

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

THE FORESTRY COMMISSION AND ITS STAFF

Modifications etc. (not altering text)

- C1** Sch. 1: functions exercisable by the Minister for Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly transferred (27.3.2002) to the Secretary of State by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), **art. 3(5)** (with art. 6)
- C2** Sch. 1 transfer of functions (18.7.2013) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2)(3), **14(1)** (with art. 24)

Textual Amendments applied to the whole legislation

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018 \(asp 8\)](#), s. 85(2), **sch. 2** (with ss. 80, 83); S.S.I. 2019/47, reg. 2 (with regs. 3-22)

Non-textual amendments applied to the whole Legislation can be found in the Introduction

PART I

ADMINISTRATION

The Commissioners

- 1 The Commissioners may for all purposes be described by the name of “The Forestry Commissioners”.
- 2 (1) Each Forestry Commissioner shall hold and vacate office in accordance with the terms of his warrant of appointment, and one who vacates office shall be eligible for reappointment.
- (2) There shall be paid to such Forestry Commissioners as may be determined by the Ministers, with the approval of the Treasury, such salaries or other emoluments as may be so determined.

Modifications etc. (not altering text)

- C3** Sch. 1 para. 2: functions of the Treasury transferred to the Minister (1.4.1995) by [S.I. 1995/269](#), **art. 3**, **Sch. para.2**

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- 3 The Commissioners may act by three of their number and notwithstanding a vacancy in their number, and may regulate their own procedure.
- 4 (1) The Commissioners shall have an official seal, which shall be officially and judicially noticed.
- (2) The seal shall be authenticated by a Forestry Commissioner, or by the secretary to the Commissioners, or by some person authorised by the Commissioners to act on behalf of the secretary.
- 5 (1) Every document purporting to be an order or other instrument issued by the Commissioners and to be sealed with the seal of the Commissioners authenticated in manner provided by paragraph 4(2) above, or to be signed by the secretary to the Commissioners or any person authorised by the Commissioners to act on behalf of the secretary, shall be received in evidence and be deemed to be such order or instrument without further proof, unless the contrary is shown.
- (2) The ^{M1}Documentary Evidence Act 1868, as amended by the ^{M2}Documentary Evidence Act 1882, shall apply to the Commissioners as though the Commissioners were included in the first column of the Schedule to the said Act of 1868, and the chairman or any other Commissioner, or the secretary, or any person authorised to act on behalf of the secretary, were mentioned in the second column of that Schedule, and as if the regulations referred to in those Acts included any document issued by the Commissioners.

Marginal Citations

- M1** 1868 c. 37(47)
M2 1882 c. 9(47)

Staff

- 6 (1) The Commissioners may, subject to such limit as to number as the Treasury may determine, appoint and employ such officers and servants for the purposes of this Act as the Commissioners think necessary, and may remove any officer or servant so appointed or employed.
- (2) There shall be paid to officers and servants appointed or employed by the Commissioners such salaries or remuneration as the Ministers may, with the approval of the Treasury, determine.

Modifications etc. (not altering text)

- C4** Sch. 1 para. 6: functions of the Treasury transferred to the Minister (1.4.1995) by S.I. 1995/269, **art. 2(2)**
C5 Sch. 1 para. 6(1) modified (1.7.1999) by S.I. 1999/672, **art. 5, Sch.2**
C6 Sch. 1 para. 6(1) modified (18.7.2013) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2)(3), **14(2)** (with art. 24)

Committees appointed under section 2(3)

- 7 (1) An order of the Commissioners under section 2(3) of this Act appointing a committee shall make provision as to the constitution (including the terms of office of members), quorum and procedure of the committee.

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(2) There shall be paid ^{F1} . . . to the members of any committee appointed [^{F2}for England ^{F3}...] under section 2(3) who are not Forestry Commissioners or officers of the Commissioners such travelling and other allowances as the Ministers may, with the approval of the Treasury, determine.

^{F4}(3)

Textual Amendments

- F1** Words in Sch. 1 para. 7(2) omitted (16.3.2000) by virtue of S.I. 2000/746, art. 2 Sch. para. 5(7)(a)
- F2** Words in Sch. 1 para. 7(2) inserted (1.7.1999) by S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4(39)(b)
- F3** Words in Sch. 1 para. 7(2) omitted (18.7.2013) by virtue of The Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821), arts. 1(2)(3), 12(3) (with art. 24)
- F4** Sch. 1 para. 7(3) 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. 42; S.S.I. 2019/47, reg. 2

Supplementary

8 The functions of the Ministers under this Part of this Schedule shall be exercised by them jointly, except in so far as they make arrangements that this paragraph shall not apply.

[^{F5}8A In this Part of this Schedule, “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales.]

Textual Amendments

- F5** Sch. 1 para. 8A inserted (1.7.1999) by S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4(39)(d)

PART II

SUPERANNUATION OF FORESTRY COMMISSIONERS AND COMMISSION STAFF

9 (1) This paragraph applies to Forestry Commissioners and to such [^{F6}classes of officers employed by the Commissioners as may be] determined by the Ministers with the approval of the Treasury.

