



Forestry Act 1967

1967 CHAPTER 10

[^{F1}PART IV **E+W+S**

GENERAL

[^{F146} [^{F2}Appropriate legislative authority's] power to make byelaws. **E+W+S**

- (1) Subject to the provisions of this and the next following sections, the [^{F3}appropriate legislative authority] may make byelaws with respect to any land which is under [^{F4}the] management or control [^{F5}of the appropriate forestry authority] and to which the public have, or may be permitted to have, access.
- (2) The [^{F6}appropriate legislative authority's] byelaws may be such as appear to them to be necessary—
 - (a) for the preservation of any trees or timber on the land, or of any property of the [^{F7}appropriate forestry authority]; and
 - (b) for prohibiting or regulating any act or thing tending to injury or disfigurement of the land or its amenities; and
 - (c) without prejudice to the generality of the foregoing, for regulating the reasonable use of the land by the public for the purposes of exercise and recreation.
- (3) Byelaws under this section—
 - (a) shall not take away or injuriously affect any estate, interest, right of common or other right of a profitable or beneficial nature in, over or affecting any land, except with the consent of the person entitled thereto;
 - (b) shall not apply to a common which is subject to a scheme or regulation made in pursuance of the Metropolitan Commons Acts 1866 to 1898, or the Inclosure Acts 1845 to 1882, or the ^{M1}Commons Act 1899.
- (4) Byelaws under this section shall be made by statutory instrument and a draft of a statutory instrument containing any such byelaws [^{F8}with respect to land in England ^{F9}...] shall be laid before Parliament.

^{F10}(4A)

Status: Point in time view as at 01/04/2019.

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 46. (See end of Document for details)

^{F10}(4B)

^{F11}(4C) A draft of any statutory instrument containing byelaws under this section with respect to land in Wales must be laid before the National Assembly for Wales.]

(5) If anyone fails to comply with, or acts in contravention of, any byelaw made under this section he shall be guilty of an offence and be liable on summary conviction as follows:—

- (a) in the case of an offence against byelaws made by the Commissioners with respect to the New Forest, he shall be liable to a fine not exceeding [^{F12}level 2 on the standard scale],
- (b) in a case not falling within the foregoing paragraph, he shall be liable to a fine not exceeding [^{F12}level 2 on the standard scale]; and
- (c) in [^{F13}the case of a continuing offence falling within either of the foregoing paragraphs] he shall be liable to a further fine not exceeding [^{F14}50p] for each day upon which the offence continues.

(6)]^{F15}

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. 46 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 76\(6\)](#) (with Sch. 7)
- F3** Words in s. 46(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 76\(2\)\(a\)](#) (with Sch. 7)
- F4** Word in s. 46(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 76\(2\)\(b\)](#) (with Sch. 7)
- F5** Words in s. 46(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 76\(2\)\(c\)](#) (with Sch. 7)
- F6** Words in s. 46(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 76\(3\)\(a\)](#) (with Sch. 7)
- F7** Words in s. 46(2)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 76\(3\)\(b\)](#) (with Sch. 7)
- F8** Words in s. 46(4) inserted (1.7.1999) by S.I. 1999/1747, [art. 3](#), [Sch. 12 Pt. II para. 4\(37\)\(a\)](#)
- F9** Words in s. 46(4) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 76\(4\)](#) (with Sch. 7)
- F10** S. 46(4A)(4B) 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. 40](#); S.S.I. 2019/47, [reg. 2](#)
- F11** S. 46(4C) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 76\(5\)](#) (with Sch. 7)
- F12** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982](#) (c. 48, SIF 39:1); [ss. 39, 46](#), [Sch. 3](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975](#) (c. 21, SIF 39:1), [Sch. 7D](#) and expressed to be substituted (S.) (1.4.1996) by [1995 c. 40](#), [ss. 3, 7\(2\)](#), [Sch. 1 para. 10](#), [Sch. 2 Pt. III](#)
- F13** Words substituted by [Criminal Justice Act 1967](#) (c. 80, SIF 39:1), [Sch. 6 para 28](#)
- F14** Words substituted by [Decimal Currency Act 1969](#) (c. 19, SIF 10), [s. 10\(1\)](#)
- F15** S. 46(6) repealed by [Criminal Justice Act 1972](#) (c. 71, SIF 39:1), [Sch. 6 Pt. II](#)

Status: Point in time view as at 01/04/2019.

Changes to legislation: *There are currently no known outstanding effects for the Forestry Act 1967, Section 46. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** S. 46 amended by (S.) [Countryside \(Scotland\) Act 1967 \(c. 86, SIF 46:1\)](#), **s. 58(3)** and (E.W.) [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **s. 23(4)**

Marginal Citations

- M1** [1899 c. 30\(25\)](#)

Status:

Point in time view as at 01/04/2019.

Changes to legislation:

There are currently no known outstanding effects for the Forestry Act 1967, Section 46.