



# Forestry Act 1967

## 1967 CHAPTER 10

### PART I

#### FORESTRY AND AFFORESTATION IN GREAT BRITAIN

#### **1 The Forestry Commission.**

- (1) The Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 shall continue in existence and are in this Act referred to as “the Commissioners”.
- (2) The Commissioners shall be charged with the general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber and other forest products [<sup>F1</sup>in Scotland, and in England and Wales] and in that behalf shall have the powers and duties conferred or imposed on them by this Act.
- (3) The Commissioners’ general duty includes that of promoting the establishment and maintenance [<sup>F1</sup>in Scotland, and in England and Wales] of adequate reserves of growing trees.
- [<sup>F2</sup>(3A) In discharging their functions under the Forestry Acts 1967 to 1979 the Commissioners shall, so far as may be consistent with the proper discharge of those functions, endeavour to achieve a reasonable balance between—
  - (a) the development of afforestation, the management of forests and the production and supply of timber, and
  - (b) the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest.]
  - (4) The Commissioners shall, in exercising their functions under this Act, and also in exercising their powers under the <sup>M1</sup>Plant Health Act 1967 (which enables them to make orders for the control of timber pests and diseases), comply with such directions as may be given to them by
    - [<sup>F3</sup>(a) the Ministers in relation to the exercise of their functions as regards England and Wales; and
    - (b) the Scottish Ministers in relation to the exercise of their functions as regards Scotland.]

*Status: Point in time view as at 29/11/2004.*

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

(5) Directions given by the Ministers for purposes of the foregoing subsection shall be given by them jointly, except in so far as they make arrangements that this subsection shall not apply.

[<sup>F4</sup>(6) The power of the Ministers and of the Scottish Ministers to give directions for the purposes of subsection (4) above shall be exercisable as regards Great Britain by the Ministers and the Scottish Ministers acting jointly.]

#### Textual Amendments

- F1** Words in s. 1(2)(3) substituted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(2)**
- F2** S. 1(3A) added by **Wildlife and Countryside (Amendment) Act 1985 (c. 31, SIF 4), s. 4**
- F3** S. 1(4)(a)(b) substituted (1.7.1999) for words “the Ministers” by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(3)**
- F4** S. 1(6) added (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(4)**

#### Marginal Citations

- M1** 1967 c. 8(2:11)

## 2 Constitution, administration, etc., of Commission.

- (1) The Commissioners shall consist of a chairman and not more than [<sup>F5</sup>ten] other members appointed by Her Majesty by warrant under the sign manual to be Forestry Commissioners.
- (2) Of the persons for the time being appointed to be Forestry Commissioners—
- at least three shall be persons who have special knowledge and experience of forestry;
  - at least one shall be a person who has scientific attainments and a technical knowledge of forestry; and
  - at least one shall be a person who has special knowledge and experience of the timber trade.
- (3) The Commissioners shall by order appoint committees for England, Scotland and Wales respectively, whose membership shall consist partly of persons who are Forestry Commissioners or officers of the Commissioners and partly of persons not exceeding three in number, who are not Forestry Commissioners or officers of the Commissioners; and the Commissioners may delegate, subject to such restrictions or conditions as they think fit, any of their functions to a committee so appointed.
- (4) Part I of Schedule 1 to this Act shall have effect with respect to the Commissioners, their staff, proceedings and other related matters and to the committees appointed under subsection (3) of this section; and Part II of that Schedule shall have effect with respect to the superannuation of Forestry Commissioners and officers employed by the Commissioners.

#### Textual Amendments

- F5** Word substituted by **Forestry Act 1981 (c. 39, SIF 54), s. 5**

*Status: Point in time view as at 29/11/2004.*

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

### 3 Management of forestry land.

- (1) The Commissioners may manage, plant and otherwise use, for the purpose of the exercise of their functions under this Act, any land [<sup>F6</sup>in Scotland placed at their disposal by the Scottish Ministers under this Act or in England and Wales] placed at their disposal by the Minister under this Act, and—
  - (a) the power of the Commissioners under this subsection to manage and use any land shall, without prejudice to the generality of that power, include power to erect buildings or execute works on the land;
  - (b) any timber produced on land so placed at the Commissioners’ disposal shall belong to the Commissioners.
- (2) The Commissioners may undertake the management or supervision, upon such terms and subject to such conditions as may be agreed upon, or give assistance or advice in relation to the planting or management, of any woods or forests belonging to any person, including woods and forests under the management of the Crown Estate Commissioners or under the control of a government department, or belonging to a local authority.
- (3) The Commissioners may—
  - (a) purchase or otherwise acquire standing timber, and sell or otherwise dispose of any timber belonging to them or, subject to such terms as may be mutually agreed, to a private owner, and generally promote the supply, sale, utilization and conversion of timber;
  - (b) establish and carry on, or aid in the establishment and carrying on, of woodland industries.
- (4) In this section the expression “timber” includes all forest products.

