



Forestry Act 1967

1967 CHAPTER 10

PART III

ADMINISTRATION AND FINANCE

Advisory bodies

37 Committees to advise Commissioners.

- (1) For the purpose of advising the Commissioners as to the performance of their functions under section 1(3) and Part II of this Act, and such other functions as the Commissioners may from time to time determine, the Commissioners shall continue to maintain—
 - (a) the central advisory committee for Great Britain known as the Home Grown Timber Advisory Committee ; and
 - (b) a regional advisory committee for each conservancy (within the meaning of Part II of this Act) in Great Britain.
- (2) In relation to the performance of their duty of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees, the Commissioners shall from time to time, and as a general rule not less than quarterly, consult with the Home Grown Timber Advisory Committee; and the power of the Commissioners under section 32 of this Act to make regulations shall not be exercisable except after consultation with the said Committee.
- (3) The Commissioners shall—
 - (a) in considering whether to refuse a felling licence under Part II of this Act, or to grant it unconditionally or subject to any conditions ; and
 - (b) in considering whether to give felling directions under the said Part II, take into account any advice tendered by the regional advisory committee for the conservancy in which are growing the trees to which the felling licence applied for, or the directions proposed to be given, relate.

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38 Composition etc. of advisory committees.

- (1) The chairman and other members of the Home Grown Timber Advisory Committee and of each regional advisory committee shall be appointed by the Commissioners, and shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.
- (2) The Home Grown Timber Advisory Committee shall consist of not more than twenty-five members, and of those members (other than the chairman)—
 - (a) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of owners of woodlands ; and
 - (b) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of timber merchants.
- (3) Each regional advisory committee shall consist of not less than seven nor more than nine members, and of those members (other than the chairman) not less than four shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of owners of woodlands and timber merchants respectively and organisations concerned with the study and promotion of forestry.
- (4) The Commissioners may pay to the members of the Home Grown Timber Advisory Committee or of a regional advisory committee such allowances as they may with the consent of the Treasury determine.

Acquisition and disposal of land

39 Power of Minister to acquire and dispose of land.

- (1) Subject to the provisions of this Act, the Minister may acquire (by purchase, lease or exchange) land which in his opinion is suitable for afforestation or for purposes connected with forestry, together with any other land which must necessarily be acquired therewith, and may place any land acquired by him under this section at the disposal of the Commissioners.
- (2) The Minister may—
 - (a) sell any land acquired by him under this section which in his opinion is not needed, or ought not to be used, for the purpose of afforestation or any purpose connected with forestry, or exchange any such land for other land more suitable for either of the said purposes and pay or receive money for equality of exchange ;
 - (b) in the case of land so acquired in Scotland, sell it if he is satisfied that the sale—
 - (i) is desirable in the interests of rational land management; and
 - (ii) would facilitate the discharge by the Commissioners of any of their functions.
- (3) The Minister shall have power, in the case of land acquired by him under this section.
 - (a) to manage and use the land for such purposes as he thinks fit (this power to include that of erecting buildings and other works on the land) where it

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- as not for the time being placed at the disposal of the Commissioners under subsection (1) above; and
- (b) to let the land, or grant any interest or right in or over it.
- (4) The two foregoing subsections are without prejudice to the powers of the Minister under section 90 of the Agriculture Act 1947 (which provides general powers of management and disposal in the case of land belonging to the Minister in England and Wales).
- (5) Any instrument in connection with the management of, disposal of land in Scotland acquired by the Minister under this section and for the time being placed at the disposal of the Commissioners shall, without prejudice to any other method of execution, be deemed to be validly executed by him if it is executed on his behalf by an officer of the Commissioners authorised by him for the purpose; and any instrument so executed shall, for the purposes of section 1(8) and (9) of the Reorganisation of Offices (Scotland) Act 1939, be deemed to have been executed by an officer of the Secretary of State duly authorised by him.
- (6) Schedule 4 to this Act shall have effect as respects the procedure applicable where the Minister acquires land under this section, except in a case of compulsory purchase in accordance with the following section.

