



Forestry Act 1967

1967 CHAPTER 10

[^{F1}PART IV

GENERAL

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with ss. 80, 83); S.S.I. 2019/47, reg. 2 (with transitional provisions and savings in regs. 3-22 (as amended (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021](#) (S.S.I. 2021/44), regs. 1(1), [11\(2\)\(b\)\(3\)\(a\)\)](#)

46 [^{F2}Appropriate legislative authority's] power to make byelaws.

- (1) Subject to the provisions of this and the next following sections, the [^{F3}appropriate legislative authority] may make byelaws with respect to any land which is under [^{F4}the] management or control [^{F5}of the appropriate forestry authority] and to which the public have, or may be permitted to have, access.
- (2) The [^{F6}appropriate legislative authority's] byelaws may be such as appear to them to be necessary—
 - (a) for the preservation of any trees or timber on the land, or of any property of the [^{F7}appropriate forestry authority]; and
 - (b) for prohibiting or regulating any act or thing tending to injury or disfigurement of the land or its amenities; and
 - (c) without prejudice to the generality of the foregoing, for regulating the reasonable use of the land by the public for the purposes of exercise and recreation.
- (3) Byelaws under this section—
 - (a) shall not take away or injuriously affect any estate, interest, right of common or other right of a profitable or beneficial nature in, over or affecting any land, except with the consent of the person entitled thereto;

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(b) shall not apply to a common which is subject to a scheme or regulation made in pursuance of the Metropolitan Commons Acts 1866 to 1898, or the Inclosure Acts 1845 to 1882, or the ^{M1}Commons Act 1899.

(4) Byelaws under this section shall be made by statutory instrument and a draft of a statutory instrument containing any such byelaws [^{F8}with respect to land in England ^{F9} ...] shall be laid before Parliament.

^{F10}(4A)

^{F10}(4B)

[^{F11}(4C) A draft of any statutory instrument containing byelaws under this section with respect to land in Wales must be laid before the National Assembly for Wales.]

(5) If anyone fails to comply with, or acts in contravention of, any byelaw made under this section he shall be guilty of an offence and be liable on summary conviction as follows:—

- (a) in the case of an offence against byelaws made by the Commissioners with respect to the New Forest, he shall be liable to a fine not exceeding [^{F12}level 2 on the standard scale],
- (b) in a case not falling within the foregoing paragraph, he shall be liable to a fine not exceeding [^{F12}level 2 on the standard scale]; and
- (c) in [^{F13}the case of a continuing offence falling within either of the foregoing paragraphs] he shall be liable to a further fine not exceeding [^{F14}50p] for each day upon which the offence continues.

(6) ^{F15}

Textual Amendments

- F2** Words in s. 46 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 76\(6\)](#) (with Sch. 7)
- F3** Words in s. 46(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 76\(2\)\(a\)](#) (with Sch. 7)
- F4** Word in s. 46(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 76\(2\)\(b\)](#) (with Sch. 7)
- F5** Words in s. 46(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 76\(2\)\(c\)](#) (with Sch. 7)
- F6** Words in s. 46(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 76\(3\)\(a\)](#) (with Sch. 7)
- F7** Words in s. 46(2)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 76\(3\)\(b\)](#) (with Sch. 7)
- F8** Words in s. 46(4) inserted (1.7.1999) by [S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4\(37\)\(a\)](#)
- F9** Words in s. 46(4) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 76\(4\)](#) (with Sch. 7)
- F10** S. 46(4A)(4B) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\), reg. 1\(2\), Sch. para. 40; S.S.I. 2019/47, reg. 2](#)
- F11** S. 46(4C) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 76\(5\)](#) (with Sch. 7)
- F12** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#); ss. 39, 46, [Sch. 3](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 7D](#) and expressed to be substituted (S.) (1.4.1996) by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 10, Sch. 2 Pt. III](#)

