



Forestry Act 1967

1967 CHAPTER 10

PART IV

GENERAL

46 Commissioners' power to make byelaws

- (1) Subject to the provisions of this and the next following sections, the Commissioners may make byelaws with respect to any land which is under their management or control and to which the public have, or may be permitted to have, access.
- (2) The Commissioners' 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 Commissioners ; 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 ;
 - (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 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 shall be laid before Parliament.
- (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:—

Status: This is the original version (as it was originally enacted).

- (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 £10;
 - (b) in a case not falling within the foregoing paragraph, he shall be liable to a fine not exceeding £5; and
 - (c) in either case he shall be liable to a further fine not exceeding 10s. Od. for each day upon which the offence continues.
- (6) Any sums paid to the Secretary of State in pursuance of section 27 of the Justices of the Peace Act 1949 in respect of fines imposed for offences against byelaws made under this section shall be deemed to be Exchequer moneys within the meaning of that section.

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.
- (2) Section 1(3) of the 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 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 Magistrates' Courts Acts 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.

48 Powers of entry and enforcement

- (1) An officer of the Commissioners or any other person authorised by them 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 Commissioners under this Act or the Plant Health Act 1967.
- (2) The Commissioners 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 Vagrancy Act 1824.

- (3) Anyone who obstructs an officer or servant appointed or employed by the Commissioners 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 £5.

49 Interpretation

- (1) In this Act—

" the Commissioners" means the body known as " The Forestry Commissioners ";

" forestry dedication covenant" and " forestry dedication agreement" have the meanings assigned to them by section 5 ;

" the Minister ", except as provided by sections 15(8) and 19(4) and Schedule 3, means the Minister of Agriculture, Fisheries and Food as respects England, and a Secretary of State as respects Wales and as respects Scotland;

" National Trust" means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the 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 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 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.

- (2) For purposes of this Act, Monmouthshire shall be deemed to be part of Wales and not of England.
- (3) In this Act as it applies to Scotland any reference to the purchase of land shall be construed as including a reference to the taking of land in feu.

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 Interpretation Act 1889 with regard to the effect of repeals.

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.