

SCHEDULES

SCHEDULE 16

Section 114

CONTROLLING THE FELLING OF TREES IN ENGLAND

Introductory

- 1 Part 2 of the Forestry Act 1967 (power to control felling of trees) is amended as follows.

Penalty for felling without licence: increase of fine

- 2 In section 17(1) (penalty for felling without a licence)—
- (a) after “and” insert—
 - “(a) in relation to an offence committed in Wales,”;
 - (b) at the end insert “, or
 - (b) in relation to an offence committed in England, liable on summary conviction to a fine.”

Restocking notices to be local land charges

- 3 In section 17A (power to require restocking after unauthorised felling), after subsection (1A) insert—
- “(1B) A restocking notice served by the Commissioners is a local land charge; and for the purposes of the Local Land Charges Act 1975 the Commissioners are the originating authority as respects the charge.”

Enforcement notices to be local land charges

- 4 In section 24 (notice to require compliance with conditions or directions), at the end insert—
- “(6) A notice under this section given by the Commissioners is a local land charge; and for the purposes of the Local Land Charges Act 1975 the Commissioners are the originating authority as respects the charge.”

Further enforcement notices for new estate or interest holders

- 5 (1) In section 17C (enforcement of restocking notice), after “directions,” insert “24A (further notice under section 24 for next estate or interest holders),”.
- (2) After section 24 insert—

“24A Further notice under section 24 for next estate or interest holders

- (1) Subsection (2) applies where—

Status: This is the original version (as it was originally enacted).

- (a) a notice has been given to a person under section 24 to require compliance with the conditions of a felling licence in relation to land in England,
 - (b) steps required by the notice have not been taken, and
 - (c) before the time specified in the notice has expired, the person ceases to have the estate or interest in the land by reference to which the notice was served.
- (2) The Commissioners may give to the next estate or interest holder a further notice under section 24 requiring the steps that were not completed under the notice described in subsection (1) to be completed.
- (3) In subsection (2) the “next estate or interest holder” means the person who has an estate or interest in the land as is referred to in section 10(1) immediately after the person referred to in subsection (1) ceased to have the estate or interest referred to in subsection (1)(c).
- (4) The reference in subsection (1) to a notice under section 24 includes a notice given under subsection (2).”

Power of court to order restocking after conviction for failure to comply with enforcement notice

6 After section 24A (inserted by paragraph 5) insert—

“24B Restocking orders after conviction under section 24 in England

- (1) This section applies where a person has been convicted of an offence under section 24(4) in England in relation to a failure to take steps required by a notice given under section 24 to remedy a default in the case of non-compliance with—
- (a) the conditions of a felling licence that relate to the restocking or stocking of land with trees, or
 - (b) the requirements of a restocking notice.
- (2) The court may make a restocking order.
- (3) A restocking order is an order that requires the person to take such steps as may be specified therein to be taken within such time as may be so specified—
- (a) to restock or stock with trees the land in respect of which the notice under section 24 was given, or such other land as the court considers appropriate, and
 - (b) to maintain those trees in accordance with the rules and practice of good forestry for a period not exceeding ten years specified in the order.
- (4) In deciding whether to make a restocking order the court must have regard to—
- (a) the interests of good forestry and agriculture and of the amenities of the district to which the restocking order would relate, and
 - (b) the desirability of promoting the establishment and maintenance of adequate reserves of growing trees in England.

Status: This is the original version (as it was originally enacted).

- (5) Section 63(3) of the Magistrates’ Courts Act 1980 (power of magistrates’ court to deal with person for breach of order etc) applies in relation to a restocking order.”

Service of notices on directors of companies that have estates or interests in land

- 7 (1) Section 30 (service of documents) is amended as follows.
- (2) In subsection (2), at the end insert “or, in the case of service by the Commissioners, upon a director of the company or body”.
- (3) In subsection (3), after “clerk” insert “or director”.

Requiring information from the owner of land

- 8 In section 30(5) (power to require information regarding interests in land), after the second “land” insert “, and the owner of any land in England”.