



Forestry Act 1967

1967 CHAPTER 10

PART III

ADMINISTRATION AND FINANCE

Advisory bodies

37 Committees to advise Commissioners.

- (1) For the purpose of advising the Commissioners as to the performance of their functions under section 1(3) and Part II of this Act, and such other functions as the Commissioners may from time to time determine, the Commissioners shall continue to maintain—
 - (a) the central advisory committee for Great Britain known as the Home Grown Timber Advisory Committee; and
 - (b) a regional advisory committee for each conservancy (within the meaning of Part II of this Act) in Great Britain.
- [^{F1}(2) The power of the Commissioners under section 32 of this Act to make regulations shall not be exercisable except after consultation with the Home Grown Timber Advisory Committee.]
- (3) The Commissioners shall—
 - (a) in considering whether to refuse a felling licence under Part II of this Act, or to grant it unconditionally or subject to any conditions; and
 - (b) in considering whether to give felling directions under the said Part II, take into account any advice tendered by the regional advisory committee for the conservancy in which are growing the trees to which the felling licence applied for, or the directions proposed to be given, relate.

Status: Point in time view as at 01/10/2011.

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

Textual Amendments

F1 S. 37(2) substituted (1.7.1999) by [S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4\(25\)](#)

38 Composition etc. of advisory committees.

- (1) The chairman and other members of the Home Grown Timber Advisory Committee and of each regional advisory committee shall be appointed by the Commissioners, and shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.
- (2) The Home Grown Timber Advisory Committee shall consist of not more than twenty-five members, and of those members (other than chairman)—
 - (a) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of owners of woodlands; and
 - (b) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of timber merchants.
- (3) Each regional advisory committee shall consist of not less than seven nor more than [^{F2}twelve] members, and of those members (other than the chairman) not less than four shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of owners of woodlands and timber merchants respectively and organisations concerned with the study and promotion of forestry.
- (4) The Commissioners may pay to the members of the Home Grown Timber Advisory Committee or of a regional advisory committee such allowances as they may with the consent of the Treasury determine.
- [^{F3}(5) Subsection (4) above shall have effect in relation to a regional advisory committee for a conservancy wholly in Scotland as if the reference to the consent of the Treasury were a reference to the consent of the Scottish Ministers.]

Textual Amendments

F2 Words in s. 38(3) substituted (25.9.1991) by [Forestry Act 1991 \(c. 43, SIF 54\), ss.1, 2\(2\)](#).

F3 S. 38(5) added (1.7.1999) by [S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4\(27\)](#)

Acquisition and disposal of land

39 Power of Minister to acquire and dispose of land.

- (1) Subject to the provisions of this Act, the Minister [^{F4}as regards England and Wales, and the Scottish Ministers as regards Scotland] may acquire (by purchase, lease or exchange) land which in his [^{F5}or their] opinion is suitable for afforestation or for purposes connected with forestry, together with any other land which must necessarily be acquired therewith, and may place any land acquired by him [^{F6}or them] under this section at the disposal of the Commissioners.

Status: Point in time view as at 01/10/2011.

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

- [^{F7}(2) Subject to subsection (2A) below, the Minister [^{F8}and the Scottish Ministers] may dispose for any purpose of land acquired by him [^{F9}or them] under this section.
- (2A) Subsection (2) above shall not apply in relation to land acquired under this section which is in the Forest of Dean; but the Minister may sell any such land if in his opinion it is not needed, or ought not to be used, for the purpose of afforestation or any purpose connected with forestry, and may exchange any such land for other land more suitable for either of the said purposes and may pay or receive money for equality of exchange.]
- (3) The Minister [^{F10}and the Scottish Ministers] shall have power, in the case of land acquired by him [^{F11}or them] under this section,—
- (a) to manage and use the land for such purposes as he thinks [^{F12}or they think] fit (this power to include that of erecting buildings and other works on the land) where it is not for the time being placed at the disposal of the Commissioners under subsection (1) above; and
- (b) to let the land, or grant any interest or right in or over it.
- (4) ^{F13}
- [^{F14}(5) Any instrument in connection with the management or disposal of land in Scotland acquired by the Minister under this section and for the time being placed at the disposal of the Commissioners shall, without prejudice to any other method of execution, be deemed to be validly executed by him if it is executed on his behalf by an officer of the Commissioners authorised by him for the purpose; and any instrument so executed shall, for the purposes of section 1(8) and (9) of the ^{M1}Reorganisation of Offices (Scotland) Act 1939, be deemed to have been executed by an officer of the Secretary of State duly authorised by him.]
- (6) Schedule 4 to this Act shall have effect as respects the procedure applicable where the Minister acquires [^{F15}or the Scottish Ministers acquire] land under this section, except in a case of compulsory purchase in accordance with the following section.

