



## 2010 CHAPTER 10

### PART 1

#### FUNCTIONS OF THE DEPARTMENT

##### **General duty of the Department**

1.—(1) The Department of Agriculture and Rural Development (“the Department”) has the general duty of promoting afforestation and sustainable forestry.

(2) The Department must carry out that duty—

- (a) in relation to forestry land, in such a way as to promote and encourage the enjoyment and recreational use of that land by the public; and
- (b) in relation to other forests, in such a way as to promote the social benefits of those forests.

(3) In this Act—

“forest” includes woodland;

“forestry” includes—

- (a) the production and supply of forest products and the maintenance of adequate reserves of growing trees;
- (b) the management and development of forests so as to contribute to the protection of the environment, biodiversity and the mitigation of, or adaptation to, climate change.

“forestry land” means any land held by the Department for the purposes of any of its functions under this Act;

“forest products” means timber and other products derived from, or produced in the course of, forestry.

### **Principal powers of the Department**

2.—(1) The Department may—

- (a) acquire by agreement any land which it requires for the purposes of, or in connection with, the carrying out of any of its functions under this Act;
- (b) dispose of any forestry land;
- (c) erect such buildings and execute such other works on forestry land as the Department considers necessary for the purposes of any of its functions under this Act;
- (d) make, on such terms and conditions as the Department thinks fit, payments in respect of the afforestation (including the clearing, draining, fencing, planting or replanting, and maintenance) of land to any person who—
  - (i) owns that land; or
  - (ii) appears to the Department to have a substantial estate in that land,
- (e) make, on such terms and conditions as the Department thinks fit, payments for the purpose of forestry management;
- (f) establish and carry on, or assist in the establishment and carrying on of, woodland industries;
- (g) manage, plant and otherwise use for purposes connected with forestry any land held by the Department;
- (h) acquire forest products and sell or otherwise dispose of any forest products belonging to the Department or to any other person, and generally promote the supply, sale and use of forest products;
- (i) undertake, or give assistance or advice in relation to, the clearing, drainage, fencing, planting or replanting, maintenance, use, management or supervision of any forest or any land suitable for forestry.

(2) The powers of the Department under subsection (1)(h) and (i) are exercisable in relation to the forest products, forest or land of any other person only on such terms as may be agreed with that person.

### **Provision of facilities on forestry land**

3.—(1) For the purpose of improving the amenity of any forestry land, the Department may provide on that land such facilities as it considers desirable.

(2) Those facilities may include—

- (a) parking places, caravan parks, camping sites, shelters and toilets;
- (b) places for meals and refreshments;
- (c) viewing points, bridlepaths, nature trails, arboreta, wildlife enclosures, interpretative centres, conservation areas and scenic drives;

(d) such other recreational, conservational or educational facilities as the Department considers appropriate.

(3) The Department may, with the approval of DFP, impose such charges on persons making use of any facilities provided by the Department under this section as it considers reasonable.

#### **Use or development of forestry land**

4.—(1) The Department may use or develop forestry land for a purpose other than forestry.

(2) In determining whether and, if so, how to exercise its powers under this section the Department must have due regard to its general duty under section 1(1).

#### **Compulsory acquisition of land**

5.—(1) The Department may acquire compulsorily any land which it requires, whether for a limited period or otherwise, for the purposes of, or in connection with, providing or improving access to any land so as to facilitate the carrying out of any of its functions under this Act.

(2) The power of acquiring land compulsorily under subsection (1) includes power to acquire, by the creation of a new right, an easement or other right over land.

(3) Schedule 1 has effect in relation to—

- (a) the compulsory acquisition of land under subsection (1); and
- (b) powers of entry in connection with the compulsory acquisition of land under that subsection.

#### **Inquiries, information, etc.**

6.—(1) The Department may—

- (a) carry on, or assist in the carrying on of, such inquiries as the Department thinks desirable for the purposes of any of its functions under this Act, and publish, assist in the publication of, or otherwise make known the result of such inquiries;
- (b) collect and disseminate, or assist in the collection and dissemination of, such information as the Department thinks desirable for the purposes of promoting forestry;
- (c) undertake the collection, preparation, publication and distribution of statistics relating to forestry or to any forest or land suitable for forestry.

(2) The powers under subsection (1) include powers to enter into arrangements with bodies outside Northern Ireland which carry out activities similar to those referred to in that subsection.

(3) The Department—

- (a) shall provide and maintain a register providing such information as the Department considers appropriate as to the location and size of woodlands in Northern Ireland and the types of trees therein;
- (b) shall publish that register in such form as the Department thinks appropriate at intervals not exceeding 10 years;
- (c) may exercise the powers in subsection (1)(b) and (c) in connection with the provision or maintenance of that register.

(4) The Department may exploit any intellectual property or intangible assets arising from—

- (a) the carrying out of any activity referred to in subsection (1);
- (b) the exercise by the Department of its functions under section 5 of the Agriculture Act (Northern Ireland) 1949 (c. 2) (provision of instruction and undertaking of research) in relation to forestry.

(5) “Intellectual property” for the purpose of subsection (4) includes any patent, trademark, copyright, design right, registered design or plant breeder’s right.

(6) Where the Department requests any person to provide or permit the collection of any information or statistics relating to any of the matters referred to in paragraphs (b) and (c) of subsection (1), that person commits an offence if—

- (a) that person fails without reasonable excuse to comply with the request of the Department; or
- (b) in purported compliance with the request of the Department, that person knowingly or recklessly makes a statement or gives information which is false in a material particular.

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

### **Incidental powers**

7.—(1) For the purpose of the exercise of its functions under this Part, the Department may—

- (a) enter into arrangements with other persons or bodies;
- (b) form, or participate in the forming of, a body corporate;
- (c) invest in a body corporate;
- (d) appoint a person to act as an officer of a body corporate.

(2) The powers under subsection (1)(b) to (d) are exercisable only with the approval of DFP.

(3) The power under subsection (1)(a) is exercisable for the purposes of the exercise of the functions of the Department under section 4(1) only with the approval of DFP.