



# Forestry Act 1967

## 1967 CHAPTER 10

### PART I

#### FORESTRY AND AFFORESTATION IN GREAT BRITAIN

#### 1 The Forestry Commission.

- (1) The Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 shall continue in existence and are in this Act referred to as “the Commissioners”.

[<sup>F1</sup>(1A) In this Act, “the appropriate forestry authority” means—

- (a) in relation to England and Scotland, the Commissioners;
- (b) in relation to Wales, the Natural Resources Body for Wales.]

- (2) The [<sup>F2</sup>appropriate forestry authority] shall be charged with the general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber and other forest products [<sup>F3</sup>in Scotland, [<sup>F4</sup>in England and in Wales]] and in that behalf shall have the powers and duties conferred or imposed on them by this Act.

[<sup>F5</sup>(2A) The Commissioners also have the general duty of using land in Scotland placed at their disposal by the Scottish Ministers under this Act in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of the Climate Change (Scotland) Act 2009 ([asp 12](#)) (“the climate change targets”). ]

- (3) The [<sup>F6</sup>appropriate forestry authority's] general duty [<sup>F7</sup>under subsection (2)] includes that of promoting the establishment and maintenance [<sup>F3</sup>in Scotland, [<sup>F8</sup>in England and in Wales]] of adequate reserves of growing trees.

[<sup>F9</sup>(3A) In discharging their functions under the Forestry Acts 1967 to 1979 the [<sup>F10</sup>appropriate forestry authority] shall, so far as may be consistent with the proper discharge of those functions, endeavour to achieve a reasonable balance between—

- (a) the development of afforestation, the management of forests and [<sup>F11</sup>the production and supply of timber][<sup>F11</sup>, the production and supply of timber and, in Scotland, the delivery of the climate change targets]], and

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- (b) the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest.]

[<sup>F12</sup>(3B) In subsection (3A) “functions” means—

- (a) in relation to the Commissioners, functions <sup>F13</sup> ...;
- (b) in relation to the Natural Resources Body for Wales, functions under this Act.]

- (4) The Commissioners shall, in exercising their functions under this Act, and also in exercising their powers under the <sup>M1</sup>Plant Health Act 1967 (which enables them to make orders for the control of timber pests and diseases), comply with such directions as may be given to them by

- [<sup>F14</sup>(a) the Ministers in relation to the exercise of their functions as regards England <sup>F15</sup> ...; and
- (b) the Scottish Ministers in relation to the exercise of their functions as regards Scotland.]

<sup>F16</sup>(5) .....

[<sup>F17</sup>(6) The power of the Ministers and of the Scottish Ministers to give directions for the purposes of subsection (4) above shall be exercisable as regards [<sup>F18</sup>England and Scotland] by the Ministers and the Scottish Ministers acting jointly.]

#### Textual Amendments

- F1** S. 1(1A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(2\)](#) (with Sch. 7)
- F2** Words in s. 1(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(3\)\(a\)](#) (with Sch. 7)
- F3** Words in s. 1(2)(3) substituted (1.7.1999) by [S.I. 1999/1747](#), art. 3, [Sch. 12 Pt. II para. 4\(2\)](#)
- F4** Words in s. 1(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(3\)\(b\)](#) (with Sch. 7)
- F5** S. 1(2A) inserted (S.) (1.3.2012) by [The Forestry Commissioners \(Climate Change Functions\) \(Scotland\) Order 2012 \(S.S.I. 2012/77\)](#), arts. 1, [2\(a\)](#)
- F6** Words in s. 1(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(4\)\(a\)](#) (with Sch. 7)
- F7** Words in s. 1(3) inserted (S.) (1.3.2012) by [The Forestry Commissioners \(Climate Change Functions\) \(Scotland\) Order 2012 \(S.S.I. 2012/77\)](#), arts. 1, [2\(b\)](#)
- F8** Words in s. 1(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(4\)\(b\)](#) (with Sch. 7)
- F9** S. 1(3A) added by [Wildlife and Countryside \(Amendment\) Act 1985 \(c. 31, SIF 4\)](#), [s. 4](#)
- F10** Words in s. 1(3A) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(5\)\(b\)](#) (with Sch. 7)
- F11** Words in s. 1(3A)(a) substituted (S.) (1.3.2012) by [The Forestry Commissioners \(Climate Change Functions\) \(Scotland\) Order 2012 \(S.S.I. 2012/77\)](#), arts. 1, [2\(c\)](#)
- F12** S. 1(3B) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(6\)](#) (with Sch. 7)
- F13** Words in s. 1(3A) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(5\)\(a\)](#) (with Sch. 7)
- F14** S. 1(4)(a)(b) substituted (1.7.1999) for words “the Ministers” by [S.I. 1999/1747](#), art. 3, [Sch. 12 Pt. II para. 4\(3\)](#)
- F15** Words in s. 1(4)(a) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 45\(7\)](#) (with Sch. 7)

