



# Forestry Act (Northern Ireland) 1953

## 1953 CHAPTER 2

An Act for the advancement of forestry and for purposes connected with that matter. [17th February 1953]

**F1** Act repealed (prosp.) by [Forestry Act \(Northern Ireland\) 2010 \(c. 10\)](#), ss. 38(3), 39(1), [Sch. 2](#) (with s. 37) and the repeal being partly in operation, as to which see individual provisions

### **1 Responsibility of Ministry for forestry in Northern Ireland.**

The Ministry of Agriculture (in this Act referred to as “the Ministry” ) shall be responsible for promoting in Northern Ireland the interests of forestry, the development of afforestation, the production and supply of timber and the establishment and maintenance of adequate reserves of growing trees, and for those purposes shall exercise the functions conferred on the Ministry by this Act.

### **2 Powers of Ministry, subject to approval of Ministry of Finance.**

- (1) The Ministry may, with the approval of the Ministry of Finance—
- (a) purchase or take on lease or otherwise acquire by agreement any land which in the opinion of the Ministry—
    - (i) is suitable for forestry; or
    - (ii) is needed for purposes connected with forestry or with the management of any wood or forest; or
    - (iii) must necessarily be acquired as being ancillary or supplemental to any land acquired for any of the purposes mentioned in sub-paragraphs (i) and (ii) of this paragraph;
  - (b) sell or let any land acquired under or by virtue of this Act or any enactment repealed by this Act, or exchange any such land for any other land and (where requisite on any such exchange) pay or receive money for equality of exchange, or grant rights on or over any such land;
  - (c) erect such buildings and execute such works as the Ministry may consider necessary for purposes connected with forestry on any land acquired by the Ministry;

---

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)*

---

- (d) purchase or take on lease, or otherwise acquire by agreement the right to possession of, any buildings or works required for any function of the Ministry under this Act, and sell or let or otherwise part with the possession of any buildings or works no longer required for any of those purposes;
  - (e) make, on such terms and subject to such conditions as the Ministry may think fit, grants to any persons in respect of the afforestation (including the clearing, draining, fencing, planting or replanting, and maintenance) of land owned by those persons;
  - (f) establish and carry on or aid in the establishment and carrying on of woodland industries;
  - (g) promote and develop instruction and training in forestry by establishing or aiding schools or other educational institutions or in such other manner as the Ministry may think fit.
- (2) For the purpose of making grants under paragraph ( e ) of the preceding sub-section the Ministry may treat any person who appears to the Ministry to have a substantial estate or interest in any land as the owner of that land.

*Subs. (3) spent*

### **3 Further powers of Ministry.**

- (1) The Ministry may—
- (a) manage, plant and otherwise utilise for purposes connected with forestry any land acquired by the Ministry;
  - (b) purchase or otherwise acquire standing timber, and sell or otherwise dispose of any timber belonging to the Ministry or, on such terms as may be agreed upon, to any other person, and generally promote the supply, sale, utilisation and conversion of timber;
  - (c) undertake or give assistance or advice in relation to, on such terms and conditions as may be agreed upon, the clearing, drainage, fencing, planting or replanting, maintenance, utilisation, management or supervision of any wood or forest or any land suitable for forestry;
  - (d) make or assist in the making of such inquiries, experiments and research as the Ministry may think desirable for the purpose of promoting forestry and the teaching of forestry, and publish or assist in the publication of or otherwise make known the result of such inquiries, experiments or research;
  - (e) collect or assist in the collection of, disseminate or assist in the dissemination of, information which the Ministry may think important for the purpose of promoting forestry and the teaching of forestry, or which is, in the opinion of the Ministry, likely to arouse, stimulate or increase public interest in forestry or woodland industries;
  - (f) undertake the collection, preparation, publication and distribution of statistics relating to forestry or to any wood or forest or land suitable for forestry;
  - (g) make or assist in the making of such inquiries as the Ministry may think necessary for the purpose of securing an adequate supply of timber, or of promoting the sale, utilisation or conversion of timber, or of fostering the establishment or extension of woodland industries.
- (2) Where the Ministry requests any person to furnish or permit the collection of any information or statistics relating to any of the matters referred to in paragraphs ( f ) and ( g ) of sub-section (1) of this section, and that person—

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)*

- (a) fails to comply with the request of the Ministry, he shall, unless he proves that he had a reasonable excuse for his failure, be guilty of an offence;
  - (b) in purported compliance with the request of the Ministry, knowingly or recklessly makes a statement or gives information which is false in a material particular, he shall, without prejudice to his liability under any other enactment, be guilty of an offence.
- (3) Any person who is guilty of an offence under this section shall be liable on summary conviction thereof to a fine not exceeding<sup>F2</sup> level 1 on the standard scale].

