 6 Advanced Certificate in Forestry
<b>5. DAIRYING</b>	5.1 Teagasc/FETAC Advanced Certificate in Agriculture- Dairy Herd Management 5.2 FETAC Diploma in Agriculture (Teagasc) - Dairy Herd Management 5.3 FETAC Level 6 Advanced Certificate (Teagasc) in Agriculture - Dairy Herd Management 5.4 FETAC Level 6 Advanced Certificate in Dairy Herd Management
<b>6. MACHINERY</b>	6.1 Teagasc/FETAC Advanced Certificate in Agriculture- Farm Machinery 6.2 Teagasc Diploma in the Operation, Care and Maintenance of Farm Machinery 6.3 Teagasc/FETAC Diploma in Agriculture - Farm Machinery 6.4 FETAC Level 6 Advanced Certificate (Teagasc) in Agriculture - Farm Machinery 6.5 FETAC Level 6 Advanced Certificate in Agricultural Mechanisation
<b>7. MACH/CROPS</b>	7.1 FETAC Advanced Certificate in Agriculture- Machinery and Arable Crops 7.2 FETAC Diploma in Agriculture (Teagasc) - Machinery and Arable Crops 7.3 FETAC Level 6 Advanced Certificate (Teagasc) in Agriculture - Machinery and Arable Crops 7.4 FETAC Level 6 Advanced Certificate in Machinery and Crop Management
<b>8. DRYSTOCK</b>	8.1 FETAC Advanced Certificate in Agriculture - Drystock Management 8.2 FETAC Level 6 Advanced Certificate in Agriculture - Drystock Management 8.3 FETAC Level 6 Advanced Certificate in Drystock Management
<b>9. FARM MANAGEMENT</b>	9.1 Teagasc/FETAC Advanced Certificate in Agriculture- Farm Management 9.2 FETAC Level 6 Advanced Certificate in Farm Management 9.3 FAB First Farm Management Certificate/Certificate in Farm Management 9.4 FAB/FETAC Certificate in Farm Husbandry 9.5 FAB Trainee Farmer Certificate 9.6 FAB/FETAC Certificate in Applied Farm Management 9.7 FAB/FETAC Certificate in Farm Business Management



## Higher Education Award Titles

<b>10. GENERAL AGRIC</b>	<p>10.1 NCEA/HETAC/Individual IT College National Certificate in Agriculture</p> <p>10.2 HETAC/Individual IT College Higher Certificate in Agriculture</p> <p>10.3 HETAC/Individual IT College National Diploma in Agriculture</p> <p>10.4 HETAC/Individual IT College Bachelor of Science in Agriculture</p>
<b>11. HORT</b>	<p>11.1 NCEA/HETAC/Individual IT College National Diploma in Horticulture</p> <p>11.2 HETAC/Individual IT College Ordinary Bachelor Degree in Horticulture</p> <p>11.3 HETAC/Individual IT College Bachelor of Science in Horticulture</p>
<b>12. ATHLONE IT</b>	<p>12.1 NCEA/HETAC National Certificate in Business in Equine Studies</p> <p>12.2 HETAC Higher Certificate in Business in Equine Studies</p> <p>12.3 HETAC Bachelor of Business in Equine Studies</p>
<b>13. LIMERICK IT</b>	<p>13.1 HETAC National Certificate in Technology in Agricultural Mechanisation</p> <p>13.2 HETAC Higher Certificate in Technology in Agricultural Mechanisation</p>
<b>14. WATERFORD IT</b>	<p>14.1 NCEA/HETAC National Certificate in Science in Agricultural Science</p> <p>14.2 HETAC/Individual IT College Higher Certificate in Science in Agricultural Science</p> <p>14.3 NCEA/HETAC National Diploma in Science in Agricultural Science</p> <p>14.4 HETAC/WIT Bachelor of Science in Agricultural Science</p> <p>14.5 HETAC/WIT Bachelor of Science (Honours) in Land Management, Agriculture</p> <p>14.6 HETAC/WIT Bachelor of Science (Honours) in Land Management, Horticulture</p> <p>14.7 HETAC/WIT Bachelor of Science (Honours) in Land Management, Forestry</p> <p>14.8 HETAC/WIT National Diploma in Forestry</p> <p>14.9 HETAC/WIT Bachelor of Science in Forestry</p>
<b>15. GALYWAY- MAYO IT</b>	<p>15.1 NCEA/HETAC National Certificate in Business in AgriBusiness</p> <p>15.2 HETAC/GMIT Higher Certificate in Business Studies (Agri-Business)</p> <p>15.3 HETAC/GMIT Bachelor of Business in Rural Enterprise and Agri-Business</p> <p>15.4 HETAC/GMIT Bachelor of Science in Agriculture and Environmental Management</p>
<b>16. UCD</b>	<p>16.1 Degree in Agriculture/Horticulture/Forestry from UCD</p> <p>16.2 Primary Degrees awarded by the Faculty of Agriculture at UCD – NUI</p> <p>16.3. Bachelor of Agricultural Science degrees awarded through the College of Life Sciences in UCD</p>
<b>17. VET UCD</b>	<p>17.1 Degree in Veterinary Science</p> <p>17.2 Bachelor of Veterinary Science - UCD</p>
<b>18. LIMERICK</b>	<p>18.1 Bachelor in Science in Equine Science Degree - UL</p> <p>18.2 Diploma in Equine Science - UL</p>
<b>19. DAIRY SCIENCE</b>	<p>19.1 Degree/Diploma in Dairy Science plus a FETAC Award for an 80-hours Teagasc approved training programme**</p>
<b>20. RURAL SCIENCE</b>	<p>20.1 Degree/Diploma in Rural Science plus a FETAC Award for an 80-hours Teagasc approved training programme**</p> <p>20.2 Degree/Diploma in Science (Education) in Biological Science plus a FETAC Award for an 80-hours Teagasc approved training programme**</p> <p>20.3 Bachelor of Science (Education) in Biological Sciences plus a FETAC Award for an 80-hours Teagasc approved training programme**</p>

