Short Title	Session and Chapter
Forestry Act, 1945	8 & 9 Geo. 6. c. 35.
Acquisition of Land (Authorisation Procedure) Act, 1946.	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Iron and Steel Act, 1949	12, 13 & 14 Geo. 6. c. 72.

CHAPTER 61

Forestry Act, 1951

ARRANGEMENT OF SECTIONS

Maintenance of reserve of growing trees

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An Act to provide for the maintenance of reserves of growing trees in Great Britain and to regulate the felling of trees; to amend the procedure applicable to compulsory purchase orders under the Forestry Act, 1945; and for purposes connected with the matters aforesaid. [1st August 1951.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Maintenance of reserve of growing trees

1.—(1) The duty of the Forestry Commissioners under section three of the Forestry Act, 1919, shall include the general duty of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees. Duty of Commissioners.

(2) In relation to the performance of their general duty under this section, the Commissioners shall from time to time, and as a general rule not less than quarterly, consult with the Home Grown Timber Advisory Committee.

Felling of trees

2.—(1) Subject to the provisions of this Act, no person shall fell any growing trees unless a licence granted by the Commissioners under this Act is in force authorising the felling. Restriction of felling.

(2) No licence shall be required under this section—

(*a*) in respect of the topping or lopping of trees or the trimming or laying of hedges;

(*b*) in respect of the felling of trees of a diameter not exceeding three inches or, in the case of coppice or underwood, of a diameter not exceeding six inches;

(*c*) in respect of the felling of any fruit trees or any trees standing or growing on land comprised in an orchard, garden, churchyard or public open space;

(*d*) in respect of the felling of any tree for the prevention of danger or the prevention or abatement of a nuisance;

(*e*) in respect of the felling of any tree in compliance with any obligation imposed by or under any Act of Parliament, including this Act;

(*f*) in respect of the felling by, or at the request of, an Electricity Board of any tree which obstructs the construction by the Board of any main transmission line or other electric line, or interferes or would interfere with the maintenance or working of any such line belonging to the Board;

(*g*) in respect of the felling by any person of trees of a diameter not exceeding four inches on land in his occupation or in the occupation of any tenant of his, where the felling is carried out in order to improve the growth of other trees;

(*h*) in respect of the felling of any tree where the felling is immediately required for the purposes of carrying out development authorised by planning permission granted or deemed to be granted under the Town and Country Planning Act, 1947;

(*i*) in respect of the felling by any person of trees on land in his occupation or in the occupation of any tenant of his, so long as—

(i) the aggregate cubic content of the trees which are felled by that person without a licence (exclusive of trees the felling of which without a licence is authorised by any other provision of this Act) does not exceed eight hundred and twenty-five cubic feet in any quarter; and

(ii) the aggregate cubic content of the trees so felled which are sold by that person whether before or after the felling (exclusive as aforesaid) does not exceed one hundred and fifty cubic feet in any quarter, or such larger quantity as the Commissioners may in any particular case allow.

(3) Regulations made by the Commissioners under this Act may provide for such additional exceptions from the provisions

of subsection (1) of this section as may be specified in the regulations; and in particular such regulations may direct that subsection (2) of this section shall have effect as if for the reference to a diameter not exceeding three inches or four inches or to eight hundred and twenty-five or one hundred and fifty cubic feet there were substituted a reference to such larger diameter or quantity as may be so specified.

(4) Regulations made by the Commissioners under this Act—

(*a*) may direct that paragraph (*b*) of subsection (2) of this section shall have effect as if for the reference to a diameter not exceeding six inches there were substituted a reference to such smaller diameter as may be specified in the regulations;

(*b*) may restrict or suspend the exception contained in paragraph (*i*) of that subsection; and in particular may direct that the said paragraph shall have effect as if for the reference to eight hundred and twenty-five or one hundred and fifty cubic feet there were substituted a reference to such smaller quantity as may be specified in the regulations.

