



# Forestry Act 1967

## 1967 CHAPTER 10

### PART II

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

##### *Restriction of felling*

#### <sup>F116</sup> Review of refusal or conditions of licence.

- (1) The following provisions shall have effect for enabling the decision of the [<sup>F2</sup>appropriate forestry authority] on an application for a felling licence to be reviewed where they refuse to grant a felling licence or grant it subject to conditions.
- (2) A person aggrieved by the refusal or conditions may by a notice served within the prescribed time and in the prescribed manner request the Minister [<sup>F3</sup>where the application was to fell trees in [<sup>F4</sup>England or Wales]<sup>F5</sup>...] to refer the matter to a committee appointed in accordance with section 27 below and—
  - (a) the Minister <sup>F6</sup>... shall, unless he is <sup>F7</sup>... of opinion that the grounds for the request are frivolous, refer the matter accordingly;
  - (b) the committee, after compliance with section 27(3), shall thereupon make a report on the reference to the Minister <sup>F8</sup>... .
- (3) The Minister <sup>F9</sup>... shall, after considering the committee's report, confirm the decision of the [<sup>F2</sup>appropriate forestry authority] on the application, or reverse or modify that decision and direct the [<sup>F2</sup>appropriate forestry authority] to give effect to the reversal or modification.
- (4) No request may be made under this section in respect of a refusal to grant a felling licence unless a previous application for a licence in respect of the trees has been refused and the application to which the request relates is made after the following date, that is to say—
  - (a) where a reference under this section has been made in respect of a previous application, the third anniversary of the last such application in respect of which such a reference has been made; and

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*Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 16. (See end of Document for details)*

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(b) in any other case, the third anniversary of the first previous application.]

#### 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- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with [ss. 80, 83](#)); [S.S.I. 2019/47](#), reg. 2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. 16 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), [Sch. 2 para. 58\(2\)](#) (with [Sch. 7](#))
- F3** Words in s. 16(2) inserted (1.7.1999) by [S.I. 1999/1747](#), art. 3, [Sch. 12 Pt. II para. 4\(12\)\(a\)](#)
- F4** Words in s. 16 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), [Sch. 2 para. 58\(3\)](#) (with [Sch. 7](#))
- F5** Words in s. 16(2) 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. 17\(a\)](#); [S.S.I. 2019/47](#), reg. 2
- F6** Words in s. 16(2)(a) 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. 17\(b\)\(i\)](#); [S.S.I. 2019/47](#), reg. 2
- F7** Words in s. 16(2)(a) 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. 17\(b\)\(ii\)](#); [S.S.I. 2019/47](#), reg. 2
- F8** Words in s. 16(2)(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. 17\(c\)](#); [S.S.I. 2019/47](#), reg. 2
- F9** Words in s. 16(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. 17\(d\)](#); [S.S.I. 2019/47](#), reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Forestry Act 1967, Section 16.