#### Textual Amendments

F6 Words in s. 3(1) inserted (1.7.1999) by S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4(5)

#### Modifications etc. (not altering text)

C1 S. 3(1) amended by Countryside Act 1968 (c. 41, SIF 46:1), s. 24(1)

### 4 ..... F7

#### Textual Amendments

F7 S. 4 repealed by Forestry Act 1979 (c. 21, SIF 54), s. 3(2), Sch. 2

### 5 Forestry dedication covenants and agreements.

- (1) The provisions of this section shall have effect with a view to allowing land to be devoted to forestry by means of agreements entered into with the Commissioners, being agreements to the effect that the land shall not, except with the previous consent in writing of the Commissioners or, in the case of dispute, under direction of the minister [<sup>F8</sup>as regards England and Wales and the Scottish Ministers as regards Scotland], be used otherwise than for the growing of timber or other forest products

*Status: Point in time view as at 29/11/2004.*

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

in accordance with the rules or practice of good forestry or for purposes connected therewith; and in this Act—

- (a) “forestry dedication covenant” means a covenant to the said effect entered into with the Commissioners in respect of land in England or Wales without an intention being expressed contrary to the application of section 79 of the <sup>M2</sup>Law of Property Act 1925 (under which covenants relating to land are, unless the contrary is expressed, deemed to be made on behalf of the covenantor, his successors in title and persons deriving title under him or them); and
  - (b) “forestry dedication agreement” means an agreement to the said effect entered into with the Commissioners in respect of land in Scotland by a person who is the proprietor thereof for his own absolute use or is empowered by this section to enter into the agreement.
- (2) Where land in England or Wales is subject to a forestry dedication covenant,—
- (a) the Commissioners shall, as respects the enforcement of the covenant against persons other than the covenantor, have the like rights as if they had at all material times been the absolute owners in possession of ascertained land adjacent to the land subject to the covenant and capable of being benefited by the covenant, and the covenant had been expressed to be for the benefit of that adjacent land; and
  - (b) section 84 of the <sup>M3</sup>Law of Property Act 1925 (which enables the Lands Tribunal to discharge or modify restrictive covenants) shall not apply to the covenant.
- (3) A forestry dedication agreement affecting land in Scotland may be recorded in the General Register of Sasines and, on being so recorded, shall be enforceable at the instance of the Commissioners against any person having an interest in the land and against any person deriving title from him:  
Provided that such an agreement shall not be so enforceable against any third party who shall have in bona fide onerously acquired right (whether [<sup>F9</sup> title has been completed] or not) to his interest in the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.
- (4) Schedule 2 to this Act shall have effect to empower limited owners, trustees and others to enter into forestry dedication covenants or agreements and to provide for matters arising on their doing so.

#### Textual Amendments

- F8** Words in s. 5(1) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(6)**
- F9** Words in s. 5(3) substituted (S.) (28.11.2004) by **Abolition of Feudal Tenure etc. (Scotland) Act 2000** (asp 5), ss. 71, 77(2), **Sch. 12 para. 27(2)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

#### Modifications etc. (not altering text)

- C2** S. 5(3)(4) extended (S.) with modifications by **Roads (Scotland) Act 1984** (c. 54, SIF 108), s. 46(3)

#### Marginal Citations

- M2** 1925 c. 20(98:1)
- M3** 1925 c. 20(98:1)