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- F16** S. 1(5) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 45(8)** (with Sch. 7)
- F17** S. 1(6) added (1.7.1999) by [S.I. 1999/1747](#), art. 3, **Sch. 12 Pt. II para. 4(4)**
- F18** Words in s. 1(6) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 45(9)** (with Sch. 7)

#### Marginal Citations

- M1** [1967 c. 8\(2:11\)](#)

## 2 Constitution, administration, etc., of Commission.

- (1) The Commissioners shall consist of a chairman and not more than [<sup>F19</sup>ten] other members appointed by Her Majesty by warrant under the sign manual to be Forestry Commissioners.
- (2) Of the persons for the time being appointed to be Forestry Commissioners—
  - (a) at least three shall be persons who have special knowledge and experience of forestry;
  - (b) at least one shall be a person who has scientific attainments and a technical knowledge of forestry; and
  - (c) at least one shall be a person who has special knowledge and experience of the timber trade.
- (3) The Commissioners shall by order appoint committees for [<sup>F20</sup>England and Scotland] respectively, whose membership shall consist partly of persons who are Forestry Commissioners or officers of the Commissioners and partly of persons not exceeding three in number, who are not Forestry Commissioners or officers of the Commissioners; and the Commissioners may delegate, subject to such restrictions or conditions as they think fit, any of their functions to a committee so appointed.
- (4) Part I of Schedule 1 to this Act shall have effect with respect to the Commissioners, their staff, proceedings and other related matters and to the committees appointed under subsection (3) of this section; and Part II of that Schedule shall have effect with respect to the superannuation of Forestry Commissioners and officers employed by the Commissioners.

#### Textual Amendments

- F19** Word substituted by [Forestry Act 1981 \(c. 39, SIF 54\)](#), s. 5
- F20** Words in s. 2(3) substituted (18.7.2013) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2)(3), **12(2)** (with art. 24)

## 3 Management of forestry land.

- (1) The [<sup>F21</sup>appropriate forestry authority] may manage, plant and otherwise use, for the purpose of the exercise of their functions under this Act, any land [<sup>F22</sup>in Scotland placed at their disposal by the Scottish Ministers under this Act or in [<sup>F23</sup>England or Wales]] placed at their disposal by the Minister under this Act, and—
  - (a) the power of the [<sup>F21</sup>appropriate forestry authority] under this subsection to manage and use any land shall, without prejudice to the generality of that power, include power to erect buildings or execute works on the land;

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- (b) any timber produced on land so placed at the [<sup>F24</sup>appropriate forestry authority's] disposal shall belong to the [<sup>F21</sup>appropriate forestry authority].
- (2) The [<sup>F25</sup>appropriate forestry authority] may undertake the management or supervision, upon such terms and subject to such conditions as may be agreed upon, or give assistance or advice in relation to the planting or management, of any woods or forests belonging to any person, including woods and forests under the management of the Crown Estate Commissioners [<sup>F26</sup>or a relevant person] or under the control of a government department, or belonging to a local authority.
- (3) The [<sup>F27</sup>appropriate forestry authority] may—
- (a) purchase or otherwise acquire standing timber, and sell or otherwise dispose of any timber belonging to them or, subject to such terms as may be mutually agreed, to a private owner, and generally promote the supply, sale, utilization and conversion of timber;
  - (b) establish and carry on, or aid in the establishment and carrying on, of woodland industries.
- (4) In this section the expression “timber” includes all forest products.

