

*These notes refer to the Forestry Act (Northern Ireland)
2010 (c.10) which received Royal Assent on 28 June 2010*

Forestry Act (Northern Ireland) 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Functions of the Department

Section 1– General duty of the Department

This section places the Department’s duty to promote forestry on a wider footing than the traditional primary role of developing afforestation, the supply of timber, and the maintenance of reserves of growing trees. This had been the emphasis in the 1953 Act, and while this traditional role continues, section 1 recognises that modern sustainable forestry also includes protection of the environment, biodiversity, climate change and social and recreational use.

Section 2– Principal powers of the Department

This section covers a wide spectrum of the main powers of the Department to engage in and support the afforestation of land, forestry management and woodland industries.

Section 3– Provision of facilities on forestry land

Section 3 empowers the Department to provide a wide range of facilities to improve the amenity of forestry land. The Department may wish to charge for certain facilities, such as the use of an interpretative centre, or car-parking. However, this must be done with the approval of the Department of Finance and Personnel.

Section 4– Use or development of forestry land

Section 4 will provide a power for the Department to develop its land to obtain better value from the public estate – for example the use of wind farms or the development of tourist facilities on forestry land. In exercising this power, the Department must have due regard to its general duties in section 1 to promote afforestation and sustainable forestry.

The Department is already committed through the UK Forestry Standard and the UK Woodland Assurance Standard to credible standards of sustainable forest management. Furthermore, any development will have to be in line with the Environmental Impact Assessment (Forestry) Regulations (NI) 2006.

Section 5– Compulsory acquisition of land

Section 5 will give the Department compulsory purchase powers to provide or improve access to any land for the purposes of its functions under the Act. Acquisition may be temporary or permanent and includes an easement or right over land. This will be a useful power for the Department, particularly where timber ready for harvesting is landlocked and no agreement on access to it is possible. The Department will be required to follow the process for vesting in the Local Government Act (NI) 1972, including the serving of a notice of its intention to make a vesting order, the allowing of representation, provision of compensation, and right of appeal to the Lands Tribunal (as contained in Schedule 1).

Section 6– Inquiries, information, etc

Section 6 will allow the Department to carry on inquiries and collect and disseminate the results, including the preparation and publication of statistics, for the purposes of any of its functions under the Act, including the promotion of forestry. There is also a new requirement for the Department to publish and maintain a register detailing location, size and type of woodlands in Northern Ireland. The Department may exploit any intellectual property arising from these activities, including the provision of instruction and the undertaking of research under section 5 of the Agriculture Act (Northern Ireland) 1949 and may enter into arrangements with bodies outside Northern Ireland which carry out similar activities.

An offence is created for failure to comply with a request to provide or permit the collection of any information.

Section 7– Incidental Powers

Section 7 will allow the Department to use partnerships, or body corporate structures, to support its functions. For example, the Forestry Strategy envisages partnerships as a means to accommodate more active or high value pursuits in support of wider government objectives for sport and tourism, and enhancement of the environment. Partnerships or body corporate structures may also support section 4 to obtain better value from the public estate, wind farms and tourism initiatives being two potential examples. The use of these powers is subject to DFP approval.