



Forestry Act 1967

1967 CHAPTER 10

PART II

COMMISSIONERS' POWER TO CONTROL FELLING OF TREES

Restriction of felling

9 Requirement of licence for felling.

- (1) A felling licence granted by the Commissioners shall be required for the felling of growing trees, except in a case where by or under the following provisions of this Part of this Act this subsection is expressed not to apply.
- (2) Subsection (1) above does not apply—
 - (a) to the felling of trees with a diameter not exceeding [^{F1}8 centimetres] or, in the case of coppice or underwood, with a diameter not exceeding [^{F15} centimetres]; or
 - (b) to the felling of fruit trees or trees standing or growing on land comprised in an orchard, garden, churchyard or public open space; or
 - (c) to the topping or lopping of trees or the trimming or laying of hedges.
- (3) Subsection (1) above does not apply to the felling by any person of trees on land in his occupation or occupied by a tenant of his—
 - (a) where the trees have a diameter not exceeding [^{F10} centimetres] and the felling is carried out in order to improve the growth of other trees; or
 - (b) where the following conditions are satisfied, that is to say—
 - (i) the aggregate cubic content of the trees which are felled by that person without a licence (exclusive of trees to whose felling subsection (1) above does not apply) does not exceed [^{F2}5 cubic metres] in any quarter; and
 - (ii) the aggregate cubic content of the trees so felled which are sold by that person whether before or after the felling (exclusive as aforesaid) does

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not exceed [^{F2}2 cubic metres] in any quarter, or such larger quantity as the Commissioners may in a particular case allow.

- (4) Subsection (1) above does not apply to any felling which—
- (a) is for the prevention of danger or the prevention or abatement of a nuisance;
 - (b) is in compliance with any obligation imposed by or under an Act of Parliament, including this Act;
 - (c) is carried out by, or at the request of, [^{F3}an electricity operator, because the tree is or will be in such close proximity to an electric line or electrical plant which is kept installed or is being or is to be installed by the operator as to have the effect mentioned in paragraph 9(1)(a) or (b) of Schedule 4 to the Electricity Act 1989;]
 - (d) is immediately required for the purpose of carrying out development authorised by planning permission granted or deemed to be granted under [^{F4}the Town and Country Planning Act 1990] or the enactments replaced by that Act, or under [^{F5}the Town and Country Planning (Scotland) Act 1997].
- (5) Regulations made by the Commissioners under this Part of this Act may modify subsections (2) to (4) above as follows, that is to say—
- (a) they may provide for additional exceptions from the application of subsection (1) above and may in particular substitute—
 - (i) in subsection (2)(a), for the reference to [^{F1}8 centimetres] a reference to a larger diameter;
 - (ii) in subsection (3)(a), for the reference to [^{F1}10 centimetres] a reference to a larger diameter;
 - (iii) in subsection (3)(b) for the reference to [^{F1}30 cubic metres] or the reference to [^{F1}5·5 cubic metres] in either case a reference to a larger quantity;
 - (b) they may substitute in subsection (2)(a) for the reference to [^{F1}15 centimetres] a reference to a smaller diameter; and
 - (c) they may restrict or suspend the exception in subsection (3)(b) and may in particular substitute, for the reference in sub-paragraph (i) to [^{F1}30 cubic metres], or for the reference in sub-paragraph (ii) to [^{F1}5·5 cubic metres], in either case a reference to a smaller quantity;

and the said subsections shall have effect with any modification made by regulations under this subsection.

- (6) In this section—

[^{F6}“electricity operator” means a licence holder within the meaning of Part I of the Electricity Act 1989 by whom the powers conferred by paragraph 9 (tree lopping) of Schedule 4 to that Act are exercisable;]

[^{F6}“electric line” and “electric plant” have the same meanings as in Part I of the Electricity Act 1989;]

“public open space” means land laid out as a public garden or used (otherwise than in pursuance of section 193 of the ^{M1}Law of Property Act 1925 or of Part V of the National Parks and Access to the ^{M2}Countryside Act 1949 [^{F7}or of Part II or section 48 of the ^{M3}Countryside (Scotland) Act 1967]) for the purpose of public recreation, or land being a disused burial ground;

“quarter” means the period of three months beginning with the 1st January, 1st April, 1st July or 1st October in any year;

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and references to the diameter of trees shall be construed as references to the diameter, measured over the bark, at a point [^{F1}1·3 metres] above the ground level; . . . ^{F8}

Textual Amendments

- F1** Words substituted by [Forestry Act 1979 \(c. 21, SIF 54\)](#), s. 2(1), **Sch. 1**
- F2** Words substituted by virtue of [S.I. 1985/1958](#), **reg. 2**
- F3** Words substituted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 13(2), Sch. 17 paras. 33, **35(1)**
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2**, para. 14(1)
- F5** Words in s. 9(4)(d) substituted (27.5.1997) by virtue of 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 13(1)**
- F6** Definition substituted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 13(3), Sch. 17 paras. 33, **35(1)**
- F7** Words inserted by [Countryside \(Scotland\) Act 1967 \(c. 86, SIF 46:1\)](#), **s. 58(5)**
- F8** Words repealed by [Forestry Act 1979 \(c. 21, SIF 54\)](#), s. 3(2), **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 9 excluded by [S.I. 1979/792](#), **reg. 4**
- C2** Definition of “public open space” restricted by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **s. 24(4)**

Marginal Citations

- M1** [1925 c. 20\(98:1\)](#)
- M2** [1949 c. 97\(46:1\)](#)
- M3** [1967 c. 86\(46:1\)](#)

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Changes to legislation:

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