

*These notes refer to the Forestry Act (Northern Ireland)
2010 (c.10) which received Royal Assent on 28 June 2010*

Forestry Act (Northern Ireland) 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4– Miscellaneous and Supplementary

Section 31 – Public right of access to, and byelaws for, forestry land

Section 31 bestows a statutory right for pedestrian access to all forestry land. This access will of course be limited in some instances, for example, where there are forestry operations, or environmental sensitivities. The section allows the Department to make byelaws to restrict access, and indeed, to regulate the reasonable use of forestry land by visitors.

Section 32 – Powers of entry

Section 32 provides for an authorised person, on production of his authority, to enter any land for the purpose of exercising any functions of an authorised person under the Act and to enable the Department to carry out any of its functions under the Act. In addition, a person entering land may take other persons and equipment as necessary e.g. for the purpose of monitoring numbers of wild animals.

A number of controls are included:

- The time of entry must be reasonable;
- 24 hours notice must be given to the occupier, or less if the occupier agrees;
- The authorised person must produce his authority, if requested;
- A lay Magistrate's warrant is required where entry is refused or where the land is unoccupied and the circumstances are urgent e.g. in a case of extensive damage being caused to forest land by wild animals on land adjacent to the forest;
- There is no authority for entry to a dwelling house;
- There is a duty on those entering the land to leave it secure;
- If any damage is caused compensation may be recovered from the Department.

The powers of entry are extended under Schedule 1, Compulsory Acquisition of Land, to include surveying or examining land with a view to acquiring it

compulsorily, or in connection with a claim for compensation in respect of such an acquisition.

Section 33 – Obstruction of officers, etc

Any person who intentionally obstructs an officer of the Department or an authorised person in the exercise of any function under the Act is guilty of an offence.

Section 34 – Prosecutions under this Act

The time limit for bringing court proceedings for certain offences is 6 months beginning from the date on which sufficient evidence to justify a prosecution is known to the Department. No proceedings may be brought more than 2 years after the offence. The Courts and Tribunal Service has been advised of this provision and its content.