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- F13** Words substituted by [Criminal Justice Act 1967 \(c. 80, SIF 39:1\)](#), **Sch. 6 para 28**
F14 Words substituted by [Decimal Currency Act 1969 \(c. 19, SIF 10\)](#), **s. 10(1)**
F15 S. 46(6) repealed by [Criminal Justice Act 1972 \(c. 71, SIF 39:1\)](#), **Sch. 6 Pt. II**

Modifications etc. (not altering text)

- C1** S. 46 amended by (S.) [Countryside \(Scotland\) Act 1967 \(c. 86, SIF 46:1\)](#), **s. 58(3)** and (E.W.) [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **s. 23(4)**

Marginal Citations

- M1** [1899 c. 30\(25\)](#)

47 Provisions supplementary to s. 46 for New Forest and Forest of Dean.

- (1) Byelaws made by the Commissioners under section 46 with respect to the New Forest or the Forest of Dean shall be without prejudice to any byelaws made under any other Act by the verderers of either Forest, but before making any such byelaws the Commissioners shall consult with the verderers of the Forest concerned.
- ^{XI}(2) Section 1(3) of the ^{M2}New Forest Act 1964 (which applies byelaws made by the Commissioners to certain land added under that Act to the Forest) shall have effect with the substitution for the reference to section 2 of the ^{M3}Forestry Act 1927 of a reference to section 46 of this Act.
- (3) The verderers of either of the said Forests may in their courts inquire into any offence consisting in a failure to comply with, or a contravention of, byelaws made by the Commissioners under section 46, being an offence alleged to have been committed within the Forest, and may punish any such offence so committed.
- (4) As respects their jurisdiction under this section, the verderers' courts shall be deemed to be magistrates' courts, and the provisions of the ^{M4M5}Magistrates' Courts Act 1952 and 1957, including provisions as to the recovery of fines and as to appeals, and the provisions of any rules made under those Acts, shall apply accordingly.
- (5) The powers conferred by this section on the verderers of the New Forest and the Forest of Dean shall be in addition to, and not in derogation of, any other powers exercisable by them, and shall be without prejudice to the power of any other court in relation to offences under section 46.

Editorial Information

- X1** The text of s. 47(2) and Sch. 7 Pt. I is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Modifications etc. (not altering text)

- C2** [S. 47\(4\)](#) references to Magistrates' Courts Act 1952 and 1957 (which Acts were repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [s. 154\(a\)](#), **Sch. 9**) are to be construed as mentioned in [Sch. 8 para. 5](#) of that 1980 Act

Marginal Citations

- M2** [1964 c. 83.](#)
M3 [1927 c. 6.](#)
M4 [1952 c. 55](#)

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M5 1957 c. 29

48 Powers of entry and enforcement.

- (1) An officer of the [^{F16}appropriate enforcement authority] or any other person authorised by [^{F17}the appropriate enforcement authority] in that behalf may (on production, if so required, of his authority) enter on and survey any land for the purpose of ascertaining whether it is suitable for afforestation or for the purpose of inspecting any timber thereon, or for any other purpose in connection with the exercise of the powers and performance of the duties of the [^{F16}appropriate enforcement authority] under this Act or the ^{M6}Plant Health Act 1967.

[^{F18}(1A) In subsection (1) “the appropriate enforcement authority” means—

- (a) in relation to powers and duties of the Commissioners, the Commissioners;
- (b) in relation to powers and duties of the Welsh Ministers, the Welsh Ministers;
- (c) in relation to powers and duties of the Natural Resources Body for Wales, the Natural Resources Body for Wales.]

- (2) The [^{F19}appropriate forestry authority] may authorise an officer or servant appointed or employed by them to exercise and perform on their behalf such powers and duties as they may consider necessary for the enforcement of byelaws under section 46 of this Act, and in particular to remove or exclude, after due warning, from any land to which the byelaws relate a person who commits, or whom he reasonably suspects of committing an offence against the said section or against the ^{M7}Vagrancy Act 1824.

