



# Forestry Act 1967

## 1967 CHAPTER 10

### [<sup>F1</sup>PART I

#### FORESTRY AND AFFORESTATION IN GREAT BRITAIN

#### [<sup>F15</sup> Forestry dedication covenants <sup>F2</sup>....

(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 [<sup>F3</sup>appropriate forestry authority], being agreements to the effect that the land shall not, except with the previous consent in writing of the [<sup>F3</sup>appropriate forestry authority] or, in the case of dispute, under direction of the minister [<sup>F4</sup>as regards [<sup>F5</sup>England or Wales]<sup>F6</sup>...], 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 [<sup>F3</sup>appropriate forestry authority] in respect of land in England or Wales without an intention being expressed contrary to the application of section 79 of the <sup>M1</sup>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); <sup>F7</sup> . . .

<sup>F7</sup>(b) .....

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

(a) the [<sup>F8</sup>appropriate forestry authority] 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 <sup>M2</sup>Law of Property Act 1925 (which enables the [<sup>F9</sup>Upper Tribunal] to discharge or modify restrictive covenants) shall not apply to the covenant.

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*Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 5. (See end of Document for details)*

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<sup>F10</sup>(3) .....

- (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.]

#### 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))**)
- F2** Words in s. 5 title 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. 7(a)**; S.S.I. 2019/47, reg. 2
- F3** Words in s. 5(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 47(2)** (with Sch. 7)
- F4** Words in s. 5(1) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(6)**
- F5** Words in s. 5(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 47(3)** (with Sch. 7)
- F6** Words in s. 5(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. 7(b)**; S.S.I. 2019/47, reg. 2
- F7** S. 5(1)(b) and word 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. 7(c)**; S.S.I. 2019/47, reg. 2
- F8** Words in s. 5(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 47(2)** (with Sch. 7)
- F9** Words in s. 5(2)(b) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 76** (with Sch. 5)
- F10** S. 5(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. 7(d)**; S.S.I. 2019/47, reg. 2

#### Modifications etc. (not altering text)

- C1** S. 5(3)(4) extended (S.) with modifications by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 46(3)

#### Marginal Citations

- M1** 1925 c. 20(98:1)  
**M2** 1925 c. 20(98:1)

**Changes to legislation:**

There are currently no known outstanding effects for the Forestry Act 1967, Section 5.