#### Textual Amendments

- F21** Words in s. 3(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 46\(2\)\(a\)](#) (with Sch. 7)
- F22** Words in s. 3(1) inserted (1.7.1999) by [S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4\(5\)](#)
- F23** Words in s. 3(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 46\(2\)\(b\)](#) (with Sch. 7)
- F24** Words in s. 3(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 46\(2\)\(c\)](#) (with Sch. 7)
- F25** Words in s. 3(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 46\(3\)](#) (with Sch. 7)
- F26** Words in s. 3(2) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\), art. 1\(2\), Sch. 5 para. 12\(2\)](#)
- F27** Words in s. 3(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 46\(4\)](#) (with Sch. 7)

#### Modifications etc. (not altering text)

- C1** S. 3(1) amended by [Countryside Act 1968 \(c. 41, SIF 46:1\), s. 24\(1\)](#)

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F28

#### Textual Amendments

- F28** S. 4 repealed by [Forestry Act 1979 \(c. 21, SIF 54\), s. 3\(2\), Sch. 2](#)

## 5 Forestry dedication covenants and agreements.

- (1) The provisions of this section shall have effect with a view to allowing land to be devoted to forestry by means of agreements entered into with the [<sup>F29</sup>appropriate forestry authority], being agreements to the effect that the land shall not, except with

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the previous consent in writing of the [<sup>F29</sup>appropriate forestry authority] or, in the case of dispute, under direction of the minister [<sup>F30</sup>as regards [<sup>F31</sup>England or Wales] and the Scottish Ministers as regards Scotland], be used otherwise than for the growing of timber or other forest products in accordance with the rules or practice of good forestry or for purposes connected therewith; and in this Act—

- (a) “forestry dedication covenant” means a covenant to the said effect entered into with the [<sup>F29</sup>appropriate forestry authority] in respect of land in England or Wales without an intention being expressed contrary to the application of section 79 of the <sup>M2</sup>Law of Property Act 1925 (under which covenants relating to land are, unless the contrary is expressed, deemed to be made on behalf of the covenantor, his successors in title and persons deriving title under him or them); and
  - (b) “forestry dedication agreement” means an agreement to the said effect entered into with the [<sup>F29</sup>appropriate forestry authority] in respect of land in Scotland by a person who is the proprietor thereof for his own absolute use or is empowered by this section to enter into the agreement.
- (2) Where land in England or Wales is subject to a forestry dedication covenant,—
- (a) the [<sup>F32</sup>appropriate forestry authority] shall, as respects the enforcement of the covenant against persons other than the covenantor, have the like rights as if they had at all material times been the absolute owners in possession of ascertained land adjacent to the land subject to the covenant and capable of being benefited by the covenant, and the covenant had been expressed to be for the benefit of that adjacent land; and
  - (b) section 84 of the <sup>M3</sup>Law of Property Act 1925 (which enables the [<sup>F33</sup>Upper Tribunal] to discharge or modify restrictive covenants) shall not apply to the covenant.
- (3) A forestry dedication agreement affecting land in Scotland may be recorded in the General Register of Sasines and, on being so recorded, shall be enforceable at the instance of the Commissioners against any person having an interest in the land and against any person deriving title from him:  
Provided that such an agreement shall not be so enforceable against any third party who shall have in bona fide onerously acquired right (whether [<sup>F34</sup> title has been completed] or not) to his interest in the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.
- (4) Schedule 2 to this Act shall have effect to empower limited owners, trustees and others to enter into forestry dedication covenants or agreements and to provide for matters arising on their doing so.

#### Textual Amendments

**F29** Words in s. 5(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 47\(2\)](#) (with Sch. 7)

**F30** Words in s. 5(1) inserted (1.7.1999) by [S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4\(6\)](#)

**F31** Words in s. 5(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 47\(3\)](#) (with Sch. 7)

**F32** Words in s. 5(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 47\(2\)](#) (with Sch. 7)

**F33** Words in s. 5(2)(b) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\), art. 1, Sch. 1 para. 76](#) (with Sch. 5)

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**F34** Words in s. 5(3) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 12 para. 27\(2\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

