



Forestry Act 1967

1967 CHAPTER 10

PART II

^{F1}... POWER TO CONTROL FELLING OF TREES

Supplementary

^{F127} ^{X1}Committees of reference for purposes of ss. 16, 20, 21 [^{F2}and 25][^{F2}, 25, 26A, 26B and 26C].

(1) References in sections 16, [^{F3}17B,] 20, 21 [^{F4}and 25][^{F4}, 25, 26A, 26B and 26C] of this Act to a committee appointed in accordance with this section are to a committee consisting of—

- (a) a chairman appointed by the Minister [^{F5}in relation to cases where the trees are, or the land is, in [^{F6}England or Wales]^{F7} ...]; and
- (b) two other members selected by the Minister ^{F8}... from a panel of persons appointed by him, after such consultation as is provided for below, for the conservancy in which the trees are growing:

[^{F9}But this is subject to subsections (1A) and (1B)].

^{F10}(1A) The members of a committee appointed in relation to a case concerning trees or land in England ^{F11}... shall not include any Forestry Commissioner or employee of the Commissioners.

(1B) The members of a committee appointed in relation to a case concerning trees or land in Wales shall not include any member or employee of the Natural Resources Body for Wales.]

(2) The consultation required by subsection (1)(b) above is to be with—

- (a) the regional advisory committee for the said conservancy; and
- (b) organisations appearing to the Minister ^{F12}... to represent the interests of owners of woodlands and timber merchants respectively; and
- (c) organisations concerned with the study and promotion of forestry.

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- (3) On any reference being made to them under this Part of this Act a committee appointed in accordance with this section shall—
- (a) afford to the person concerned with the subject-matter of the reference an opportunity of appearing before them and of making representations to them on the matter in question;
 - (b) if they think fit, or are so required by the said person, inspect the trees or land to which the reference relates; and
 - (c) take into consideration any information furnished to them by the ^{F13}appropriate forestry authority] as to the performance within the conservancy in which the trees are growing of their duty of promoting the establishment and maintenance ^{F14}... of adequate reserves of growing trees.

For purposes of this subsection “the person concerned with the subject-matter of the reference” is the person at whose request the reference was made, except that in the case of a reference by the Minister ^{F15}... of a notice under section 21 it is the person by whom the notice was given.

- (4) The Minister may pay to the members of a committee appointed by him under this section such remuneration as he may, with the consent of the Treasury [^{F16}as regards England ^{F17}...], determine.

^{F18}(4A)

Editorial Information

X1 S. 27: Unreliable margin note

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with [ss. 80, 83](#)); [S.S.I. 2019/47](#), [reg. 2](#) (with transitional provisions and savings in [regs. 3-22](#) (as amended (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021](#) (S.S.I. 2021/44), [regs. 1\(1\), 11\(2\)\(b\)\(3\)\(a\)\)](#))
- F2** Words in [s. 27 heading](#) substituted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023](#) (asc 4), [ss. 44\(5\)\(a\), 56\(1\)\(a\)](#)
- F3** Words inserted by [Forestry Act 1986](#) (c. 30, SIF 54), [s. 1\(b\)](#)
- F4** Words in [s. 27\(1\)](#) substituted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023](#) (asc 4), [ss. 44\(5\)\(b\), 56\(1\)\(a\)](#)
- F5** Words in [s. 27\(1\)\(a\)](#) inserted (1.7.1999) by [S.I. 1999/1747](#), [art. 3](#), [Sch. 12 Pt. II para. 4\(22\)\(a\)](#)
- F6** Words in [s. 27\(1\)](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), [art. 1\(2\)](#), [Sch. 2 para. 67\(2\)\(a\)](#) (with [Sch. 7](#))
- F7** Words in [s. 27\(1\)\(a\)](#) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019](#) (S.I. 2019/734), [reg. 1\(2\)](#), [Sch. para. 27\(a\)\(i\)](#); [S.S.I. 2019/47](#), [reg. 2](#)
- F8** Words in [s. 27\(1\)\(b\)](#) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019](#) (S.I. 2019/734), [reg. 1\(2\)](#), [Sch. para. 27\(a\)\(ii\)](#); [S.S.I. 2019/47](#), [reg. 2](#)
- F9** Words in [s. 27\(1\)](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), [art. 1\(2\)](#), [Sch. 2 para. 67\(2\)\(b\)](#) (with [Sch. 7](#))
- F10** [S. 27\(1A\)\(1B\)](#) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), [art. 1\(2\)](#), [Sch. 2 para. 67\(3\)](#) (with [Sch. 7](#))