Textual Amendments

- F4** Words in s. 39(1) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(28)(a)**
- F5** Words in s. 39(1) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(28)(b)**
- F6** Words in s. 39(1) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(28)(c)**
- F7** S. 39(2)(2A) substituted for s. 39(2) by **Forestry Act 1981 (c. 39, SIF 54), s. 1**
- F8** Words in s. 39(2) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(29)(a)**
- F9** Words in s. 39(2) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(29)(b)**
- F10** Words in s. 39(3) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(30)(a)**
- F11** Words in s. 39(3) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(30)(b)**
- F12** Words in s. 39(3)(a) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(30)(c)**
- F13** Ss. 39(4), 41(7) repealed by **Forestry Act 1981 (c. 39, SIF 54), s. 4(2), Sch.**
- F14** S. 39(5) repealed (S.) (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3))
- F15** Words in s. 39(6) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(31)**

Modifications etc. (not altering text)

- C1** S. 39 extended by (S.) **Countryside (Scotland) Act 1967 (c. 86, SIF 46:1), s. 59** and **Countryside Act 1968 (c. 41, SIF 46:1)**, (E.W.) s. 23(3) and (E.W.)(S.) s. 24(5)

Marginal Citations

- M1** 1939 c. 20(57)

Status: Point in time view as at 01/10/2011.

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

40 Compulsory purchase of land.

- (1) Subject to the provisions of this section, the power of the Minister [^{F16}and the Scottish Ministers] to acquire land by purchase under section 39 above includes a power of compulsory purchase.
- (2) The following descriptions of land shall not be subject to compulsory purchase under this Act:—
- (a) land which is the site of an ancient monument or other object of archaeological interest;
 - (b) land which forms part of a park, garden or pleasure ground or which forms part of the home farm attached to, and usually occupied with, a mansion house or is otherwise required for the amenity or convenience of a dwelling-house;
 - (c) land which is the property of a local authority, that is to say,—
 - (i) in England or Wales, the council of a county, . . . ^{F17}, county district or rural parish, [^{F18}the Greater London Council] the Common Council of the City of London or the council of a London borough; and
 - (ii) in Scotland, a [^{F19}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
 - (d) land which has been acquired for the purpose of their undertaking by statutory undertakers, that is to say persons authorised by an enactment, or by an order or scheme made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, . . . ^{F20}, . . . ^{F21}, [^{F22}water] or other public undertaking.
 - ^{F23}(e) land held or used by a universal service provider (within the meaning of [^{F24}Part 3 of the Postal Services Act 2011]) for any purpose in connection with the provision of a universal postal service (within the meaning of [^{F25}that Part]).]
- (3) Land shall not be subject to compulsory purchase under this Act if a forestry dedication covenant or agreement is in force with respect to it and it is being used and managed in accordance with the provisions and conditions of a plan of operations approved by the Commissioners; and—
- (a) any question arising under this subsection whether there has been a breach of any of the provisions and conditions of a plan of operations shall be referred for determination as follows, that is to say—
 - (i) in a case relating to England and Wales, by an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors; and
 - (ii) in a case relating to Scotland, by an arbiter appointed by the Chairman of the Scottish Committee of the said Institution; and
 - (b) such a breach shall not be treated as having occurred by virtue of any act or omission capable of remedy unless there has been default in remedying it within a reasonable time after notice given by the Commissioners requiring it to be remedied.
- ^{F26}(4) The power of compulsory purchase under this Act shall not be exercisable in relation to land held inalienably by the National Trust or by the National Trust for Scotland.]
- (5) The Minister's [^{F27}and the Scottish Ministers'] power of compulsory purchase under this Act shall be exercisable by means of a compulsory purchase order, and—
- (a) the order shall be made in accordance with Part I of Schedule 5 to this Act;