**Modifications etc. (not altering text)**

**C2** S. 5(3)(4) extended (S.) with modifications by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 46(3)

**Marginal Citations**

**M2** [1925 c. 20\(98:1\)](#)

**M3** [1925 c. 20\(98:1\)](#)

**6 Requirements for haulage facilities.**

- (1) The provisions of this section shall have effect where the [<sup>F35</sup>appropriate forestry authority] are of opinion that insufficient facilities exist for the haulage of timber from any wood or forest to a road, railway or waterway.
- (2) Subject to the following subsections, the [<sup>F35</sup>appropriate forestry authority] may, where they are of the said opinion, make an order that the owner and occupier of any land shall afford the necessary facilities, subject to payment by the person in whose favour the order is made of reasonable rent or wayleave and of compensation for any damage caused by the haulage, and the owner or occupier shall thereupon comply with the order.
- (3) The [<sup>F35</sup>appropriate forestry authority] shall not make an order under this section until the person proposed to be required to give the said facilities has had an opportunity of being heard.
- [<sup>F36</sup>(4) a person aggrieved by an order under this section may—
  - (a) where the order is made in respect of land in [<sup>F37</sup>England or Wales], appeal therefrom to the Minister in such manner and upon such conditions, if any, as may be prescribed by the Minister, who may thereupon revoke or vary the order; and
  - (b) where the order is made in respect of land in Scotland, appeal therefrom to the Scottish Ministers in such manner and upon such conditions, if any, as may be prescribed by the Scottish Ministers, who may thereupon revoke or vary the order.]
- (5) The amount of rent or wayleave and compensation for damage which is payable in consequence of an order made under this section shall, in default of agreement, be assessed as follows that is to say—
  - (a) in a case relating to [<sup>F37</sup>England or Wales], by a single arbitrator appointed by the President of the Royal Institution of Chartered Surveyors; and
  - (b) in a case relating to Scotland, by an arbiter appointed by the Chairman of the Scottish Committee of the said Institution.

**Textual Amendments**

**F35** Words in s. 6 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 47\(2\)](#) (with Sch. 7)

**F36** S. 6(4) substituted (1.7.1999) by [S.I. 1999/1747](#), art. 3, [Sch. 12 Pt. II para. 4\(7\)](#)

**F37** Words in s. 6 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 47\(3\)](#) (with Sch. 7)

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## 7 Prevention of damage by rabbits, hares and vermin.

- (1) The provision of this section shall have effect where the [<sup>F38</sup>appropriate forestry authority] are satisfied that trees or tree plants are being, or are likely to be, damaged by rabbits, hares or vermin owing to the failure of an occupier of land to destroy sufficiently the rabbits, hares or vermin on land in his occupation, or otherwise to take steps for the prevention of damage by them.
- (2) The [<sup>F38</sup>appropriate forestry authority] may, where they are so satisfied, authorise in writing any competent person to enter on the land and kill and take the rabbits, hares or vermin thereon; but before doing so they shall first give to the occupier and owner of the land such opportunity as the [<sup>F38</sup>appropriate forestry authority] think reasonable of destroying the rabbits, hares or vermin, or of taking steps for the prevention of the damage.
- (3) The [<sup>F38</sup>appropriate forestry authority] may recover from the occupier of the land the net cost incurred by them in connection with action taken by them under the foregoing subsection.

A sum recoverable under this subsection shall, in England or Wales, be recoverable summarily as a civil debt.
- (4) Anyone who obstructs a person authorised by the [<sup>F38</sup>appropriate forestry authority] in the due exercise of his powers or duties under subsection (2) above shall be liable on summary conviction to a fine not exceeding [<sup>F39</sup>level 2 on the standard scale]; but the person authorised shall, if so required, produce his authority.
- (5) For purposes of this section—
  - (a) the person entitled to kill rabbits, hares or vermin on any common land shall be deemed to be the occupier of the land; and
  - (b) the expression “vermin” includes squirrels.

### Textual Amendments

- F38** Words in s. 7 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 48](#) (with Sch. 7)
- F39** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

## [<sup>F40</sup>7A Incidental powers of Commissioners

- (1) For the purpose of the exercise of their functions under this Act so far as relating to [<sup>F41</sup>land in Scotland or ] land in England <sup>F42</sup>..., or for the purpose of the exercise of their functions under section 8(1)(b) of this Act, the Commissioners may—
  - (a) form, or participate in the forming of, a body corporate;
  - (b) invest in a body corporate;
  - (c) provide loans;
  - (d) establish a charitable trust; or
  - (e) act, or appoint a person to act, as an officer of a body corporate or as a trustee of a charitable trust.
- (2) The powers contained in subsection (1)(b) and (c) shall be exercisable only with Treasury approval.]

