



2010 CHAPTER 10

PART 2

PROTECTION OF FOREST TREES FROM DAMAGE

**Control (with permission of occupier) of animals on land adjacent to forest**

**9.—**(1) In this section—

“land A” means any land falling within section 8(2);

“land B” means any land—

- (a) which adjoins land A; or
- (b) any part of which is within 500 metres of any part of land A.

(2) The following provisions apply where the Department is satisfied that trees growing on land A are being, or are likely to be, damaged by wild animals present on land B.

(3) The Department may serve on the occupier of land B a notice—

- (a) stating that trees growing on land A are being, or are likely to be, damaged by wild animals present on land B; and
- (b) requesting that the occupier—
  - (i) take effective steps, within 3 months of the date of the service of the notice, to prevent the damage; or
  - (ii) grant permission for an authorised person to enter land B and exercise the powers conferred by subsection (4).

(4) An authorised person may with the permission of the occupier take, kill or destroy any wild animals on land B.

(5) If land A or land B is unoccupied, subsections (3) and (4) apply with the substitution of references to the owner of that land for references to the occupier.

(6) In this section “wild animal” means any animal which is living wild and is likely to damage trees, other than—

- (a) a bird;
- (b) the Irish hare;
- (c) an animal for the time being included in Schedule 5 to the [Wildlife \(Northern Ireland\) Order 1985 \(NI 2\)](#).