**F2** 1984 NI 3

*Ss. 4#8 rep. by 1984 NI 2*

## **9 Destruction of rabbits, hares or deer.**

- (1) Where any trees are—
- (a) growing in any plantation to which this section applies; and
  - (b) being damaged by<sup>F3</sup> . . . hares or deer;
- the occupier of that plantation may at any time kill, take or destroy<sup>F3</sup> . . . hares or deer—
- (i) in that plantation; or
  - (ii) on any land in his occupation adjoining that plantation.
- (2) In any prosecution for killing, taking or destroying<sup>F3</sup> . . . hares or deer at a time not permitted by law it shall be a good defence for the person charged to prove that—
- (a) he is the occupier of a plantation to which this section applies; and
  - (b) the trees growing in that plantation are being damaged by<sup>F3</sup> . . . hares or deer; and
  - (c) the<sup>F3</sup> . . . hares or deer were killed, taken or destroyed in that plantation or on any land in his occupation adjoining that plantation.
- (3) In this section the expression “plantation” means—
- (a) any woodland, of<sup>F4</sup> one hectare] or more in area, used for the production of timber for commercial purposes; and
  - (b) any nursery land used for rearing young forest trees.
- (4) Nothing in this section shall relieve any person from the necessity of complying with the provisions of any enactment for the time being in force relating to game certificates or to gun licences.

**F3** 2002 c.2(NI)

**F4** SR 1978/130

## **10 Prevention of damage caused by rabbits and vermin.**

- (1) Where the Ministry is satisfied that trees growing on any land (in this section referred to as “the planted land”) are being, or are likely to be, damaged by rabbits or vermin present on any land (in this section referred to as “the infested land”) in the vicinity of the planted land, the Ministry may serve on the occupier of the infested land, or if that land is unoccupied on the owner thereof, a notice in writing—

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)*

- (a) stating that trees growing on the planted land are being, or are likely to be, damaged by rabbits or vermin present on the infested land; and
  - (b) requesting that, within three months of the service of the notice, effective steps be taken to prevent the damage.
- (2) If the occupier, or as the case may be the owner of the infested land does not comply with the notice served in accordance with sub-section (1) of this section the Ministry may authorise in writing a person to enter on the infested land and kill, take or destroy the rabbits or vermin thereon during any specified period not exceeding twelve months.

*Subs. (3) rep. by 2002 c.2(NI)*

- (4) In this section the expression “vermin” includes any wild animals (other than rabbits, hares or deer) likely to damage trees.

## 11 Burning of vegetation.

- (1) A person shall not burn any vegetation growing within [<sup>F5</sup> one and a half kilometres] of a wood or forest which he does not own unless he has, within one month and at least fourteen days before commencing to burn that vegetation, served on the owner of the wood or forest notice in writing of his intention to burn that vegetation.
- (2) A person who burns any vegetation in contravention of sub-section (1) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding [<sup>F6</sup> level 1 on the standard scale].
- (3) Where, in accordance with sub-section (1) of this section, a notice has been served on the owner of a wood or forest, that owner may within ten days after receiving the notice serve on the person serving the notice a counter notice objecting to the proposed burning on the ground that it is liable to cause damage to the wood or forest.
- (4) A person who burns any vegetation—
- (a) in contravention of sub-section (1) of this section; or
  - (b) after receiving a counter notice served in accordance with sub-section (3) of this section;

shall be liable for all injury caused by the burning to any wood or forest in respect of which a notice was, or ought to have been, given in accordance with sub-section (1) of this section, and accordingly, without prejudice to any other remedy or to the rights of any other person, damages to the extent of that injury shall be recoverable by the owner of that wood or forest from the person burning the vegetation.

**F5** SR 1978/130

**F6** 1984 NI 3

## 12 Removal or destruction of vegetation on land adjoining woods.

- (1) Where the Ministry is satisfied that, by reason of the presence of any vegetation on uncultivated land adjoining a wood or forest, the wood or forest is liable to be damaged by fire originating on the land the Ministry may serve on the occupier, or if the land is unoccupied on the owner, a notice in writing—
- (a) stating that the vegetation constitutes a potential danger to the wood or forest;

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)*

- (b) requesting that any vegetation growing on the part of the land within a distance of [<sup>F7</sup> fifteen metres] from the boundary of the wood or forest be removed or destroyed within thirty days after the service of the notice.
- (2) If the occupier, or as the case may be the owner, does not comply with a notice served in accordance with sub-section (1) of this section the Ministry may authorise in writing a person to enter on the land within four months from the service of the notice, and remove or destroy any vegetation growing on the part of the land within a distance of [<sup>F7</sup> fifteen metres] from the boundary of the wood or forest.
- (3) Where, pursuant to—
  - (a) a notice served in accordance with sub-section (1) of this section; or
  - (b) the power conferred by sub-section (2) of this section;a person removes or destroys any vegetation growing on land within a distance of [<sup>F7</sup> fifteen metres] from the boundary of a wood or forest, the provisions of section 7E of the Game Preservation Act (Northern Ireland), 1928 , shall not apply to that person.