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- F11** Words in s. 27(1A) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 27(b)**; S.S.I. 2019/47, reg. 2
- F12** Words in s. 27(2)(b) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 27(c)**; S.S.I. 2019/47, reg. 2
- F13** Words in s. 27(3)(c) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 67(4)** (with Sch. 7)
- F14** Words in s. 27(3)(c) omitted (1.7.1999) by virtue of S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(9)**
- F15** Words in s. 27(3) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 27(d)**; S.S.I. 2019/47, reg. 2
- F16** Words in s. 27(4) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(22)(c)**
- F17** Words in s. 27(4) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 67(5)** (with Sch. 7)
- F18** S. 27(4A) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 27(e)**; S.S.I. 2019/47, reg. 2

28 Identification of trees.

A person authorised by the [^{F19}appropriate forestry authority] may take such steps, whether by marking or otherwise, as the [^{F19}appropriate forestry authority] consider necessary for identifying trees which are the subject of a felling licence or felling directions, or in respect of which a felling licence has been refused.

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by Forestry and Land Management (Scotland) Act 2018 (asp 8), s. 85(2), **sch. 2** (with ss. 80, 83); S.S.I. 2019/47, reg. 2 (with transitional provisions and savings in regs. 3-22 (as amended (18.3.2021) by The Forestry and Land Management (Scotland) Act 2018 (Consequential, Saving and Transitional Provisions) Regulations 2021 (S.S.I. 2021/44), regs. 1(1), **11(2)(b)(3)(a))**)
- F19** Words in s. 28 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 68** (with Sch. 7)

29 Provisions relating to mortgages ^{F20}... and settled land.

- (1) Where the interest of the owner of trees in England or Wales is for the time being subject to a mortgage—
 - (a) a claim for any compensation or sum payable under section 11 [^{F21}or section 26][^{F21}, 26, 26D, 26E or 26F] of this Act in respect of the trees may be made either by the mortgagor or by the mortgagee;
 - (b) in either case the compensation or sum shall be paid to the mortgagee or, if more than one, to the first mortgagee, and shall be applied by him as if it were proceeds of the sale of the trees.

^{F22}(2)

- (3) Subject to the foregoing provisions of this section, where the owner of trees comprised in a settlement within the meaning of the ^{M1}Settled Land Act 1925 is a tenant for life who is impeachable for waste in respect of the trees, any compensation or sum payable

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under section 11 [^{F23}or section 26][^{F23}, 26, 26D, 26E or 26F] of this Act in respect of the trees shall be paid to the trustees of the settlement, and shall be applied by them in accordance with section 66(2) of the Settled Land Act 1925 as if it were proceeds of sale of timber cut and sold with the consent of the trustees under that section.

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with [ss. 80, 83](#)); S.S.I. 2019/47, [reg. 2](#) (with transitional provisions and savings in [regs. 3-22](#) (as amended (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021](#) (S.S.I. 2021/44), [regs. 1\(1\), 11\(2\)\(b\)\(3\)\(a\)](#)))
- F20** Words in s. 29 title omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019](#) (S.I. 2019/734), [reg. 1\(2\)](#), [Sch. para. 28\(a\)](#); S.S.I. 2019/47, [reg. 2](#)
- F21** Words in s. 29(1)(a) substituted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023](#) (asc 4), [ss. 44\(6\)\(a\)](#), 56(1)(a)
- F22** S. 29(2) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019](#) (S.I. 2019/734), [reg. 1\(2\)](#), [Sch. para. 28\(b\)](#); S.S.I. 2019/47, [reg. 2](#)
- F23** Words in s. 29(3) substituted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023](#) (asc 4), [ss. 44\(6\)\(b\)](#), 56(1)(a)

Marginal Citations

- M1** 1925 c. 18(98:3)

30 Service of documents.

- (1) Any document required or authorised to be served under this Part of this Act may be served on a person either by delivering it to him, or by leaving it at his proper address, or by sending it through the post in a registered letter addressed to him at that address or in a letter sent by the recorded delivery service and so addressed.
- (2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body [^{F24}or, in the case of service by the Commissioners, upon a director of the company or body].
- (3) For the purposes of this section and of [^{F25}section 7 of the ^{M2}Interpretation Act 1978], the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk [^{F26}or director] of an incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served: Provided that, where the person to be served has furnished an address for service, his proper address for the said purposes shall be the address furnished.
- (4) If it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of “owner”, “lessee” or “occupier” of the land (describing it) to which it relates, and by delivering it to some responsible person on the land or, if there is no such person on the land to whom it may be delivered, by affixing it or a copy of it to some conspicuous part of the land.

