



## 2010 CHAPTER 10

### PART 2

#### PROTECTION OF FOREST TREES FROM DAMAGE

##### **Control of animals on land adjacent to forest**

**10.—**(1) In this section—

“land A” means any land falling within section 8(2);

“land B” means any land—

- (a) which adjoins land A; or
- (b) any part of which is within 500 metres of any part of land A.

(2) Subsection (3) applies where the Department reasonably suspects that trees growing on land A are being, or are likely to be, damaged by wild animals present on land B.

(3) An authorised person may inspect land B for the purpose of establishing—

- (a) which wild animals (if any) are present on the land;
- (b) the number of wild animals present on the land;
- (c) whether any action should be taken by the Department under any of the following provisions of this section.

(4) Subsection (5) applies where the Department is satisfied (whether as a result of an inspection under subsection (3) or otherwise) that trees growing on land A are being, or are likely to be, damaged by any wild animals present on land B.

(5) The Department may serve on the occupier of land B a notice—

- (a) stating that trees growing on land A are being, or are likely to be, damaged by wild animals present on land B; and
  - (b) requesting that, within 3 months of the date of the service of the notice, effective steps be taken to prevent the damage.
- (6) Subsections (7) and (8) apply if the occupier of land B does not comply with a notice served under subsection (5).
- (7) An authorised person may kill, take or destroy any wild animals on land B during such period (not exceeding 12 months) as the Department may specify by notice served on the occupier of that land.
- (8) Where the occupier of land A is not the Department, any costs incurred by the Department in connection with an authorised person taking action under subsection (7) are recoverable as a civil debt from the occupier of land A.
- (9) If land B is unoccupied, subsections (5) to (8) apply with the substitution of references to the owner of that land for references to the occupier.
- (10) In this section “wild animal” has the same meaning as in section 9.