40 Compulsory purchase of land.

- (1) Subject to the provisions of this section, the power of the Minister to acquire land by purchase under section 39 above includes a power of compulsory purchase.
- (2) The following descriptions of land shall not be subject to compulsory purchase under this Act:—
- (a) land which is the site of an ancient monument or other object of archaeological interest;
 - (b) land which forms part of a park, garden or pleasure ground or which forms part of the home farm attached to, and usually occupied with, a mansion house or is otherwise required for the amenity or convenience of a dwelling-house;
 - (c) land which is the property of a local authority, that is to say.—
 - (i) in England or Wales, the council of a county, county borough, county district or rural parish, the Common Council of the City of London or the council of a London borough ; and
 - (ii) in Scotland, a county, town or district council;
 - (d) land which has been acquired for the purpose of their undertaking by statutory undertakers, that is to say persons authorised by an enactment, or by an order or scheme made under an enactment, to Construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking.
- (3) Land shall not be subject to compulsory purchase under this Act if a forestry dedication covenant or agreement is in force with respect to it and it is being used and managed in accordance with the provisions and conditions of a plan of operations approved by the Commissioners; and—
- (a) any question arising under this subsection whether there has been a breach of any of the provisions and conditions of a plan of operations shall be referred for determination as follows, that is to say—

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- (i) in a case relating to England and Wales, by an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors; and
 - (ii) in a case relating to Scotland, by an arbiter appointed by the Chairman of the Scottish Committee of the said Institution ; and
 - (b) such a breach shall not be treated as having occurred by virtue of any act or omission capable of remedy unless there has been default in remedying it within a reasonable time after notice given by the Commissioners requiring it to be remedied.
- (4) Land belonging to the National Trust may be compulsorily purchased under this Act notwithstanding that it is held inalienably by the Trust.
- (5) The Minister's power of compulsory purchase under this Act shall be exercisable by means of a compulsory purchase order, and—
- (a) the order shall be made in accordance with Part I of Schedule 5 to this Act;
 - (b) Part II of that Schedule shall apply with respect to the validity and date of operation of the order; and
 - (c) Part III of that Schedule shall apply with respect to the procedure for acquiring land by compulsory purchase.
- (6) If the said power of compulsory purchase is exercised in relation to land in respect of which an advance by way of grant has been made by the Commissioners—
- (a) under section 4 of this Act; or
 - (b) under section 3(3) of the Forestry Act 1919 at any time after the 26th March 1945,

not being in either case an advance made more than thirty years before the date of the service of the notice to treat in the exercise of that power, the amount of the compensation for the compulsory purchase shall be reduced by the amount of the advance with compound interest thereon (calculated from the date of the advance to the date on which the compensation is paid) at the rate of £3 per cent. per annum with yearly rests:

Provided that, in the case of compensation for the compulsory" purchase of one of several interests in such land, the amount of the reduction in the case of each interest purchased shall be equal to a part of the advance and interest proportionate to the value of that interest as compared with the value of the land.

Finance, accounts and annual report

41 Forestry Fund.

- (1) The Forestry Fund constituted under section 8 of the Forestry Act 1919 shall continue to be maintained as heretofore.
- (2) There shall be paid into the Forestry Fund out of moneys provided by Parliament such annual amounts as Parliament may determine.
- (3) The following shall be paid out of the Forestry Fund:—
 - (a) the salaries of the Forestry Commissioners, and the salaries or remuneration of the officers and servants of the Commissioners;
 - (b) all expenses incurred by the Commissioners in the exercise of their powers and the performance of their duties under—

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- (i) this Act; and
 - (ii) the Plant Health Act 1967,
including the payment of allowances to the members of any committee maintained by them under this Act;
 - (c) any administrative expenses of the Minister under Part II of this Act (including sums required for the payment of remuneration to the members of any committee appointed by him in pursuance of section 27).
- (4) All sums received by the Commissioners in respect of the sale of timber, or otherwise received by them in respect of transactions carried out by them in the exercise of their powers and duties under this Act, shall be paid into the Forestry Fund.
 - (5) The Commissioners may accept any gift made to them for all or any purposes of this Act and, subject to the terms thereof, may apply it for those purposes in accordance with regulations made by them.
 - (6) Payments out of and into the Forestry Fund, and all other matters relating to the Fund and money standing to the credit of the Fund, shall be made and regulated in such manner as the Treasury may, by minute to be laid before Parliament, direct.
 - (7) The Commissioners may from time to time, with the approval of the Treasury, make any investment of moneys standing to the credit of the Forestry Fund which trustees are for the time being authorised by law to make in the case of a trust fund.