- (3) Anyone who obstructs an officer or servant appointed or employed by the [^{F20}appropriate forestry authority] in the due exercise or performance of his powers or duties under the foregoing subsection shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [^{F21}level 3 on the standard scale].

Textual Amendments

- F16** Words in s. 48(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 77\(2\)\(a\)](#) (with Sch. 7)
- F17** Words in s. 48(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 77\(2\)\(b\)](#) (with Sch. 7)
- F18** S. 48(1A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 77\(3\)](#) (with Sch. 7)
- F19** Words in s. 48(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 77\(4\)](#) (with Sch. 7)
- F20** Words in s. 48(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 77\(4\)](#) (with Sch. 7)
- F21** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39, 46, [Sch. 3](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 7D](#) and expressed to be substituted (S.) (1.4.1996) by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 10, Sch. 2 Pt.III](#)

Marginal Citations

- M6** 1967 c. 8(2:11)
- M7** 1824 c. 83(39:2)

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49 Interpretation.

(1) In this Act—

[^{F22}“the appropriate forestry authority” has the meaning given by section 1(1A);

“the appropriate legislative authority” means—

(a) the Commissioners, in relation to England ^{F23}... ;

(b) the Welsh Ministers, in relation to Wales;]

“the Commissioners” means the body known as “The Forestry Commissioners”;

[^{F24}“forestry dedication covenant” has the meaning assigned to it by section 5;]

[^{F25}“the Minister” means, except as provided by ^{F26}... [^{F27} Schedule 1]^{F27}, the [^{F28} Secretary of State]^{F28} as respects England and the Secretary of State as respects Wales;]

“National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the ^{M8}National Trust Act 1907, and “held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the said Act of 1907 or section 8 of the ^{M9}National Trust Act 1939;

“National Trust for Scotland” means the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the ^{M10}National Trust for Scotland Order Confirmation Act 1935, and “held inalienably”, in relation to land belonging to that Trust, means that the land is inalienable under section 22 of that Order.

^{F29}...

(2) For purposes of this Act, Monmouthshire shall be deemed to be part of Wales and not of England.

^{F30}(3)

Textual Amendments

- F22** Words in s. 49(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 78** (with Sch. 7)
- F23** Words in s. 49(1) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 41(a)**; S.S.I. 2019/47, reg. 2
- F24** Words in s. 49(1) substituted (1.4.2019) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 41(b)**; S.S.I. 2019/47, reg. 2
- F25** Definition in s. 49 substituted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(38)**
- F26** Words in s. 49(1) in definition of “the Minister” repealed (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(2), **Sch. 2** (with art. 6)
- F27** Words in s. 49(1) in definition of “the Minister” substituted (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(1), **Sch. 1 para. 13(a)** (with arts. 5(3), 6)
- F28** Words in s. 49(1) in definition of “the Minister” substituted (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(1), **Sch. 1 para. 13(b)** (with arts. 5(3), 6)

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- F29** Words in s. 49(1) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 41(c)**; S.S.I. 2019/47, reg. 2
- F30** S. 49(3) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), Sch. 12 para. 27(4), **13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Marginal Citations

- M8** 1907 c. cxxxvi.
M9 1939 c. lxxxvi.
M10 1935 c. ii.

50 Transitional provisions, repeals and savings.

- (1) The transitional provisions contained in Schedule 6 to this Act shall have effect.
- (2) The enactments specified in the second column of Part I of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Part of the Schedule, subject to the savings in Part II of that Schedule.
- (3) Nothing in this section or in Schedule 6 or 7 to this Act shall be taken as affecting the general application of section 38 of the ^{M11}Interpretation Act 1889 with regard to the effect of repeals.

Marginal Citations

- M11** 1889 c. 63

51 Short title and extent.

- (1) This Act may be cited as the Forestry Act 1967.
- (2) This Act shall not extend to Northern Ireland.]

Status:

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Changes to legislation:

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