*Status: Point in time view as at 29/11/2004.*

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

## 6 Requirements for haulage facilities.

- (1) The provisions of this section shall have effect where the Commissioners are of opinion that insufficient facilities exist for the haulage of timber from any wood or forest to a road, railway or waterway.
- (2) Subject to the following subsections, the Commissioners may, where they are of the said opinion, make an order that the owner and occupier of any land shall afford the necessary facilities, subject to payment by the person in whose favour the order is made of reasonable rent or wayleave and of compensation for any damage caused by the haulage, and the owner or occupier shall thereupon comply with the order.
- (3) The Commissioners shall not make an order under this section until the person proposed to be required to give the said facilities has had an opportunity of being heard.
- [<sup>F10</sup>(4) a person aggrieved by an order under this section may—
  - (a) where the order is made in respect of land in England and Wales, appeal therefrom to the Minister in such manner and upon such conditions, if any, as may be prescribed by the Minister, who may thereupon revoke or vary the order; and
  - (b) where the order is made in respect of land in Scotland, appeal therefrom to the Scottish Ministers in such manner and upon such conditions, if any, as may be prescribed by the Scottish Ministers, who may thereupon revoke or vary the order.]
- (5) The amount of rent or wayleave and compensation for damage which is payable in consequence of an order made under this section shall, in default of agreement, be assessed as follows that is to say—
  - (a) in a case relating to England and Wales, by a single arbitrator appointed by the President of the Royal Institution of Chartered Surveyors; and
  - (b) in a case relating to Scotland, by an arbiter appointed by the Chairman of the Scottish Committee of the said Institution.

### Textual Amendments

**F10** S. 6(4) substituted (1.7.1999) by S.I. 1999/1747, art. 3, Sch. 12 Pt. II para. 4(7)

## 7 Prevention of damage by rabbits, hares and vermin.

- (1) The provision of this section shall have effect where the Commissioners are satisfied that trees or tree plants are being, or are likely to be, damaged by rabbits, hares or vermin owing to the failure of an occupier of land to destroy sufficiently the rabbits, hares or vermin on land in his occupation, or otherwise to take steps for the prevention of damage by them.
- (2) The Commissioners may, where they are so satisfied, authorise in writing any competent person to enter on the land and kill and take the rabbits, hares or vermin thereon; but before doing so they shall first give to the occupier and owner of the land such opportunity as the Commissioners think reasonable of destroying the rabbits, hares or vermin, or of taking steps for the prevention of the damage.
- (3) The Commissioners may recover from the occupier of the land the net cost incurred by them in connection with action taken by them under the foregoing subsection.

*Status: Point in time view as at 29/11/2004.*

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

A sum recoverable under this subsection shall, in England or Wales, be recoverable summarily as a civil debt.

- (4) Anyone who obstructs a person authorised by the Commissioners in the due exercise of his powers or duties under subsection (2) above shall be liable on summary conviction to a fine not exceeding [<sup>F11</sup>level 2 on the standard scale]; but the person authorised shall, if so required, produce his authority.
- (5) For purposes of this section—
- (a) the person entitled to kill rabbits, hares or vermin on any common land shall be deemed to be the occupier of the land; and
  - (b) the expression “vermin” includes squirrels.

#### Textual Amendments

- F11** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

## 8 Miscellaneous powers of Commissioners.

The Commissioners may—

- (a) undertake the collection, preparation, publication and distribution of statistics relating to forestry, and promote and develop instruction and training in forestry by establishing or aiding schools or other educational institutions or in such other manner as they think fit;
- (b) make, or aid in making, such inquiries, experiments and research, and collect, or aid in collecting, such information as they may think important for the purpose of promoting forestry and the teaching of forestry, and publish or otherwise take steps to make known the results of the inquiries, experiments or research and disseminate the information;
- (c) make, or aid in making, such inquiries as they think necessary for the purpose of securing an adequate supply of timber and other forest products [<sup>F12</sup>in Scotland, and in England and Wales].

#### Textual Amendments

- F12** Words in s. 8(c) substituted (1.7.1999) by [S.I. 1999/1747](#), [art. 3](#), [Sch. 12 Pt. II para. 4\(8\)](#)

## [<sup>F13</sup>8A General duty of Ministers.

In performing their functions under this Act the Ministers shall have regard to the national interest in maintaining and expanding the forestry resources [<sup>F14</sup>of England and Wales and the Scottish Ministers shall have regard to the national interest in maintaining and expanding the forestry resources of Scotland].]

#### Textual Amendments

- F13** S. 8A inserted by [Forestry Act 1981 \(c. 39, SIF 54\)](#), [s. 4](#)
- F14** Words in s. 8A substituted (30.6.1999) by [S.I. 1999/1756](#), [art. 2](#), [Sch. para.3](#)

**Status:**

Point in time view as at 29/11/2004.

**Changes to legislation:**

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