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(5) The [^{F27}appropriate forestry authority] may, for the purpose of enabling them to serve or give any document or direction under this Part of this Act, require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land [^{F28}, and the owner of any land in England], to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as a freeholder or owner, mortgagee or creditor in a heritable security, lessee or otherwise; and anyone who, having been required in pursuance of this subsection to give any information, fails to give it, or knowingly makes any mis-statement in respect thereof, shall be liable on summary conviction to a fine not exceeding [^{F29}level 1 on the standard scale].

[^{F30}(6) For the purposes of this section, any reference in this Part to the giving of a notice or document by the Natural Resources Body for Wales is to be treated as if it were a reference to the serving of a document.]

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by Forestry and Land Management (Scotland) Act 2018 (asp 8), s. 85(2), **sch. 2** (with ss. 80, 83); S.S.I. 2019/47, reg. 2 (with transitional provisions and savings in regs. 3-22 (as amended (18.3.2021) by The Forestry and Land Management (Scotland) Act 2018 (Consequential, Saving and Transitional Provisions) Regulations 2021 (S.S.I. 2021/44), regs. 1(1), **11(2)(b)(3)(a))**)
- F24** Words in s. 30(2) inserted (1.1.2023) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 16 para. 7(2)** (with s. 144); S.I. 2022/1266, reg. 2(d)
- F25** Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), s. **17(2)(a)**
- F26** Words in s. 30(3) inserted (1.1.2023) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 16 para. 7(3)** (with s. 144); S.I. 2022/1266, reg. 2(d)
- F27** Words in s. 30(5) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 69** (with Sch. 7)
- F28** Words in s. 30(5) inserted (1.1.2023) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 16 para. 8** (with s. 144); S.I. 2022/1266, reg. 2(d)
- F29** Words substituted (E.W.) by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. **38**, 46; and (S.) by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1;), ss. **289F**, 289G
- F30** S. 30(6) inserted (W.) (18.8.2023 for specified purposes) by Agriculture (Wales) Act 2023 (asc 4), ss. **43(2)**, 56(1)(a)

Marginal Citations

- M2** 1978 c. 30(115:1)

31 **Determination of matters arising under ss. 11, 14, 21 [^{F31}and 22]^{F31}, 22, 26D, 26E and 26F].**

(1) Where a provision of this Part of this Act requires a thing to be determined in accordance with this section, that provision shall—

(a) in its application to England and Wales, be taken as requiring it to be determined by the [^{F32}Upper Tribunal]; ^{F33} ...

^{F33}(b)

^{F34}(2)

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Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with [ss. 80, 83](#)); S.S.I. 2019/47, [reg. 2](#) (with transitional provisions and savings in [regs. 3-22](#) (as amended (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021](#) (S.S.I. 2021/44), [regs. 1\(1\), 11\(2\)\(b\)\(3\)\(a\)](#)))
- F31** Words in s. 31 heading substituted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023](#) (asc 4), [ss. 44\(7\), 56\(1\)\(a\)](#)
- F32** Words in s. 31(1)(a) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009](#) (S.I. 2009/1307), art. 1, [Sch. 1 para. 77](#) (with [Sch. 5](#))
- F33** S. 31(1)(b) and word omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019](#) (S.I. 2019/734), [reg. 1\(2\)](#), [Sch. para. 29\(a\)](#); S.S.I. 2019/47, [reg. 2](#)
- F34** S. 31(2) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019](#) (S.I. 2019/734), [reg. 1\(2\)](#), [Sch. para. 29\(b\)](#); S.S.I. 2019/47, [reg. 2](#)

