

EXPLANATORY MEMORANDUM TO

The Forestry (2010 Act) (Commencement No. 1) Order (Northern Ireland) 2010 S.R. 2010 No. 309 (C. 18)

1. Introduction

This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is not subject to any resolution procedure before the Assembly.

2. Purpose

2.1 The Forestry (2010 Act) (Commencement No. 1) Order (Northern Ireland) 2010 commences sections 1, 2, 3, 4, 5 and Schedule 1, 6(1), (2) and (4) to (7), 7, 8, 9, 11, 12, 13, 14, 32, 33, 34, and 38(1), (2) and (3) in so far as it relates to the repeals indicated.

2.2 The main areas these sections will give effect to are:

- the general duty of the Department to promote forestry with its economic, environmental and social elements;
- the main powers of the Department to engage in and support afforestation of land, forestry management and woodland industries;
- the powers of the Department to provide a wide range of facilities to improve the amenity of forestry land;
- the need to optimise the opportunity for private sector development; and
- compulsory purchase powers to provide or improve access to any land for the purposes of the Department's functions under the Act.

3. Background

3.1 Primary Forestry legislation was contained in the Forestry Act (Northern Ireland) 1953 and reflected a past priority to establish a strategic reserve of timber and to maintain a timber supply. The Forestry Act (Northern Ireland) 2010 carries forward several key existing provisions of the Forestry Act (NI) 1953 which support practical, everyday Forest Service business, but in a wider context. It will introduce new powers which include the mitigation of or adaption to climate change. It will also promote and encourage the enjoyment and recreational use of forestry land by the public and promote the social benefits of forests. The Department will also be able to use or develop forestry land for a purpose other than forestry, which will allow the Department to develop its land to obtain better value from the public estate.

3.2 The majority of the remaining areas of the Forestry Act (Northern Ireland) 2010 not introduced by The Forestry (2010 Act) (Commencement No. 1) Order (Northern Ireland) 2010 will be subject to the introduction of subordinate

legislation, including, where necessary, equality impact assessment and 12 week consultation before they are implemented. In addition, the provision dealing with the Department's duty to provide a woodland register will not be introduced until a register is available.

4. Consultation

4.1 A consultation has not been carried out for this Order.

5. Equality Impact

5.1 In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the Order have been assessed. The Department considers that the Order will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment has not been carried out.

7. Financial Implications

7.1 The Order does not have any financial implications for the Department or stakeholders.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Order deals with commencement dates for some of the provisions of the Forestry Act (Northern Ireland) 2010, and does not have any human rights implications, nor is it incompatible with EU law. The Order is therefore deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 There is no impact for Defra or the other devolved administrations, or for the South.

11. Additional Information

11.1 Not applicable.

12. Contact

12.1 Michael McCann at the Department of Agriculture and Rural Development.
Telephone: 028 9052 0891 or e-mail: Michael.McCann@dardni.gov.uk