F7 SR 1978/130

### 13 Identification of trees.

Any person authorised by the Ministry may take such steps, whether by marking or otherwise, as the Ministry may consider necessary for identifying trees for the purposes of any of the functions of the Ministry under this Act.

### 14 Forest parks.

- (1) The Ministry may with the consent of the Ministry of Finance by regulation declare that any land owned by the Ministry shall be treated as a Northern Ireland forest park (in this section referred to as “a forest park” ) [<sup>F8</sup> or as a Northern Ireland forest recreation area (in this section referred to as “a forest recreation area”)], and thereupon the public shall have access to that land subject to and in accordance with such byelaws as may be made under this section.
- <sup>F8</sup>(1A) Sub-section (1) shall apply to land held by the Department under a lease in like manner as it applies to land owned by the Department but nothing in this section shall authorise anything which is contrary to the provisions of the lease.
- (1B) For the purpose of improving the amenity of land acquired by the Department under this Act or under any other enactment or otherwise, the Department may provide on that land such facilities as it considers desirable for such improvement and, without prejudice to the generality of this power, such facilities may include—
  - (a) parking places, caravan parks, camping sites, shelters and lavatories;
  - (b) meals and refreshment;
  - (c) viewing points for the public, open spaces, footpaths and bridlepaths;
  - (d) the planting of trees to enhance the landscape;
  - (e) the provision of nature trails, arboreta, wildlife enclosures, interpretative centres, forest conservation areas, scenic drives;and such other recreational, conservational and educational facilities as the Department considers appropriate.

---

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)*

---

- (1C) The Department may, with the approval of the Department of Finance, impose such charges on persons entering all or any of the forest parks or forest recreation areas or making use of any facility provided as it considers reasonable.]
- (2) The Ministry may make byelaws—
- (a) prescribing the times during which the public shall have access to forest parks [<sup>F8</sup> or forest recreation areas];
  - (b) making such provision as may appear to the Ministry to be necessary for the preservation of trees or timber in forest parks [<sup>F8</sup> or forest recreation areas];
  - (c) prohibiting or regulating any act or thing tending to injury or disfigurement of forest parks [<sup>F8</sup> or forest recreation areas] or the amenities thereof;
  - (d) without prejudice to the generality of the preceding provisions of this sub-section, providing for the reasonable use of forest parks [<sup>F8</sup> or forest recreation areas] by the public for the purposes of exercise and recreation.
- (3) The Ministry may authorise persons appointed or employed by the Ministry to exercise such powers and perform such duties as the Ministry may consider necessary for the enforcement of byelaws made under this section, and in particular any person so authorised may after due warning remove or exclude from any forest park [<sup>F8</sup> or forest recreation area] a person who commits, or whom he reasonably suspects of committing, an offence against any byelaw made under this section or against the section which, by virtue of sub-section (1) of section fifty-seven of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935 , was substituted for section four of the Vagrancy Act, 1824 .
- (4) A person who commits an offence against any byelaw made under this section, or who obstructs any person authorised in accordance with sub-section (3) of this section, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding [<sup>F9</sup> level 3 on the standard scale] and, for a continuing offence, to a further fine not exceeding [<sup>F10</sup> £2] in respect of each day during which the offence continues.

<b>F8</b>	1977 NI 12
<b>F9</b>	1984 NI 3
<b>F10</b>	1977 NI 12

### <sup>F11</sup>15 Financial provisions.

- (1) All expenditure incurred by the Ministry in carrying this Act into effect and all payments made by the Ministry under or in pursuance of any of the provisions of this Act shall, except to the extent to which the Ministry of Finance may under sub-section (2) of this section direct such expenses to be defrayed from the Consolidated Fund, be defrayed out of moneys provided by Parliament.
- (2) Expenditure, not exceeding in the aggregate the sum of [<sup>F12</sup> one million five hundred thousand pounds], incurred or to be incurred by the Ministry in purchasing, taking on lease, or otherwise acquiring any land, buildings or works under paragraphs ( a ) or ( d ) of sub-section (1) of section two of this Act or in exchanging any land under paragraph ( b ) of that sub-section or in purchasing or otherwise acquiring standing timber under paragraph ( b ) of sub-section (1) of section three of this Act shall, if the Ministry of Finance so direct, be defrayed by means of sums charged on and issued out of the Consolidated Fund.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)*

- (3) The Ministry of Finance may borrow money for the purpose of providing issues out of the Consolidated Fund under sub-section (2) of this section.
- (4) Moneys borrowed under sub-section (3) of this section shall be repaid within twenty-five years from the date of borrowing, and provision for such repayment may be made out of moneys provided by Parliament.
- (5) All sums payable to the Ministry under or by virtue of any of the provisions of this Act shall be paid into the Exchequer.]

