



2010 CHAPTER 10

PART 3

FELLING OF TREES

*Enforcement of felling licence conditions and restocking notice*

**Appeal against enforcement notice**

**25.—**(1) A person to whom an enforcement notice is given in relation to a felling licence may appeal against the enforcement notice to a person appointed under section 26 on the grounds—

- (a) that the conditions of the licence have been complied with; or
- (b) that the steps required by the enforcement notice to be taken are not required for compliance with the conditions of the licence.

(2) A person to whom an enforcement notice is given in relation to a restocking notice may appeal against the enforcement notice to a person appointed under section 26 on the grounds—

- (a) that the restocking notice has been complied with; or
- (b) that the steps required by the enforcement notice to be taken are not required by the restocking notice.

(3) An enforcement notice shall be inoperative—

- (a) until the expiration of the period for bringing an appeal under this section; and
- (b) where an appeal is brought under this section, until the conclusion of any proceedings under this section on that appeal.

(4) On an appeal under this section the person appointed under section 26 may—

- (a) confirm the enforcement notice, or
- (b) direct the Department to withdraw the notice or modify it in such manner as is specified in the direction.

(5) It is the duty of the Department to give effect to any direction under subsection (4)(b).