



# Forestry Act 1967

## 1967 CHAPTER 10

### PART II

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

#### *Supplementary*

#### <sup>F134</sup> Meaning of “owner” in Part II.

- (1) In this Part of this Act the expression “owner” has the meaning ascribed to it by this section.
- (2) In relation to land in England or Wales, “owner” means the person in whom for the time being is vested the legal estate in fee simple, except that where in relation to all or any of the provisions of this Part of this Act,—
  - (a) all persons appearing to the Minister to be concerned agree, with the approval of the Minister, that some person shall be treated as the owner of land other than the person who would be so treated apart from the agreement; or
  - (b) on an application in that behalf to the [<sup>F2</sup>appropriate tribunal] determine, having regard to the respective interests of the persons interested in the land, that some person shall be treated as the owner of the land other than the person who would be so treated apart from the determination,

that person shall be so treated, but without prejudice to a subsequent agreement or determination, or to his ceasing to be so treated, if the Minister withdraws his approval under paragraph (a) of this subsection.

<sup>F3</sup>(2A) For the purposes of subsection (2), “appropriate tribunal” means—

- (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
- (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal established under Part V of the Agriculture Act 1947.]

<sup>F4</sup>(3) .....

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*Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 34. (See end of Document for details)*

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- (4) In relation to trees, “owner” means the owner of the land on which the trees are growing and, in the case of trees which have been felled, means the person who was the owner immediately before the felling.]

#### 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- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with [ss. 80, 83](#)); [S.S.I. 2019/47](#), [reg.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. 34(2)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013](#) (S.I. 2013/1036), [art. 1](#), [Sch. 1 para. 199\(a\)](#) (with [Sch. 3](#))
- F3** S. 34(2A) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013](#) (S.I. 2013/1036), [art. 1](#), [Sch. 1 para. 199\(b\)](#) (with [Sch. 3](#))
- F4** S. 34(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. 32](#); [S.S.I. 2019/47](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Forestry Act 1967, Section 34.