42 Finance of land acquisition, management, etc.

- (1) Any capital payments made by the Minister in acquiring land under section 39 above, and any expenses of the Minister in the acquisition of land thereunder, shall be defrayed out of the Forestry Fund.
- (2) Where land acquired by the Minister under section 39 is for the time being placed at the disposal of the Commissioners.—
 - (a) any rent or other outgoings payable in respect of the land by the Minister shall be defrayed out of the Forestry Fund; and
 - (b) any sums received by the Minister from the letting of the land or the grant of any interest or right in or over it shall be paid into that Fund.
- (3) Where land acquired by the Minister under section 39 is not for the time being placed at the disposal of the Commissioners, the expenses of the Minister in managing and using the land, including any rent or other outgoings payable by him in respect of the land, shall be defrayed out of moneys provided by Parliament, and—
 - (a) any sums received by him from the letting or use of the land, or the grant of any interest or right in or over it, shall be paid into the Exchequer; and
 - (b) the Minister shall pay into the Forestry Fund out of moneys provided by Parliament such periodical sums (if any) in respect of the land as may be determined by the Treasury.
- (4) Any capital sums received by the Minister from the sale, lease or exchange of land acquired by him under section 39 shall be paid into the Forestry Fund.

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43 Satisfaction of certain contingent liability to Crown Estate.

- (1) If the Minister sells land which was transferred to him, or to any predecessor of his, or to the Commissioners, under section 1(1)(a) of the Forestry (Transfer of Woods) Act 1923 to an amount exceeding five acres at any one time, then if the sum determined under section 3 of the said Act of 1923 as the amount contingently payable by way of compensation for the transfer of rights and interests of the Crown has not been fully paid or satisfied.—
 - (a) the net proceeds of sale, or the portion necessary to satisfy the said sum, shall be paid by the Minister to the Crown Estate Commissioners and shall form part of the Crown Estate; and
 - (b) the payment shall be treated as satisfying a part of that sum equal to the gross proceeds of sale or the corresponding portion of them.
- (2) In the event of the hereditary revenues which are by section 1 of the Civil List Act 1952 directed to be carried to and made part of the Consolidated Fund ceasing at any time, whether during the present or any subsequent reign, to be carried to and made part of that Fund, there shall be paid out of the Fund to the Crown Estate Commissioners all such amounts as immediately before the commencement of this Act remained outstanding as compensation due to the Crown under section 3 of the said Act of 1923, reduced by the amount of any payments made since that commencement to the Crown Estate Commissioners pursuant to subsection (1) above or to the corresponding provision in section 8(1) of the Crown Estate Act 1961.

44 Annual accounts of Commissioners.

- (1) The Commissioners shall prepare accounts in respect of each financial year (beginning with the 1st April), showing the sums paid into and the sums issued out of the Forestry Fund in that year.
- (2) The Commissioners' accounts shall be in such form and manner as the Ministers with the approval of the Treasury may direct, and the Commissioners shall transmit the accounts to the Ministers at such time as the Ministers, with the said approval, may direct.
- (3) The Ministers shall, on or before the 30th November in each year, transmit to the Comptroller and Auditor General the accounts prepared by the Commissioners under subsection (1) above for the financial year last ended, and the Comptroller and Auditor General shall examine and certify them and lay copies thereof, together with his report thereon, before both Houses of Parliament.

45 Annual report by Commissioners.

The Commissioners shall, on such day and in such form as the Ministers may direct, make to the Ministers an annual report as to their proceedings under this Act, and the Ministers shall lay the report before Parliament.