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- (b) Part II of that Schedule shall apply with respect to the validity and date of operation of the order; and
 - (c) Part III of that Schedule shall apply with respect to the procedure for acquiring land by compulsory purchase.
- (6) If the said power of compulsory purchase is exercised in relation to land in respect of which an advance by way of grant has been made by the Commissioners—
- (a) under section 4 of this Act; or
 - (b) under section 3(3) of the ^{M2}Forestry Act 1919 at any time after the 26th March 1945,

not being in either case an advance made more than thirty years before the date of the service of the notice to treat in the exercise of that power, the amount of the compensation for the compulsory purchase shall be reduced by the amount of the advance with compound interest thereon (calculated from the date of the advance to the date on which the compensation is paid) at the rate of £3 per cent. per annum with yearly rests:

Provided that, in the case of compensation for the compulsory purchase of one of several interests in such land, the amount of the reduction in the case of each interest purchased shall be equal to a part of the advance and interest proportionate to the value of that interest as compared with the value of the land.

Textual Amendments

- F16** Words in s. 40(1) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(32)(a)**
- F17** Words repealed by S.I. 1974/595, **Sch. 1 Pt. I**
- F18** Words inserted by S.I. 1970/211, **art. 3(7)**
- F19** Words in s. 40(2)(c)(ii) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 69**; S.I. 1996/323, **art. 4(1)(c)**
- F20** Word repealed by **Gas Act 1986** (c. 44, SIF 44), s. 67(4), **Sch. 9 Pt. 1**
- F21** Word repealed by **Electricity Act 1989** (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F22** Word repealed (E.W.) by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**
- F23** S. 40(2)(e) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 23** (subject to art. 1(3))
- F24** Words in s. 40(2)(e) substituted (1.10.2011) by **Postal Services Act 2011** (c. 5), s. 93(2)(3), **Sch. 12 para. 86(a)**; S.I. 2011/2329, art. 3
- F25** Words in s. 40(2)(e) substituted (1.10.2011) by **Postal Services Act 2011** (c. 5), s. 93(2)(3), **Sch. 12 para. 86(b)**; S.I. 2011/2329, art. 3
- F26** S. 40(4) substituted by **Forestry Act 1981** (c. 39, SIF 54), s. 2
- F27** Words in s. 40(5) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(32)(b)**

Modifications etc. (not altering text)

- C2** S. 40 extended with modifications by **Gas Act 1986** (c. 44, SIF 44:2), s. 67(1)(3), **Sch. 7**, para. 2(1), (xviii), Sch. 8 para. 33
- C3** S. 40 extended by **Electricity Act 1989** (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(1)(xvii), Sch. 17 paras. 33, **35(1)**
- C4** S. 40 extended (E.W.) by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), **Sch. 25 para. 1(1)(2)** (xiii), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- C5** S. 40 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xiii)**; S.I. 1996/218, **art. 2**

Marginal Citations

- M2** 1919 c. 58

Status: Point in time view as at 01/10/2011.

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

Finance, accounts and annual report

41 Forestry Fund.

^{F28}(1) The Forestry Fund constituted under section 8 of the Forestry Act 1919 shall be wound up and any balance in the Forestry Fund shall be paid to the Forestry Commissioners.

[This subsection applies to the following expenses–

- ^{F29}(2) (a) the salaries of the Forestry Commissioners and the salaries or remuneration of the officers and servants of the Commissioners;
- (b) all expenses incurred by the Commissioners (including the cost of any grant or loan made by them) in the exercise of their functions under or by virtue of–
- (i) this Act (including the payment of allowances to the members of any committee maintained by them under this Act), or
- (ii) any other enactment;
- (c) any superannuation benefits paid under paragraph 9 of Schedule 1 to this Act or under a scheme made by virtue of paragraph 10 of that Schedule;
- (d) any administrative expenses of the Minister under Part II of this Act (including sums required for the payment of remuneration to the members of any committee appointed by him under section 27);
- (e) all capital payments made by the Minister in acquiring land under section 39 above and any expenses incurred by him in managing such land and any rent or other outgoings payable in respect of such land,

but this subsection does not apply to any expenses to which subsection (4) below applies.

