EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order revokes the Food Substitutes (Control) Order, 1941 which prohibited the manufacture of food substitutes except under licence, and prohibited also the sale of any food substitute the manufacture of which had not been licensed under the Order.

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## (17) FORESTRY

# The Control of Growing Trees (Felling and Selling) Order, 1950

## 1950 No. 1

| | |
|---|---|
| *Made - - - -* | *2nd January,* 1950 |
| *Laid before Parliament* | *2nd January,* 1950 |
| *Coming into Operation* | *3rd January,* 1950 |

In pursuance of Regulation 68 (as amended by the Defence Regulations (No. 3) Order, 1949(**a**)) of the Defence (General) Regulations, 1939(**b**), as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**c**), as extended by the Supplies and Services (Extended Purposes) Act, 1947(**d**), and of all other powers enabling them in that behalf, the Minister of Agriculture and Fisheries and the Secretary of State concerned with agriculture in Scotland hereby make the following Order:—

**1.** This Order may be cited as the Control of Growing Trees (Felling and Selling) Order, 1950, and shall come into operation on the third day of January, 1950.

**2.** In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" the Commissioners " means the Forestry Commissioners;

" cubic content " means the cubic content ascertained in accordance with the Schedule to this Order;

" Electricity Board " has the meaning assigned to it by the Electricity Act, 1947(**e**);

" electric line " has the meaning assigned to it by the Electric Lighting Act, 1882(**f**);

" growing tree " means any tree (not including an orchard tree but including coppice and underwood) of which the diameter measured over bark at the point five feet from ground level exceeds three inches;

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(a) S.I. 1949 (No. 2350) II, p. 20.
(b) S.R. & O. 1939 (No. 927) I, p. 715.
(c) 9 & 10 Geo. 6. c. 10.
(d) 10 & 11 Geo. 6. c. 55.
(e) 10 & 11 Geo. 6. c. 54.
(f) 45 & 46 Vict. c. 56.

"main transmission line" has the meaning assigned to it by the Electricity (Supply) Act, 1919(a).

**3.** Subject to the provisions of Article 5 of this Order, no person shall fell or cause to be felled or sell for felling any growing tree or growing trees in Great Britain, unless the felling of the said tree or trees has first been authorised by a licence granted or direction issued by the Commissioners to the person desiring to fell or cause to be felled or (as the case may be) to sell for felling the said tree or trees:

Provided that any person who owns or has power to sell or is in possession of any growing tree or growing trees in Great Britain may without such authority as aforesaid fell the same, but only to such extent that the aggregate cubic content of any tree or trees so felled by him in any one calendar month does not exceed 275 cubic feet.

**4.**—(1) Any person acting under the authority of a licence granted under this Order shall comply with any condition contained or incorporated in the licence.

(2) If any licence granted under this Order is revoked by the Commissioners the holder of the licence shall forthwith deliver it up to the Commissioners or as directed by them.

**5.** Article 3 of this Order shall not apply—

(*a*) in respect of any growing tree where a licence or direction to fell or cause to be felled or sell for felling the said tree was immediately before the coming into operation of this Order in force for any of the purposes aforesaid, and any such licence or direction shall continue in force to the like extent and subject to the like provisions as if it had been duly granted or issued under this Order;

(*b*) to any Electricity Board requiring to fell any growing tree which obstructs or interferes with the construction, maintenance or working of any main transmission line or other electric line under construction or owned by them or which will interfere with the maintenance or working of such a line.

In witness whereof the Official Seals of the Minister of Agriculture and Fisheries and the Secretary of State for Scotland are hereunto affixed this second day of January, nineteen hundred and fifty.

(L.S.) *T. Williams,*
Minister of Agriculture and Fisheries.

(L.S.) *Arthur Woodburn,*
Secretary of State for Scotland.

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(a) 9 & 10 Geo. 5. c. 100.

## SCHEDULE

*Ascertainment of Cubic Content*

The cubic content is to be ascertained by the Hoppus system of measurement taking the quarter-girth measurement over bark. In the case of a tree which is of uniform taper throughout its timber length, the timber length of the tree is to be treated as one unit in ascertaining the cubic content. In the case of a tree which is not of uniform taper throughout its timber length, the respective cubic contents of the length between the butt and the first stop and of each length between stops are to be ascertained separately.

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The functions of the Board of Trade under Defence Regulation 68 (as amended), relating to the control of the felling of growing trees and the sale of growing trees for felling, have been assigned with effect from 1st January, 1950, to the Minister of Agriculture and Fisheries and the Secretary of State for Scotland (in Great Britain) and the Home Secretary (or, in relation to certain matters, the Ministry of Agriculture for Northern Ireland) in Northern Ireland—see, for details, the Defence Regulations (No. 3) Order, 1949 (S.I. 1949 No. 2350). The Board of Trade remains the responsible authority in the United Kingdom for the control of home-grown timber in the log.

The present Order, made by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, empowers the Forestry Commissioners to issue licences authorising the felling of growing trees in Great Britain, and such a licence is made prerequisite to the felling or sale for felling of any growing tree in Great Britain. Provision is made, however, for the felling without licence of up to 275 cubic feet (over bark) per month by owners of trees and certain other persons, and there are exemptions for existing licence-holders and Electricity Boards in certain circumstances.

This Order comes into force on 3rd January, 1950.

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# The Control of Growing Trees (Felling and Selling) (Northern Ireland) Order, 1950

## 1950 No. 2

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|---|---|
| *Made* - - - - | *2nd January*, 1950 |
| *Laid before Parliament* | *2nd January*, 1950 |
| *Coming into Operation* | *3rd January*, 1950 |

In pursuance of the powers conferred upon me by Regulation 68 of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a), as extended by the

(a) 9 & 10 Geo. 6. c. 10; *and see* S. R. & O. 1945 (No. 1621) II, p. 52 and S.I. 1949 (No. 2350) II, p. 20.