(2) Subject to the following provisions, there may be granted to or in respect of persons to whom this paragraph applies the same superannuation benefits as can be granted in respect of persons in the civil service under the [^{F6}principal civil service pension scheme within the meaning of section 2 of the ^{M3}Superannuation Act 1972 and for the time being in force, and the relevant provisions of that scheme . . .]^{F7} shall have effect accordingly with respect to persons to whom this paragraph applies as they have effect with respect to persons in the civil service.

^{F8}(3)

(4) In this Part of this Schedule—

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“superannuation benefits” includes a superannuation allowance, additional allowance, annual allowance, retiring allowance, compensation allowance, gratuity, pension, compensation and annuity.

Textual Amendments

- F6** Words substituted by [Superannuation Act 1972 \(c. 11, SIF 101A:1\)](#), **Sch. 6 para 60**
- F7** Words repealed by [Finance Act 1972 \(c. 41, SIF 63:1\)](#), **Sch. 28 Pt. IV**
- F8** Sch. 1 para. 9(3) repealed (16.3.2000) by [S.I. 2000/746, art. 2](#), **Sch. para. 5(7)(b)**
- F9** Words repealed by [Superannuation Act 1972 \(c. 11, SIF 101A:1\)](#), **Sch.8**

Modifications etc. (not altering text)

- C7** Sch. 1 para. 9: functions of the Treasury transferred to the Minister (1.4.1995) by [S.I. 1995/269, art. 3](#), **Sch. para. 2**

Marginal Citations

- M3** [1972 c. 11\(101A:1\)](#)

- 10 (1) The Ministers may with the approval of the Treasury make schemes to supplement or replace (either as a whole or in part) paragraph 9(2) above, being schemes for the grant of superannuation and other allowances and gratuities to or for the benefit of persons to whom paragraph 9 applies; and, without prejudice to the foregoing,—
- (a) the superannuation benefits to be granted in accordance with the scheme may include those which may be granted under the said paragraph 9(2), subject to the provisions of that sub-paragraph in the case of contributory pensions; and
 - (b) on the coming into force of a scheme made under this paragraph, paragraph 9(2) shall, to the extent that the scheme makes any provision different therefrom, cease to have effect.

^{F10}(2)

[^{F11}(3) A scheme made under this paragraph may be made so as to take effect from such date, not being earlier than 14th July 1949, as may be specified in the scheme.]

Textual Amendments

- F10** Sch. 1 para. 10(2) repealed (16.3.2000) by [S.I. 2000/746, art. 2](#), **Sch. para. 5(7)(b)**
- F11** Para 10(3) substituted by [Superannuation Act 1972 \(c. 11, SIF 101A:1\)](#), **Sch. 6 para 61**

Modifications etc. (not altering text)

- C8** Sch. 1 para. 10: functions of the Treasury transferred to the Minister (1.4.1995) by [S.I. 1995/269, art. 3](#), **Sch. para. 2**

11 ^{F12}

Textual Amendments

- F12** Sch. 1 para. 11 repealed by [Superannuation Act 1972 \(c. 11, SIF 101A:1\)](#), **Sch. 8**

- 12 Where on the death of a person to whom paragraph 9 above applies any sum not exceeding [^{F13}£5,000] is due to that person or his legal personal representative in

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respect of salary, wages or superannuation benefits, then, subject to any regulations made by the Treasury, probate or other proof of the title of the legal personal representatives may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the Commissioners to be beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or, in the case of the illegitimacy of the deceased person or any of his children, to or among such persons as the Commissioners may think fit, and the Commissioners or other person responsible for the payment of any such sum shall be discharged from all liability in respect of any such payment or distribution.

[^{F14}This paragraph shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the ^{M4}Administration of Estates (Small Payments) Act 1965 substituting for references to [^{F13}£5,000] such higher amount as may be specified in the order.]

Textual Amendments

F13 Words substituted by virtue of S.I. 1984/539, art. 2(c)

F14 Words inserted by [Superannuation Act 1972 \(c. 11, SIF 101A:1\)](#), [Sch. 6 para. 62](#)

Modifications etc. (not altering text)

C9 Sch. 1 para. 12 first sub-paragraph: functions of the Treasury transferred to the Minister (1.4.1995) by [S.I. 1995/269, art. 3](#), [Sch. para.2](#)

Marginal Citations

M4 [1965 c. 32\(116:1\)](#)

13 The functions of the Ministers under this Part of this Schedule shall be exercisable by them jointly, except in so far as they make arrangements that this paragraph shall not apply.

[^{F15}13A In this Part of this Schedule, “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales.]

Textual Amendments

F15 Sch. 1 para. 13A inserted (1.7.1999) by [S.I. 1999/1747, art. 3](#), [Sch. 12 Pt. II para. 4\(39\)\(e\)](#)

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