(3) The expenses to which subsection (2) above applies shall be payable out of money provided by Parliament, except in so far as they are met out of money held by the Commissioners in accordance with subsection (6) or (7) below.

(3A) Where, by virtue of subsection (3) above, any expenses incurred by the Minister falling within subsection (2) above are to be met out of money held by the Commissioners, they shall make payments to him for that purpose.]

(4) There shall be payable out of the Scottish Consolidated Fund–

(a) all expenditure of a description specified in paragraph (a) or (b)(i) of subsection (2) above incurred by the Commissioners as regards Scotland;

^{F30} . . .

(b) all expenditure incurred by the Commissioners in the exercise of their functions under the Countryside (Scotland) Act 1967 ^{F31}.

[all grants and loans made by the Commissioners under section 1 of the ^{F32} Forestry Act 1979 ^{F33} in relation to land in Scotland; and

(d) all expenditure incurred by the Commissioners in the exercise of their functions under the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999.]

^{F34}(4A)]

(5) The Commissioners may accept any gift made to them for all or any purposes of this Act and, subject to the terms thereof, may apply it for those purposes in accordance with regulations made by them.

Status: Point in time view as at 01/10/2011.

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

- [^{F35}(6) Subject to subsections (8) and (10) below, all sums received by the Commissioners in respect of—
- (a) the sale of timber or any other transactions carried out by them in the exercise of their functions under this Act, or
 - (b) any other exercise of their functions under or by virtue of this Act or any other enactment,
- shall be held by the Commissioners for the purpose of meeting the expenses to which subsection (2) above applies.
- (7) Subject to subsection (8) below, the following sums received by the Minister shall be paid by him to the Commissioners and held by them for the purpose of meeting the expenses to which subsection (2) above applies—
- (a) any capital sum received from the sale, lease or exchange of land acquired by him under section 39 above and all sums received by him from the letting or use of such land, and
 - (b) all sums received under sections 16 to 18 of the New Forest Act 1949.
- (8) The Minister may, with the approval of the Treasury, direct—
- (a) that sums received by the Commissioners falling within subsection (6) above, or by the Minister falling within subsection (7) above, or both, which are specified or of a description specified in the direction, or
 - (b) that all sums received by the Commissioners falling within subsection (6) above, or by the Minister falling within subsection (7) above, or both, as specified in the direction,
- shall not be subject to subsection (6) or, as the case may be, (7) but shall instead be paid into the Consolidated Fund.
- (9) The power to give a direction under subsection (8) above includes power to vary or revoke a previous direction under that power.
- (10) Subject to any provision made by or under an Act of the Scottish Parliament for the disposal of or accounting for sums received, there shall be paid into the Scottish Consolidated Fund—
- (a) all sums received by the Commissioners of a description specified in subsection (6)(a) above as regards Scotland;
 - (b) all sums received by the Commissioners in the exercise of their functions under the Countryside (Scotland) Act 1967 ^{F36}.
- (11) Any question as to whether, for the purposes of this section—
- (a) any expenditure incurred by the Commissioners is incurred, or to be treated as incurred, as regards Scotland, or
 - (b) any sum received by them is received, or to be treated as received, in respect of the exercise of their functions as regards Scotland,
- may be determined by agreement between the Minister (acting with the agreement of the Treasury) and the Scottish Ministers.]

^{F37}(6)

(7) ^{F38}

Status: Point in time view as at 01/10/2011.