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#### Textual Amendments

- F40** S. 7A inserted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006 \(S.I. 2006/780\)](#), arts. 1(1), 2
- F41** Words in s. 7A inserted (S.) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), ss. [12\(1\)](#), [134\(7\)](#); [S.S.I. 2010/221](#), art. 3(2), Sch.
- F42** Words in s. 7A(1) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 49](#) (with Sch. 7)

#### [<sup>F43</sup>7AA Renewable energy installations

- (1) The Commissioners may, for the purpose of complying with their general duty under section 1(2A)—
  - (a) promote, develop, construct and operate installations for or in connection with the generation, transmission, distribution and supply of electricity produced from renewable sources, and
  - (b) use electricity produced by virtue of the powers conferred by paragraph (a).
- (2) In subsection (1), “renewable sources” means sources other than—
  - (a) fossil fuel,
  - (b) energy derived from fossil fuel, and
  - (c) nuclear fuel.
- (3) In subsection (2), “fossil fuel” means—
  - (a) coal,
  - (b) lignite,
  - (c) peat,
  - (d) natural gas (within the meaning of the Energy Act 1976),
  - (e) crude liquid petroleum,
  - (f) petroleum products (within the meaning of that Act),
  - (g) any substance produced directly or indirectly from a substance mentioned in paragraphs (a) to (f).
- (4) Nothing in this section is to be construed as exempting the Forestry Commissioners from the requirements of Part 1 of the Electricity Act 1989.]

#### Textual Amendments

- F43** S. 7AA inserted (S.) (8.11.2012) by [The Forestry Commissioners \(Climate Change Functions\) \(Scotland\) Order 2012 \(Consequential Modifications\) Order 2012 \(S.I. 2012/2855\)](#), arts. 1(2), [2\(a\)](#)

#### [<sup>F44</sup>7B Delegation of functions of Commissioners: Scotland

- (1) The Commissioners may, to such extent and subject to such conditions as they think appropriate, delegate their functions under section 3(1) and (3) [<sup>F45</sup>and section 7AA] of this Act to such community bodies as they consider appropriate.
- (2) A delegation under subsection (1) may only be made in relation to land in Scotland—
  - (a) placed at the disposal of the Commissioners by the Scottish Ministers under this Act, and



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- (b) which is let to the community body to which the delegation is made.
- (3) A delegation under subsection (1) does not affect the ability of the Commissioners to carry out the function delegated.
- (4) A delegation under subsection (1) does not affect the ability of the Scottish Ministers to—
  - (a) determine which land in Scotland is placed at the disposal of the Forestry Commissioners,
  - (b) give directions under section 1 to the Commissioners in relation to the land in question.
- (5) A delegation under subsection (1) may be varied or revoked at any time.
- (6) In this section, “community body” has the meaning given in section 7C.

#### Textual Amendments

- F44** S. 7B, S. 7C inserted (S) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 11**, [134\(7\)](#); [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)
- F45** Words in s. 7B(1) inserted (S.) (8.11.2012) by [The Forestry Commissioners \(Climate Change Functions\) \(Scotland\) Order 2012 \(Consequential Modifications\) Order 2012 \(S.I. 2012/2855\)](#), [arts. 1\(2\)](#), **2(b)**

### 7C Delegation of functions under section 7B: community bodies

- (1) A community body is, subject to subsection (3), a [<sup>F46</sup>body corporate having a written constitution that includes] the following—
  - (a) a definition of the community to which the [<sup>F47</sup>body] relates,
  - (b) provision that the [<sup>F47</sup>body] must have not fewer than 20 members,
  - (c) provision that the majority of the members of the [<sup>F47</sup>body] is to consist of members of the community,
  - (d) provision by which the members of the [<sup>F47</sup>body] who consist of members of the community have control of the [<sup>F47</sup>body] ,
  - <sup>F48</sup>(da) [provision that membership of the body is open to any member of the community,
  - (db) a statement of the body's aims and purposes, including the promotion of a benefit for the community,]
  - (e) provision ensuring proper arrangements for the financial management of the [<sup>F47</sup>body][<sup>F49</sup>, and
  - (f) provision that any surplus funds or assets of the body are to be applied for the benefit of the community.]
- (2) The Commissioners may, if they think it in the public interest to do so, disapply such requirements specified in paragraphs (b) to [<sup>F50</sup>(db)] in subsection (1) in relation to any body they may specify.
- (3) A body is not a community body unless the Commissioners have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of sustainable development.