32 Regulations.

- (1) [^{F35}The appropriate legislative authority may]^{F36} ... by statutory instrument make regulations for prescribing anything which by this Part of this Act is authorised to be prescribed.
- (2) A power conferred by this Part of this Act to prescribe the manner in which a claim or notice may be made or given thereunder shall include power to require that any particulars specified in the claim or notice shall be verified by statutory declaration.
- [^{F37}(3) Regulations made under this Part of this Act [^{F38}by the Commissioners] may make provision as regards England ^{F39} ... ^{F40}
- (4) A statutory instrument containing regulations made under this Part of this Act making provision only as regards England ^{F41} ...—
- (a) if the regulations are made under section 9(5)(b) or (c), shall be of no effect unless approved by a resolution of each House of Parliament; and
- (b) in a case not falling within the foregoing paragraph, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- ^{F42}(5)
- [A statutory instrument containing regulations under this Part making provision only ^{F43}(5A) as regards Wales—
- (a) in the case of regulations under section 9(5)(b) or (c), must not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales;
- (b) in a case not falling within paragraph (a), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]
- ^{F44}(6)]

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with [ss. 80, 83](#)); S.S.I. 2019/47, [reg. 2](#) (with transitional provisions and savings in [regs. 3-22](#)

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Cross Heading: Supplementary. (See end of Document for details)

- (as amended (18.3.2021) by The Forestry and Land Management (Scotland) Act 2018 (Consequential, Saving and Transitional Provisions) Regulations 2021 (S.S.I. 2021/44), regs. 1(1), **11(2)(b)(3)(a)**)
- F35** Words in s. 32(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 70(2)** (with Sch. 7)
- F36** Words in s. 32(1) repealed (2.3.2015) by The Public Bodies (Abolition of the Home Grown Timber Advisory Committee) Order 2015 (S.I. 2015/475), art. 1(3), **Sch. Pt. 1**
- F37** S. 32(3)-(6) substituted (1.7.1999) for s. 32(3) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(23)**
- F38** Words in s. 32(3) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 70(3)(a)** (with Sch. 7)
- F39** Words in s. 32(3) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 70(3)(b)** (with Sch. 7)
- F40** Words in s. 32(3) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 30(a)**; S.S.I. 2019/47, reg. 2
- F41** Words in s. 32(4) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 70(4)** (with Sch. 7)
- F42** S. 32(5) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 30(b)**; S.S.I. 2019/47, reg. 2
- F43** S. 32(5A) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 70(5)** (with Sch. 7)
- F44** S. 32(6) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 30(c)**; S.S.I. 2019/47, reg. 2

33 Application of Part II to Crown land.

- (1) In this section “Crown land” means land an interest in which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, and 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 the following provisions of this section, the provisions of this Part of this Act shall apply in relation to Crown land and trees growing thereon to the extent only of any estate or interest therein which is for the time being held otherwise than on behalf of the Crown.
- (3) Except with the consent of the appropriate authority as defined in this section,—
 - (a) no conditions relating to the restocking or stocking of Crown land shall be imposed on the grant of a felling licence;
 - (b) no felling directions shall be given in respect of trees growing on Crown land.
- (4) The Minister ^{F45}... shall not be authorised to acquire the interest of any person in Crown land by virtue of a notice under section 21 unless an offer has previously been made by that person to dispose of that interest to the appropriate authority on terms that the price payable therefor shall be equal to (and shall be determined in default of agreement in like manner as) the compensation which would be payable in respect of that interest if it were acquired in pursuance of such a notice, and that offer has been refused by that authority.
- (5) In this section “the appropriate authority” in relation to any land means—

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- (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 ^{F46}... ;
 - (b) in the case of land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and
 - (d) 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 the Treasury, whose decision shall be final.

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018 \(asp 8\)](#), s. 85(2), [sch. 2](#) (with ss. 80, 83); [S.S.I. 2019/47](#), reg. 2 (with transitional provisions and savings in regs. 3-22 (as amended (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021 \(S.S.I. 2021/44\)](#), regs. 1(1), [11\(2\)\(b\)\(3\)\(a\)](#)))
- F45** Words in s. 33(4) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), [Sch. para. 31\(a\)](#); [S.S.I. 2019/47](#), reg. 2
- F46** Words in s. 33(5)(a) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), [Sch. para. 31\(b\)](#); [S.S.I. 2019/47](#), reg. 2

