



# Forestry Act 1967

## 1967 CHAPTER 10

### PART II

#### <sup>F1</sup>... POWER TO CONTROL FELLING OF TREES

##### *Restriction of felling*

#### <sup>F1</sup>10 Application for felling licence and decision of Commissioners thereon.

- (1) An application for a felling licence may be made to the [<sup>F2</sup>appropriate forestry authority] in the prescribed manner by a person having such an estate or interest in the land on which the trees are growing as enables him, with or without the consent of any other person, to fell the trees.
- (2) Subject to the provisions of this Act (and, in particular, to their duty to take advice under section 37(3), the [<sup>F2</sup>appropriate forestry authority] may on any such application grant the licence, or grant it subject to conditions, or refuse it, but shall grant it unconditionally except in a case where it appears to them to be expedient to do otherwise—
  - (a) in the interests of good forestry or agriculture or of the amenities of the district; <sup>F3</sup>[<sup>F4</sup>or]
  - (b) for the purpose of complying with their duty of promoting the establishment and maintenance <sup>F5</sup>... of adequate reserves of growing trees. [<sup>F6</sup>; or]
  - <sup>F6</sup>(c) for the purpose of conserving or enhancing the flora, fauna or geological or physiographical features, or the natural beauty or amenity, of any land.]
  - <sup>F7</sup>(c) in relation to land in Wales, after consultation with the applicant for the licence, for the purpose of—
    - (i) conserving or enhancing natural beauty;
    - (ii) conserving flora, fauna, geological or physiographical features, or natural habitats.]
- (3) A felling licence shall continue in force for such period (not being less than one year from the date on which it is granted) as may be specified therein.

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*Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 10. (See end of Document for details)*

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- [<sup>F8</sup>(3A) The Natural Resources Body for Wales, and the person responsible, may agree to amend the licence at any time (but see section 10A, which imposes further requirements in relation to amendments in respect of trees to which a tree preservation order relates).
- (3B) For the purposes of subsection (3A) of this section, and section 10A, the person responsible is—
- (a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in subsection (1), or
  - (b) if the applicant no longer has such estate or interest, a person who has such estate or interest.]
- (4) If in the case of any trees the [<sup>F2</sup>appropriate forestry authority] refuse an application for a felling licence, the consequences shall be as follows:—
- (a) except in a case to which section 14(4) below applies, any person who is for the time being the owner of the trees shall be entitled to compensation under and in accordance with the next following section; and
  - (b) if the land on which the trees are growing is, or in the opinion of the [<sup>F2</sup>appropriate forestry authority] will be, managed in a manner approved by them, the [<sup>F2</sup>appropriate forestry authority] may (subject to section 14(5) below), if they think fit and subject to the approval of the treasury [<sup>F9</sup>as regards land in [<sup>F10</sup>England or Wales]<sup>F11</sup>...], make to persons interested in the land advances by way of loan of such amounts, upon such terms and subject to such conditions, as they may determine.
- (5) At any time after a felling licence has been refused by them in the case of any trees, the [<sup>F2</sup>appropriate forestry authority] may, if they think fit, give notice to the owner of the trees that they are prepared to grant a felling licence for the trees either unconditionally or subject to conditions described in the notice; and if the [<sup>F2</sup>appropriate forestry authority] give such a notice and an application is duly made to them for a felling licence, they shall grant a licence in accordance with the notice, subject to sections 13(2) and 15 below.
- (6) When the [<sup>F2</sup>appropriate forestry authority] refuse to grant a felling licence, they shall give notice in writing to the applicant of the grounds for the refusal.
- (7) Where application is made for a felling licence for trees on land which is subject to a forestry dedication covenant <sup>F12</sup>..., and the licence is refused, no breach of the covenant <sup>F12</sup>... shall be deemed to have occurred by reason of anything done or omitted in consequence of the refusal.]

#### 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. 10 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 54\(2\)](#) (with [Sch. 7](#))
- F3** Word in s. 10(2)(a) omitted (W.) (18.8.2023 for specified purposes) by virtue of [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), [ss. 44\(2\), 56\(1\)\(a\)](#)
- F4** Word in s. 10(2)(a) repealed (S.) (29.11.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), s. 59(2), [Sch. 7 para. 2\(2\)\(a\)](#) (with s. 55(2)); S.S.I. 2004/495, [art. 2](#)

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- F5** Words in s. 10(2)(b) omitted (1.7.1999) by virtue of S.I. 1999/1747 , art. 3 , **Sch. 12 Pt. II para. 4(9)**
- F6** S. 10(2)(c) and word inserted (S.) (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6) , s. 59(2) , **Sch. 7 para. 2(2)(b)** (with s. 55(2) ); S.S.I. 2004/495 , art. 2
- F7** S. 10(2)(c) and word inserted (W.) (18.8.2023 for specified purposes) by Agriculture (Wales) Act 2023 (asc 4) , **ss. 37, 56(1)(a)**
- F8** S. 10(3A)(3B) inserted (W.) (18.8.2023 for specified purposes) by Agriculture (Wales) Act 2023 (asc 4) , **ss. 38(1), 56(1)(a)**
- F9** Words in s. 10(4)(b) inserted (1.7.1999) by S.I. 1999/1747 , art. 3 , **Sch. 12 Pt. II para. 4(10)**
- F10** Words in s. 10(4)(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755) , art. 1(2) , **Sch. 2 para. 54(3)** (with Sch. 7 )
- F11** Words in s. 10(4)(b) 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. 13(a)**; S.S.I. 2019/47 , reg. 2
- F12** Words in s. 10(7) 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. 13(b)**; S.S.I. 2019/47 , reg. 2

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