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

Textual Amendments

- F28** S. 41(1)-(4A) substituted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(33)(a)**
- F29** S. 41(2)(3)(3A) substituted (16.3.2000) for s. 41(2)(3) by S.I. 2000/746, art. 2, **Sch. para. 5(2)**
- F30** Word in s. 41(4)(a) omitted (16.3.2000) by virtue of S.I. 2000/746, art. 2, **Sch. para. 5(3)**
- F31** 1967 c.86.
- F32** S. 41(4)(c)(d) inserted (16.3.2000) by S.I. 2000/746, art. 2, **Sch. para. 5(3)**
- F33** 1979 c. 21; see also paragraph 8 of the present Schedule.
- F34** S. 41A repealed (16.3.2000) by S.I. 2000/746, art. 2, **Sch. para. 5(4)**
- F35** S. 41(6)-(11) inserted (16.3.2000) by S.I. 2000/746, art. 2, **Sch. para. 5(5)**
- F36** 1967 c. 86.
- F37** S. 41(6) repealed (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(33)(b)**
- F38** Ss. 39(4), 41(7) repealed by **Forestry Act 1981** (c. 39, SIF 54), s. 4(2), **Sch.**

Modifications etc. (not altering text)

- C6** S. 41(10): To be read (*temp.* from 16.3.2000 to 31.3.2000) as if the reference therein to “an Act of the Scottish Parliament” were a reference to the Scotland Act 1998 (Transitory and Transitional Provisions) (Finance) Order 1999 by S.I. 2000/746, **art. 3**

^{F39}**42**

Textual Amendments

- F39** S. 42 repealed (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(34)**

43 Satisfaction of certain contingent liability to Crown Estate.

- (1) If the Minister sells land which was transferred to him, or to any predecessor of his, or to the Commissioners, under section 1(1)(a) of the ^{M3}Forestry (Transfer of Woods) Act 1923 to an amount exceeding [^{F40}2 hectares] at any one time, then if the sum determined under section 3 of the said Act of 1923 as the amount contingently payable by way of compensation for the transfer of rights and interests of the Crown has not been fully paid or satisfied,—
- (a) the net proceeds of sale, or the portion necessary to satisfy the said sum, shall be paid by the Minister to the Crown Estate Commissioners and shall form part of the Crown Estate; and
 - (b) the payment shall be treated as satisfying a part of that sum equal to the gross proceeds of sale or the corresponding portion of them.
- (2) In the event of the hereditary revenues which are by section 1 of the ^{M4}Civil List Act 1952 directed to be carried to and made part of the Consolidated Fund ceasing at any time, whether during the present or any subsequent reign, to be carried to and made part of that Fund, there shall be paid out of the Fund to the Crown Estate Commissioners all such amounts as immediately before the commencement of this Act remained outstanding as compensation due to the Crown under section 3 of the said Act of 1923, reduced by the amount of any payments made since that commencement to the Crown Estate Commissioners pursuant to subsection (1) above or to the corresponding provision in section 8(1) of the ^{M5}Crown Estate Act 1961.

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

Textual Amendments

F40 Words substituted by [Forestry Act 1979 \(c. 21, SIF 54\)](#), s. 2(1), [Sch. 1](#)

Marginal Citations

M3 [1923 c. 21](#)

M4 [1952 c. 37\(29:11\)](#)

M5 [1961 c. 55\(29:7\)](#)

^{F41} **44**

Textual Amendments

F41 [S. 44](#) repealed (1.7.1999) by [S.I. 1999/1747](#), art. 3, [Sch. 12 Pt. II para. 4\(35\)](#)

[^{F42} **45** (1) The Commissioners shall, on such day and in such form as the Scottish Ministers may direct, submit to the Scottish Ministers an annual report and accounts as to their proceedings under this Act as regards Scotland and the Scottish Ministers shall lay the report and accounts before the Scottish Parliament.

(2) The annual report and accounts referred to in subsection (1) above shall be audited by the Auditor General for Scotland or by persons appointed by him.

(3) The Commissioners shall, on such day and in such form as the Ministers may direct, submit to the Ministers an annual report^{F43} . . . as to their proceedings under this Act other than such proceedings as regards Scotland and the Ministers shall lay the report^{F43} . . . before Parliament.

(4) Section 88(3) of the Scotland Act 1998 shall not apply in relation to the Commissioners.]

Textual Amendments

F42 S. 45 substituted (1.7.1999) by [S.I. 1999/1747](#), art. 3, [Sch. 12 Pt. II para. 4\(36\)](#)

F43 Words in s. 45(3) omitted (16.3.2000) by virtue of [S.I. 2000/746](#), art. 2, [Sch. para. 5\(6\)](#)

Status:

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Changes to legislation:

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