



Forestry Act 1967

1967 CHAPTER 10

PART II

COMMISSIONERS' POWER TO CONTROL FELLING OF TREES

Power of Commissioners to direct felling

21 Courses open to person adversely affected by felling directions.

- (1) The provisions of this section shall have effect where a person to whom felling directions are given claims that compliance with the directions would involve him in a net loss after taking into account any benefit arising therefrom in respect of other trees of which he is the owner.
- (2) The person may by notice given to the Minister [^{F1}where the felling direction was given in respect of trees in England and Wales, and the Scottish Ministers where the felling direction was given in respect of trees in Scotland] in the prescribed manner and within the prescribed period—
 - (a) if he has the right to sell the trees for immediate felling, require the Commissioners to buy the trees to which the directions relate; or
 - (b) in any case, require the Minister [^{F2}or, as the case may be, the Scottish Ministers] to acquire his interest in the land affected by the directions.

A notice under this section requiring the Minister [^{F2}or, as the case may be, the Scottish Ministers] to acquire an interest in land shall be deemed to include an offer by the person entitled to that interest to convey to the Minister [^{F2}or, as the case may be, the Scottish Ministers] such easement or servitude or other right for the benefit of the land over adjoining land in which that person has an interest as may be agreed between that person and the Minister [^{F2}or, as the case may be, the Scottish Ministers] or as may, in default of agreement, be determined in accordance with section 31 of this Act.

- (3) The Minister [^{F2}or, as the case may be, the Scottish Ministers] may within the prescribed period after receiving the notice either—
 - (a) accept the notice; or

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Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 21. (See end of Document for details)

- (b) refer it to a committee appointed in accordance with section 27 below; or
 - (c) revoke the directions to which it relates.
- (4) The committee to whom a matter is referred under this section, after complying with section 27(3), shall thereupon make a report to the Minister [^{F2}or, as the case may be, the Scottish Ministers] and to the person by whom the notice under this section was given and shall state—
- (a) whether in the opinion of the committee compliance with the felling directions would involve that person in such a loss as aforesaid; and
 - (b) if so, what modifications (if any) of the directions would be sufficient to avoid that loss.
- (5) Where the committee report that compliance with the directions would not involve the person in such loss as aforesaid, the notice shall be of no effect; but in any other case the Minister [^{F2}or, as the case may be, the Scottish Ministers] may, within the prescribed period after receiving the report, either—
- (a) accept the notice; or
 - (b) revoke the directions; or
 - (c) modify the directions in accordance with the report, according as he thinks [^{F3}or they think] fit.
- (6) If within the prescribed period after receiving a notice or the report of a committee under this section the Minister [^{F2}or, as the case may be, the Scottish Ministers] has not taken any such action as is authorised by subsection (3) or subsection (5) above, as the case may be, the directions to which the notice relates shall cease to have effect at the expiration of that period.
- (7) In determining for the purposes of this section whether compliance with felling directions would involve a person in a net loss, regard shall be had to any compensation received by that person under a tree preservation order [^{F4}], or under tree preservation regulations, [in respect of a refusal of consent for the felling of the tree.

Textual Amendments

- F1** Words in s. 21(2) inserted (1.7.1999) by S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4(16)(a)
- F2** Words in s. 21(2)-(6) inserted (1.7.1999) by S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4(16)(b)
- F3** Words in s. 21(5) inserted (1.7.1999) by S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4(16)(c)
- F4** Words in s. 21(7) inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 4 (with s. 226); S.I. 2012/601, art. 2(a)

Status:

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Changes to legislation:

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