



2010 CHAPTER 10

PART 3

FELLING OF TREES

Supplementary

Appeals under this Part

26.—(1) The Department shall appoint a person to determine an appeal under section 20, 23 or 25.

(2) A civil servant employed in the Department shall not be appointed under this section.

(3) The Department may by regulations provide—

- (a) for appeals under section 20, 23 and 25 to be made in such manner and within such time as is prescribed;
- (b) for the procedure to be followed, and powers to be exercisable, by a person appointed under this section in, or in connection with, determining an appeal under section 20, 23 or 25.

(4) The Department may pay to a person appointed under this section such remuneration or allowances as it may, with the consent of DFP, determine.

Identification of trees

27. An authorised officer may take such steps, whether by marking or otherwise, as the Department considers necessary for identifying trees—

- (a) which are the subject of a felling licence; or
- (b) in respect of which a felling licence has been refused.

Regulations as to applications, claims and notices

28. A power conferred by this Part to prescribe the manner in which an application, a claim or a notice is to be made or given under this Part includes power to require—

- (a) that any particulars specified in the application, claim or notice be verified in the prescribed manner;
- (b) that notice of the application, claim or notice be given to a prescribed person or body.

Application of this Part to Crown land

29.—(1) In this section “Crown land” means—

- (a) land an interest in which belongs to Her Majesty in right of the Crown; and
- (b) land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.

(2) Subject to subsection (3), this Part applies in relation to Crown land and trees growing on such land to the extent only of any estate therein which is for the time being held otherwise than on behalf of the Crown.

(3) Except with the consent of the appropriate authority—

- (a) no conditions shall be imposed on the grant of a felling licence in respect of trees on Crown land;
- (b) no restocking notice shall be given in respect of Crown land.

(4) In this section “the appropriate authority” in relation to any land means—

- (a) in the case of land belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the land in question;
- (b) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to DFP, whose decision shall be final.

Interpretation of this Part

30. In this Part—

- “enforcement notice” has the meaning given in section 24(2);
- “felling” includes intentionally destroying by any means;
- “felling licence” has the meaning given by section 15(1);

“government department” means a Northern Ireland department or a department of the Government of the United Kingdom;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Department;

“restocking notice” has the meaning given by section 22(1).