



Forestry Act 1967

1967 CHAPTER 10

PART I

FORESTRY AND AFFORESTATION IN GREAT BRITAIN

1 The Forestry Commission.

- (1) The Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 shall continue in existence and are in this Act referred to as " the Commissioners ".
- (2) The Commissioners shall be charged with the general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber and other forest products in Great Britain and in that behalf shall have the powers and duties conferred or imposed on them by this Act.
- (3) The Commissioners' general duty includes that of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees.
- (4) The Commissioners shall, in exercising their functions under this Act, and also in exercising their powers under the Plant Health Act 1967 (which enables them to make orders for the control of timber pests and diseases), comply with such directions as may be given to them by the Ministers.
- (5) Directions given by the Ministers for purposes of the foregoing subsection shall be given by them jointly, except in so far as they make arrangements that this subsection shall not apply.

2 Constitution, administration etc. of Commission.

- (1) The Commissioners shall consist of a chairman and not more than nine other members appointed by Her Majesty by warrant under the sign manual to be Forestry Commissioners.
- (2) Of the persons for the time being appointed to be Forestry Commissioners—

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- (a) at least three shall be persons who have special know ledge and experience of forestry ;
 - (b) at least one shall be a person who has scientific attainments and a technical knowledge of forestry ; and
 - (c) at least one shall be a person who has special know ledge and experience of the timber trade.
- (3) The Commissioners shall by order appoint committees for England, Scotland and Wales respectively, whose membership shall consist partly of persons who are Forestry Commissioners or officers of the Commissioners and partly of persons, not exceeding three in number, who are not Forestry Commissioners or officers of the Commissioners; and the Commissioners may delegate, subject to such restrictions or conditions as they think fit, any of their functions to a committee so appointed.
- (4) Part I of Schedule 1 to this Act shall have effect with respect to the Commissioners, their staff, proceedings and other related matters and to the committees appointed under subsection (3) of this section; and Part II of that Schedule shall have effect with respect to the superannuation of Forestry Commissioners and officers employed by the Commissioners.

3 Management of forestry land.

- (1) The Commissioners may manage, plant and otherwise use, for the purpose of the exercise of their functions under this Act, any land placed at their disposal by the Minister under this Act, and—
- (a) the power of the Commissioners under this subsection to manage and use any land shall, without prejudice to the generality of that power, include power to erect buildings or execute works on the land;
 - (b) any timber produced on land so placed at the Com missioners' disposal shall belong to the Commissioners.
- (2) The Commissioners may undertake the management or supervision, upon such terms and subject to such conditions as may be agreed upon, or give assistance or advice in relation to the planting or management, of any woods or forests belonging to any person, including woods and forests under the management of the Crown Estate Commissioners or under the control of a government department, or belonging to a local authority.
- (3) The Commissioners may—
- (a) purchase or otherwise acquire standing timber, and sell or otherwise dispose of any timber belonging to them or, subject to such terms as may be mutually agreed, to a private owner, and generally promote the supply, sale, utilization and conversion of timber;
 - (b) establish and carry on, or aid in the establishment and carrying on, of woodland industries.
- (4) In this section the expression " timber " includes all forest products.

4 Advances for afforestation.

The Commissioners may, subject to the approval of the Treasury, make advances by way of grant or by way of loan or partly in one way and partly in the other, and upon such terms and subject to such conditions as they think fit, to persons (including local

authorities) in respect of the afforestation (including the replanting) of land belonging to those persons.

5 Forestry dedication covenants and agreements.

(1) The provisions of this section shall have effect with a view to allowing land to be devoted to forestry by means of agreements entered into with the Commissioners, being agreements to the effect that the land shall not, except with the previous consent in writing of the Commissioners or, in the case of dispute, under direction of the Minister, be used otherwise than for the growing of timber or other forest products in accordance with the rules or practice of good forestry or for purposes connected therewith; and in this Act—

- (a) " forestry dedication covenant " means a covenant to the said effect entered into with the Commissioners in respect of land in England or Wales without an intention being expressed contrary to the application of section 79 of the Law of Property Act 1925 (under which covenants relating to land are, unless the contrary is expressed, deemed to be made on behalf of the covenantor, his successors in title and persons deriving title under him or them); and
- (b) " forestry dedication agreement " means an agreement to the said effect entered into with the Commissioners in respect of land in Scotland by a person who is the proprietor thereof for his own absolute use or is empowered by this section to enter into the agreement,

(2) Where land in England or Wales is subject to a forestry dedication covenant.—

- (a) the Commissioners shall, as respects the enforcement of the covenant against persons other than the covenantor, have the like rights as if they had at all material times been the absolute owners in possession of ascertained land adjacent to the land subject to the covenant and capable of being benefited by the covenant, and the covenant had been expressed to be for the benefit of that adjacent land ; and
- (b) section 84 of the Law of Property Act 1925 (which enables the Lands Tribunal to discharge or modify restrictive covenants) shall not apply to the covenant.

