

ELIZABETH II



Forestry Act 1986

1986 CHAPTER 30

An Act to empower the Forestry Commissioners to require the restocking of land with trees after unauthorised felling.

[8th July 1986]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. In the Forestry Act 1967—

- (a) after section 17 (tree felling without a licence) there shall be inserted the following sections—

Restocking,
1967 c. 10.

“ Power of
Commis-
sioners to
require
restocking
after
unauthorised
felling.

17A.—(1) Where a person is convicted of an offence under section 17 of this Act and he is a person having, as regards the land on which the felling which gave rise to the conviction took place, such estate or interest as is mentioned in section 10(1) of this Act, the Commissioners may serve on him a notice (in this Act referred to as a “restocking notice”) requiring him—

- (a) to restock or stock with trees the land or such other land as may be agreed between the Commissioners and him; and

(b) to maintain those trees in accordance with the rules and practice of good forestry for a period, not exceeding ten years, specified in the notice.

(2) A restocking notice shall be served within three months after the date of the conviction or of the dismissal or withdrawal of any appeal against the conviction.

(3) Subject to the provisions of this Act, in considering whether to issue a restocking notice the Commissioners shall—

- (a) have regard to the interests of good forestry and agriculture and of the amenities of the district;
- (b) have regard to their duty of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees; and
- (c) take into account any advice tendered by the regional advisory committee for the conservancy comprising the land to which the restocking notice would relate.

(4) This section shall not apply in relation to trees to which a tree preservation order relates or in relation to trees the felling of which took place before the date of coming into force of the Forestry Act 1986.

Appeal
against
restocking
notice.

17B.—(1) A person on whom a restocking notice has been served who objects to the notice or to any condition contained therein may by notice served within the prescribed time and in the prescribed manner request the Minister to refer the matter to a committee appointed in accordance with section 27 of this Act; and—

- (a) the Minister shall, unless he is of the opinion that the grounds of the request are frivolous, refer the matter accordingly; and
- (b) the committee, after compliance with subsection (3) of that section, shall thereupon make a report to the Minister.

(2) The Minister may, after considering the committee's report, direct the Commissioners to withdraw the notice or to notify the objector that it shall have effect subject to such modification as the Minister shall direct.

Enforcement
of restocking
notice.

17C. The provisions of sections 24 (notice to require compliance with conditions or directions), 25 (appeal against notice under section 24) and 26(1), (3) and (4) (expenses) of this Act shall apply in relation to a restocking notice as they apply in relation to a felling licence; and for the purposes of such application—

- (a) references in those sections to a felling licence shall be construed as references to a restocking notice; and
- (b) the reference in the said subsection (3) to the applicant for the licence shall be construed as a reference to the person on whom the restocking notice has been served.”;
- (b) in section 27 (committees of reference) after the words “sections 16,” there shall be inserted the words “17B,”; and
- (c) in section 35 (interpretation) after the definition of “prescribed” there shall be inserted the following definition—
 - “ “restocking notice” shall be construed in accordance with section 17A(1) of this Act;”.

2.—(1) This Act may be cited as the Forestry Act 1986 and shall come into force at the end of the period of two months beginning with the day on which it is passed. Citation, commencement and extent.

(2) This Act shall not apply to Northern Ireland.

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