**F11** 1956 c. 17 (NI)

**F12** 1971 c. 6 (NI)

## **16 Power of entry on land.**

For the purposes of enabling the Ministry to exercise or perform any functions under or by virtue of this Act, any person authorised by the Ministry in that behalf may, on production (if so required) of his authority, enter on and inspect any land.

## **17 Miscellaneous offences.**

- (1) Any person who—
  - (a) wilfully obstructs any officer or servant of the Ministry or any person authorised by the Ministry in writing in the exercise or performance of any functions of the Ministry under this Act, or any person engaged on work in pursuance thereof; or
  - (b) pulls down, removes, or injures any work done in pursuance of this Act; or
  - (c) removes, injures or defaces any pegs, poles or marks placed or made by any authorised person for the purpose of, or in connection with, any work as aforesaid;shall be guilty of an offence under this section.
- (2) Any person guilty of an offence under this section shall be liable on summary conviction thereof to a fine not exceeding<sup>[F13]</sup> level 4 on the standard scale], or at the discretion of the court to imprisonment for any term not exceeding six months or to both such fine and imprisonment, and for a continuing offence, to a further fine not exceeding <sup>[F14]</sup> £25] in respect of each day during which the offence continues.

**F13** 1984 NI 3

**F14** 1977 NI 12

## **18 Notices.**

- (1) Any notice required or authorised by or under this Act to be served on any person shall be duly served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter<sup>F15</sup> addressed to him at that address.
- (2) Any notice so required or authorised to be served on an incorporated company or body shall be duly served if served on the secretary or clerk of the company or body.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)*

- (3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889 <sup>F16</sup>, the proper address of any person on whom any such notice as aforesaid is to be served shall—
- (a) where the secretary or clerk of any incorporated company or body is concerned, be the address of the registered or principal office of the company or body;
  - (b) where the person concerned has furnished an address for service, be the address so furnished;
  - (c) in any other case, be the last known address of the person concerned.
- (4) If it is not practicable to serve a notice as aforesaid on the owner or occupier of any land, that notice shall be duly served if it is served in accordance with the provisions of this section, on the authorised agent of that owner or occupier.
- (5) If it is not practicable to ascertain the name or address of an owner or occupier of land on whom any such notice as aforesaid is to be served, or of the authorised agent of that owner or occupier, the notice may be served by addressing it to the owner or occupier by the description of “owner” or “occupier” of the land (describing it) to which it relates, and by delivering it to some responsible person on the land, or if there is no such person on the land to whom it may be delivered, by affixing it or a copy of it to some conspicuous object on the land.

**F15** Recorded delivery service may be used as an alternative, [1963 c. 5 \(NI\)](#)

**F16** [1978 c. 30](#)

## 19 Regulations.

- (1) Any regulations made by the Ministry under this Act, <sup>F17</sup> . . . , shall, as soon as may be after they are made, be laid before each House of Parliament and if either House of Parliament, within the statutory period next after any such regulations have been laid before it, resolves that the regulations shall be annulled, the regulations shall, after the date of the resolution, be void, but without prejudice to the validity of anything done thereunder or to the making of new regulations.

*Subs. (2) rep. by 1984 NI 2*

**F17** [1984 NI 2](#)

## 20 Interpretation.

- (1) In this Act unless the contrary intention appears the following expressions have the meanings hereby assigned to them, that is to say:—
- “afforestation” includes reafforestation;
- Definition rep. by 1984 NI 2*
- “functions” includes powers and duties;
- “land” includes land covered by water and any estate or interest in land and any easement or right in, to or over land or water;
- “owner” in relation to trees means, unless the contrary is proved, the owner of the land on which the trees are growing and, where trees have been felled means,



---

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)

---

unless the contrary is proved, the person who was the owner immediately before the felling;

“owner” in relation to land (except in section two of this Act) has the same meaning as in the Public Health (Ireland) Act, 1878 ;

“prescribed” means prescribed by regulations made by the Ministry;

“timber” includes all forest products;

“woodland industry” means any industry which uses forest products as a major part of its raw materials.

*Subs. (2)(3) rep. by 1954 c. 33 (NI)*

*S. 21 rep. by SLR 1973*

## **22 Short title.**

(1) This Act may be cited as the Forestry Act (Northern Ireland), 1953.

*Subs. (2) rep. by SLR 1973*

---

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953. (See end of Document for details)

---

*Schedule rep. by SLR 1973*

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 1953.