



Forestry Act 1967

1967 CHAPTER 10

PART II

^{F1}... POWER TO CONTROL FELLING OF TREES

Restriction of felling

^{F1}^{F2}17 **Power of Commissioners to require restocking notice after unauthorised felling.**

^{F3}(1) The [^{F4}appropriate forestry authority] may serve a notice under this section (a “restocking notice”) on a person where—

(a) it appears to the [^{F4}appropriate forestry authority] that he has committed an offence in [^{F5}England or Wales] under section 17 of this Act, ^{F6} ...

^{F6}(b)

and ^{F7}... he has such an estate or interest in the land in question as is mentioned in section 10(1) of this Act.]

[A restocking notice is a notice requiring the person on whom it is served—

^{F8}(1A) (a) to restock or stock with trees the land or such other land as may be agreed between the [^{F4}appropriate forestry authority] and him; and

(b) to maintain those trees in accordance with the rules and practice of good forestry for a period, not exceeding ten years, specified in the notice.]

^{F9}(1B) [A restocking notice served by the Commissioners is a local land charge; and for the purposes of the Local Land Charges Act 1975 the Commissioners are the originating authority as respects the charge.]

^{F10}(2)

(3) Subject to the provisions of this Act, in considering whether to issue a restocking notice the Commissioners shall—

(a) have regard to the interests of good forestry and agriculture and of the amenities of the district;

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 17A. (See end of Document for details)

- (b) have regard to their duty of promoting the establishment and maintenance^{F11} . . . of adequate reserves of growing trees; and
 - (c) take into account any advice tendered by the regional advisory committee for the conservancy comprising the land to which the restocking notice would relate.
- (4) This section shall not apply in relation to trees to which a tree preservation order relates or in relation to trees the felling of which took place before the date of coming into force of the Forestry Act 1986.]]

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- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with ss. 80, 83); S.S.I. 2019/47, [reg. 2](#) (with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** Ss. 17A–17C inserted by [Forestry Act 1986](#) (c. 30, SIF 54), s. [1\(a\)](#)
- F3** S. 17A(1) substituted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006](#) (S.I. 2006/780), arts. 1(1), [4\(2\)](#)
- F4** Words in s. 17A 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)
- F5** Words in s. 17A 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)
- F6** S. 17A(1)(b) and word 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. 18\(a\)\(i\)](#); S.S.I. 2019/47, [reg. 2](#)
- F7** Words in s. 17A(1) 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. 18\(a\)\(ii\)](#); S.S.I. 2019/47, [reg. 2](#)
- F8** S. 17A(1A) inserted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006](#) (S.I. 2006/780), arts. 1(1), [4\(3\)](#)
- F9** S. 17A(1B) inserted (1.1.2023) by [Environment Act 2021](#) (c. 30), s. 147(3), [Sch. 16 para. 3](#) (with s. 144); S.I. 2022/1266, [reg. 2\(d\)](#) (with reg. 3(1))
- F10** S. 17A(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. 18\(b\)](#); S.S.I. 2019/47, [reg. 2](#)
- F11** Words in s. 17A(3)(b) omitted (1.7.1999) by virtue of S.I. 1999/1747, art. 3, [Sch. 12 Pt. II para. 4\(9\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Forestry Act 1967, Section 17A.