

2002 No. 226

FORESTRY, ENGLAND AND WALES

**The Forestry (Felling of Trees) (England and Wales)
(Amendment) Regulations 2002**

Made - - - - - *5th February 2002*

Laid before Parliament *7th February 2002*

Coming into force - - *1st March 2002*

The Forestry Commissioners, in exercise of the powers conferred upon them by sections 10(1) and 32(1) of the Forestry Act 1967(a) and of all other powers enabling them in that behalf, and after consultation with the Home Grown Timber Advisory Committee, hereby make the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Forestry (Felling of Trees) (England and Wales) (Amendment) Regulations 2002, shall extend to England and Wales only and shall come into force on 1st March 2002.

Amendment of the principal regulations

2.—(1) In their application to England and Wales, the Forestry (Felling of Trees) Regulations 1979(b) (“the principal regulations”) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(1) the following definition shall be inserted in the appropriate alphabetical order:—

““electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

- (a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984)(c); or
- (b) by other means but while in an electronic form.”.

(3) After regulation 3(1) there shall be inserted the following paragraph—

“(1A) In these Regulations references to an application or a map being “authenticated” are references to there being incorporated into or otherwise logically associated with it something in electronic form for the purpose of establishing whether it comes from a particular person or other source and, if applicable—

- (a) whether it is accurately timed and dated; and
- (b) whether it is intended to have legal effect.”.

(a) 1967 c. 10; see section 32(3), as amended by article 3 of and paragraph 4(23) of Schedule 12 to the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747), regarding separate exercise of the power as regards England and Wales and as regards Scotland; and see also section 37(2), as amended by article 3 of and paragraph 4(25) of Schedule 12 to that Order, on the requirement to consult the Home Grown Timber Advisory Committee.

(b) S.I. 1979/791, amended by S.I. 1987/632.

(c) 1984 c. 12.

(4) For regulation 4 of the principal regulations there shall be substituted the following regulation—

“Application for felling licence

4. An application for a felling licence made to the Commissioners under section 10(1) of the Act shall—

- (a) be in writing or in the form of an electronic communication;
- (b) be signed, or authenticated, and dated;
- (c) include the particulars specified in Schedule 2 to these Regulations; and
- (d) be accompanied by an Ordnance Survey map signed, or authenticated, and dated by the applicant showing the area to which the application relates on a scale not smaller than one to ten thousand and with the National Grid reference of the north west corner of the area marked on the map.”.

(5) For Schedule 2 to the principal regulations there shall be substituted the following Schedule—

“SCHEDULE 2

Regulation 4

Particulars to be included in an application for a licence

The following particulars shall be included in an application for a licence—

- (a) the full name and address of the applicant;
- (b) the applicant’s estate or interest in the land on which the trees in respect of which a felling licence is sought are growing;
- (c) the full name and address of any person whose consent is needed to fell the trees and whether such consent has been given;
- (d) the type of felling proposed;
- (e) the trees (including the species) which the applicant proposes to fell;
- (f) the proposed date of commencement and estimated date of completion of felling;
- (g) any proposal for restocking the felled areas and/or any other areas;
- (h) whether any tree preservation order (made or having effect as if made under section 198 of the Town and Country Planning Act 1990(a)) affects the trees in question; and
- (i) whether any tree is in a conservation area (designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990(b)).”.

In witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 5th February 2002.

Frank Strang
Secretary to the Forestry Commissioners

(a) 1990 c. 8.
(b) 1990 c. 9.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend as respects England and Wales the Forestry (Felling of Trees) Regulations 1979 (S.I. 1979/791, as amended by S.I. 1987/632). They insert a definition of “electronic communication” and a provision relating to references to the communication being “authenticated” to enable applications for felling licences to be made electronically. They also substitute a new regulation 4 and a new Schedule 2, which sets out particulars to be included in an application for a felling licence (instead of the previous requirement to complete a standard application form). They come into force on 1st March 2002.

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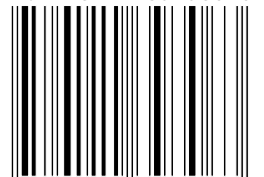
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(Amendment) Regulations 2002**

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