(3) A forestry dedication agreement affecting land in Scotland may be recorded in the General Register of Sasines and, on being so recorded, shall be enforceable at the instance of the Commissioners against any person having an interest in the land and against any person deriving title from him:

Provided that such an agreement shall not be so enforceable against any third party who shall have in bona fide onerously acquired right (whether completed by infetment or not) to his interest in the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.

(4) Schedule 2 to this Act shall have effect to empower limited owners, trustees and others to enter into forestry dedication covenants or agreements and to provide for matters arising on their doing so.

6 Requirements for haulage facilities.

(1) The provisions of this section shall have effect where the Commissioners are of opinion that insufficient facilities exist for the haulage of timber from any wood or forest to a road, railway or waterway.

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- (2) Subject to the following subsections, the Commissioners may, where they are of the said opinion, make an order that the owner and occupier of any land shall afford the necessary facilities, subject to payment by the person in whose favour' the order is made of reasonable rent or wayleave and of compensation for any damage caused by the haulage, and the owner or occupier shall thereupon comply with the order.
- (3) The Commissioners shall not make an order under this section until the person proposed to be required to give the said facilities has had an opportunity of being heard.
- (4) A person aggrieved by an order made under this section may appeal therefrom to the Minister in such manner and upon "such conditions, if any, as may be prescribed by the Minister, who may thereupon revoke or vary the order.
- (5) The amount of rent or wayleave and compensation for damage which is payable in consequence of an order made under this section shall, in default of agreement, be assessed as follows that is to say—
 - (a) in a case relating to England and Wales, by a single arbitrator appointed by the President of the Royal Institution of Chartered Surveyors; and
 - (b) in a case relating to Scotland, by an arbiter appointed by the Chairman of the Scottish Committee of the said Institution.

7 Prevention of damage by rabbits, hares and vermin.

- (1) The provisions of this section shall have effect where the Commissioners are satisfied that trees or tree plants are being, or are likely to be, damaged by rabbits, hares or vermin owing to the failure of an occupier of land to destroy sufficiently the rabbits, hares or vermin on land in his occupation, or otherwise to take steps for the prevention of damage by them.
- (2) The Commissioners may, where they are so satisfied, authorise in writing any competent person to enter on the land and kill and take the rabbits, hares or vermin thereon; but before doing so they shall first give to the occupier and owner of the land such opportunity as the Commissioners think reasonable of destroying the rabbits, hares or vermin, or of taking steps for the prevention of the damage.
- (3) The Commissioners may recover from the occupier of the land the net cost incurred by them in connection with action taken by them under the foregoing subsection.

A sum recoverable under this subsection shall, in England or Wales, be recoverable summarily as a civil debt.
- (4) Anyone who obstructs a person authorised by the Commissioners in the due exercise of his powers or duties under -subsection (2) above shall be liable on summary conviction to a fine not exceeding £20; but the person authorised shall, if so required, produce his authority.
- (5) For purposes of this section—
 - (a) the person entitled to kill rabbits, hares or vermin on any common land shall be deemed to be the occupier of the land ; and
 - (b) the expression " vermin " includes squirrels.

8 Miscellaneous powers of Commissioners.

The Commissioners may—

- (a) undertake the collection, preparation, publication and distribution of statistics relating to forestry, and promote and develop instruction and training in forestry by establishing or aiding schools or other educational institutions or in such other manner as they think fit;
- (b) make, or aid in making, such inquiries, experiments and research, and collect, or aid in collecting, such information as they may think important for the purpose of promoting forestry and the teaching of forestry, and publish or otherwise take steps to make known the results of the inquiries, experiments or research and disseminate the information;
- (c) make, or aid in making, such inquiries as they think necessary for the purpose of securing an adequate supply of timber and other forest products in Great Britain.