



2010 CHAPTER 10

PART 2

PROTECTION OF FOREST TREES FROM DAMAGE

PROSPECTIVE

Control of animals on land adjacent to forest

10.—(1) In this section—

“land A” means any land falling within section 8(2);

“land B” means any land—

- (a) which adjoins land A; or
- (b) any part of which is within 500 metres of any part of land A.

(2) Subsection (3) applies where the Department reasonably suspects that trees growing on land A are being, or are likely to be, damaged by wild animals present on land B.

(3) An authorised person may inspect land B for the purpose of establishing—

- (a) which wild animals (if any) are present on the land;
- (b) the number of wild animals present on the land;
- (c) whether any action should be taken by the Department under any of the following provisions of this section.

(4) Subsection (5) applies where the Department is satisfied (whether as a result of an inspection under subsection (3) or otherwise) that trees growing

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 2010, Section 10. (See end of Document for details)

on land A are being, or are likely to be, damaged by any wild animals present on land B.

(5) The Department may serve on the occupier of land B a notice—

- (a) stating that trees growing on land A are being, or are likely to be, damaged by wild animals present on land B; and
- (b) requesting that, within 3 months of the date of the service of the notice, effective steps be taken to prevent the damage.

(6) Subsections (7) and (8) apply if the occupier of land B does not comply with a notice served under subsection (5).

(7) An authorised person may kill, take or destroy any wild animals on land B during such period (not exceeding 12 months) as the Department may specify by notice served on the occupier of that land.

(8) Where the occupier of land A is not the Department, any costs incurred by the Department in connection with an authorised person taking action under subsection (7) are recoverable as a civil debt from the occupier of land A.

(9) If land B is unoccupied, subsections (5) to (8) apply with the substitution of references to the owner of that land for references to the occupier.

(10) In this section “wild animal” has the same meaning as in section 9.

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