<sup>F51</sup>(4) .....

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<sup>F51</sup>(5) .....

<sup>F51</sup>(6)] .....

#### Textual Amendments

- F44** S. 7B, S. 7C inserted (S) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010](#) (asp 8), **ss. 11, 134(7)**; S.S.I. 2010/221, art. 3(2), Sch.
- F46** Words in s. 7C(1) substituted (23.1.2017) by [Community Empowerment \(Scotland\) Act 2015](#) (asp 6), **ss. 98(2)(a), 142(1)**; S.S.I. 2016/363, art. 3(c)
- F47** Word in ss. 7C(1)(a)-(e) substituted (23.1.2017) by [Community Empowerment \(Scotland\) Act 2015](#) (asp 6), **ss. 98(2)(b), 142(1)**; S.S.I. 2016/363, art. 3(c)
- F48** S. 7C(1)(da)(db) inserted (23.1.2017) by [Community Empowerment \(Scotland\) Act 2015](#) (asp 6), **ss. 98(2)(c), 142(1)**; S.S.I. 2016/363, art. 3(c)
- F49** S. 7C(1)(f) substituted for words in 7C(1)(e) (23.1.2017) by [Community Empowerment \(Scotland\) Act 2015](#) (asp 6), **ss. 98(2)(d), 142(1)**; S.S.I. 2016/363, art. 3(c)
- F50** Word in s. 7C(2) substituted (23.1.2017) by [Community Empowerment \(Scotland\) Act 2015](#) (asp 6), **ss. 98(3), 142(1)**; S.S.I. 2016/363, art. 3(c)
- F51** Ss. 7C(4)-(6) repealed (23.1.2017) by [Community Empowerment \(Scotland\) Act 2015](#) (asp 6), **ss. 98(4), 142(1)**; S.S.I. 2016/363, art. 3(c)

## 8 Miscellaneous powers of Commissioners.

- <sup>F52</sup>(1) The Commissioners may—
- (a) undertake the collection, preparation, publication and distribution of statistics relating to forestry, and promote and develop instruction and training in forestry by establishing or aiding schools or other educational institutions or in such other manner as they think fit;
  - (b) make, or aid in making, such inquiries, experiments and research, and collect, or aid in collecting, such information as they may think important for the purpose of promoting forestry and the teaching of forestry, and publish or otherwise take steps to make known the results of the inquiries, experiments or research and disseminate the information;
  - (c) make, or aid in making, such inquiries as they think necessary for the purpose of securing an adequate supply of timber and other forest products [<sup>F53</sup>in Scotland, and [<sup>F54</sup>in England and in Wales]] .

[<sup>F55</sup>(2) The Commissioners may exploit any intellectual property or intangible assets arising from the carrying out of any activity referred to in subsection (1)(b).

- (3) "Intellectual property" for the purpose of subsection (2) includes any patent, trademark, copyright, design right, registered design or plant breeder's right.]

#### Textual Amendments

- F52** S. 8 renumbered as s. 8(1) (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006](#) (S.I. 2006/780), **arts. 1(1), 3(2)**
- F53** Words in s. 8(c) substituted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(8)**
- F54** Words in s. 8(1)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), **Sch. 2 para. 50** (with Sch. 7)

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*Status: Point in time view as at 30/11/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Part 1. (See end of Document for details)*

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**F55** S. 8(2)(3) inserted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006 \(S.I. 2006/780\)](#), arts. 1(1), [3\(3\)](#)

[<sup>F56</sup>**8A** **General duty of Ministers.**

In performing their functions under this Act the Ministers shall have regard to the national interest in maintaining and expanding the forestry resources [<sup>F57</sup>of [<sup>F58</sup>England or (as the case may be) Wales] and the Scottish Ministers shall have regard to the national interest in maintaining and expanding the forestry resources of Scotland].]

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**Textual Amendments**

**F56** S. 8A inserted by [Forestry Act 1981 \(c. 39, SIF 54\)](#), s. 4

**F57** Words in s. 8A substituted (30.6.1999) by [S.I. 1999/1756](#), art. 2, [Sch. para.3](#)

**F58** Words in s. 8A substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 51](#) (with Sch. 7)

**Status:**

Point in time view as at 30/11/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Forestry Act 1967, Part I.