



2010 CHAPTER 10

PART 3

FELLING OF TREES

Restocking notice

Power of Department to require restocking after unauthorised felling

22.—(1) The Department may serve a notice under this section (a “restocking notice”) on a person where it appears to the Department that—

- (a) the person has committed an offence under section 15(3); and
- (b) the person has such an estate in the land in question as is mentioned in section 16(1).

(2) A restocking notice is a notice requiring the person on whom it is served—

- (a) to restock or stock with trees of a specified species the land or such other land as may be agreed between the Department and that person; and
- (b) to maintain those trees in accordance with the rules and practice of good forestry for a period, not exceeding 5 years, specified in the notice.

Appeal against restocking notice

23.—(1) A person on whom a restocking notice has been served who objects to the notice or to any requirement contained in the notice may appeal to a person appointed under section 26.

(2) On an appeal under this section the person appointed under section 26 may—

- (a) confirm the notice, or

- (b) direct the Department to withdraw the notice or modify it in such manner as is specified in the direction.
- (3) It is the duty of the Department to give effect to any direction under subsection (2)(b).