34 Meaning of “owner” in Part II.

- (1) In this Part of this Act the expression “owner” has the meaning ascribed to it by this section.
- (2) In relation to land in England or Wales, “owner” means the person in whom for the time being is vested the legal estate in fee simple, except that where in relation to all or any of the provisions of this Part of this Act,—
 - (a) all persons appearing to the Minister to be concerned agree, with the approval of the Minister, that some person shall be treated as the owner of land other than the person who would be so treated apart from the agreement; or
 - (b) on an application in that behalf to the [^{F47}appropriate tribunal] determine, having regard to the respective interests of the persons interested in the land, that some person shall be treated as the owner of the land other than the person who would be so treated apart from the determination,

that person shall be so treated, but without prejudice to a subsequent agreement or determination, or to his ceasing to be so treated, if the Minister withdraws his approval under paragraph (a) of this subsection.

[^{F48}(2A) For the purposes of subsection (2), “appropriate tribunal” means—

- (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
- (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal established under Part V of the Agriculture Act 1947.]

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Cross Heading: Supplementary. (See end of Document for details)

^{F49}(3)

(4) In relation to trees, “owner” means the owner of the land on which the trees are growing and, in the case of trees which have been felled, means the person who was the owner immediately before the felling.

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018 \(asp 8\)](#), s. 85(2), [sch. 2](#) (with ss. 80, 83); S.S.I. 2019/47, reg. 2 (with transitional provisions and savings in regs. 3-22 (as amended (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021 \(S.S.I. 2021/44\)](#), regs. 1(1), [11\(2\)\(b\)\(3\)\(a\)](#)))
- F47** Words in s. 34(2)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 199\(a\)](#) (with Sch. 3)
- F48** S. 34(2A) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 199\(b\)](#) (with Sch. 3)
- F49** S. 34(3) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), [Sch. para. 32](#); S.S.I. 2019/47, reg. 2

35 Interpretation of other expressions in Part II.

In this Part of this Act—

“conservancy” means any area in [^{F50}England and Wales] which may for the time being be designated by the [^{F51}appropriate forestry authority] as a conservancy for the purpose of the performance of their functions;

“felling” includes wilfully destroying by any means;

“felling directions” means directions given by the [^{F51}appropriate forestry authority] under section 18 of this Act for the felling of trees;

“felling licence” means a licence under this Part of this Act authorising the felling of trees;

[^{F52}“mortgage” includes any charge for securing money or money’s worth, and references to a mortgagee are to be construed accordingly];

“prescribed” means prescribed by regulations made by the [^{F53}appropriate legislative authority] under this Part of this Act; and

[^{F54} “ restocking notice ” shall be construed in accordance with section 17A(1) of this Act;]

“tree preservation order” means an order made or having effect as if made under [^{F55}section 198 of the Town and Country Planning Act 1990]^{F56}... .

[^{F57} “ tree preservation regulations ” means regulations made under section 202A(1) of the Town and Country Planning Act 1990;]]

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018 \(asp 8\)](#), s. 85(2), [sch. 2](#) (with ss. 80, 83); S.S.I. 2019/47, reg. 2 (with transitional provisions and savings in regs. 3-22 (as amended (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021 \(S.S.I. 2021/44\)](#), regs. 1(1), [11\(2\)\(b\)\(3\)\(a\)](#)))

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Cross Heading: Supplementary. (See end of Document for details)

- F50** Words in s. 35 substituted (1.4.2019) by The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 33(a)**; S.S.I. 2019/47, reg. 2
- F51** Words in s. 35 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 71(2)** (with Sch. 7)
- F52** Words in s. 35 substituted (1.4.2019) by The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 33(b)**; S.S.I. 2019/47, reg. 2
- F53** Words in s. 35 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 71(3)** (with Sch. 7)
- F54** Definition inserted by Forestry Act 1986 (c. 30, SIF 54), **s. 1(c)**
- F55** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2, para. 14(2)**
- F56** Words in s. 35 omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 33(c)**; S.S.I. 2019/47, reg. 2
- F57** Words in s. 35 inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 5** (with s. 226); S.I. 2012/601, art. 2(a)

36 Application of Part II to London.

This Part of this Act shall not apply to trees standing or growing on land within the area of Greater London other than the outer London Boroughs within the meaning of the ^{M3}London Government Act 1963.

Marginal Citations

M3 1963 c. 33(81:1)

Changes to legislation:

There are currently no known outstanding effects for the Forestry Act 1967, Cross Heading: Supplementary.