## Equivalent Qualifications

21.	<p>21.1 Achievement of the required standards for the second (2<sup>nd</sup>) year (eligible to proceed to year three as testified by the Third Level Institution) of a fulltime ab initio Third Level course of three years duration (or more) in any discipline and be a holder of a FETAC Award for an 180 hours Teagasc approved training programme***, both being completed prior to the date of application</p> <p>21.2 Non-agricultural awards or qualifications (FETAC/HETAC/IT Colleges/Universities/foreign awards) placed at or equivalent to Level 6 or higher on the National Framework of Qualifications (NFQ) and a FETAC award for an 180 hours Teagasc approved training programme***, both being completed prior to the date of application</p> <p>21.3 FETAC Level 6 Advanced Certificate in Agriculture (to be awarded on completion of a special Teagasc training programme for those who hold a non-agricultural award at Level 6 or higher on the NFQ)</p>
22.	<p>22.1 A letter from Teagasc certifying that the applicant holds a qualification that is deemed to be equivalent to any of the qualifications listed at 1 to 21 above</p>

\*\* The Teagasc approved Training Programme will comprise a minimum 80 hours course in farm management. In addition, applicants must achieve the minimum stipulated standards for assessments in the course and achieve the appropriate FETAC certificate.

\*\*\* The Teagasc approved Training Programme will comprise a minimum 100 hours course in technical agriculture/horticulture and a minimum 80 hours course in farm management. In addition, applicants must achieve the minimum stipulated standards for assessments in both courses and achieve the appropriate FETAC certificates.

### NOTES:

(1) The FETAC Certificates for 100 Hours and/or 80 Hours Teagasc approved training programme comprise the following:

Course	Certificate Title
100 hours - Agriculture	FETAC Certificate in Agriculture (100 hours)
	FETAC Level 5 Specific Purpose Certificate in Animal & Crop Production
80 hours - Farm Management	FETAC Certificate in Farm Management (80 hours)
	FETAC Level 6 Specific Purpose Certificate in Farm Business

(2) Holders of Teagasc Certificates/Letters regarding satisfactory attendance/completion of 180 or 80 hours agricultural training courses completed *prior to March 2004* satisfy the requirement for FETAC Certificates for 100 and/or 80 hour courses referred to above.



# Guide for Clients involved in Construction Projects

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## INFORMATION SHEET

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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?

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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?

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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?

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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?

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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?**

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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

- ▲here is only one contractor involved;
- ▲he project does not last longer than 30 days or 500 person days:
- ▲he 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;
- ▲nowledge of design and construction, particularly in relation to the nature of the project;
- ▲afety and Health qualifications, training (e.g. degree, diploma, certificate, continual professional development);
- ▲afety and Health experience on similar projects. (e.g. knowledge of preparing a Safety File).
- ▲ufficient staff with qualifications, training and experience, both within the company and from other sources, relevant to the project;
- ▲vidence of a functioning safety management system.
- ▲vidence of Regulatory Compliance.

#### **6. What must the Project Supervisors do?**

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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?**

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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?**

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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?**

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

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