(5) In this section "Electricity Board" means an Electricity Board within the meaning of the Electricity Act, 1947, "electric line" and "main transmission line" have the same meaning as in the Electric Lighting Act, 1882, and the Electricity (Supply) Act, 1919, respectively, "public open space" means land laid out as a public garden or used (otherwise than in pursuance of section one hundred and ninety-three of the Law of Property Act, 1925, or of Part V of the National Parks and Access to the Countryside Act, 1949) for the purpose of public recreation, or land being a disused burial ground, and "quarter" means the period of three months beginning with the first day of January, the first day of April, the first day of July or the first day of October in any year; references in this section to the diameter of trees shall be construed as references to the diameter, measured over the bark, at a point five feet above the ground level, and references in this section to the cubic content of trees shall be construed as references to that content as ascertained in the prescribed manner.

Felling licences.

3.—(1) An application for a licence under this Act authorising the felling of any trees may be made to the Commissioners in the prescribed manner by any person having such an estate or interest in the land on which the trees are growing as enables him, with or without the consent of any other person, to fell the trees.

(2) Where any such application is made, the Commissioners may, if it appears to them to be expedient so to do in the interests of good forestry or agriculture or of the amenities of the district,

or for the purpose of complying with their duty under section one of this Act—

(*a*) refuse to grant a licence ; or

(*b*) grant a licence subject to any such conditions as are authorised by this section ;

but in any other case shall grant a licence unconditionally :

Provided that, in considering whether to refuse or to grant a licence unconditionally or subject to any conditions, the Commissioners shall take into account any advice tendered to them by the regional advisory committee for the conservancy in which the trees are growing.

(3) The Commissioners may grant a licence under this section subject to such conditions as, after consultation with the applicant, they may determine to be expedient for securing the re-stocking or stocking with trees of the land on which the felling takes place, or of such other land as may be agreed upon between the Commissioners and the applicant, and the maintenance of such trees in accordance with the rules and practice of good forestry for a period not exceeding ten years.

(4) Where at the time of an application for a licence under this Act authorising the felling of any trees any order is in force by virtue of regulations having effect under the Supplies and Services (Transitional Powers) Act, 1945, under which the licence of any government department is required for the use or consumption of timber comprised in the trees, then if the application contains a certificate by the applicant that the timber is required for purposes of agriculture or forestry on land in the occupation of the applicant or of any tenant of his, the application shall be treated for the purposes of the said order as if it were an application for a licence thereunder authorising the use and consumption of the timber for those purposes.

(5) If it appears to the Commissioners that the applicant for a licence is not entitled to such interest in land as would enable him to comply with conditions which the Commissioners determine as aforesaid, they may give notice in writing to that effect to the applicant and may postpone consideration of the application until the person entitled to such an interest is joined as a party thereto.

(6) Unless within three months after the receipt of an application under this section (or, where a notice is given by the Commissioners within that period under subsection (5) of this section, within three months after the date on which the person entitled to such interest in the land as is mentioned in the notice is joined as a party to the application) or within such further time as may be agreed with the applicant, the Commissioners give notice to the applicant of their decision on the application (including any reference of the application under section thirteen

of this Act), the provisions of this Act shall apply in relation to the application as if the licence to which it relates had been refused.

(7) Where the Commissioners refuse to grant a licence under this Act they shall give notice in writing to the applicant of the grounds for the refusal.

(8) A licence under this Act shall continue in force for such period (not being less than one year from the date on which it is granted) as may be specified in the licence.

Review of refusal or conditions of licence.

4.—(1) Where the Commissioners refuse to grant a licence authorising the felling of trees on any land, or grant such a licence subject to conditions, then, subject to the provisions of this section, any person aggrieved by the refusal or conditions may by notice served within the prescribed time and in the prescribed manner request the appropriate Minister to refer the matter to a committee appointed under this section; and the appropriate Minister shall, unless he is of opinion that the grounds for the request are frivolous, refer the matter accordingly.

(2) The committee to whom any matter is referred under this section shall consist of—

(*a*) a chairman appointed by the appropriate Minister; and

(*b*) two other members selected by the said Minister from a panel of persons appointed by him for the conservancy in which the trees are growing after consultation with the regional advisory committee for that conservancy and with organisations appearing to him to represent the interests of owners of woodlands and timber merchants respectively and organisations concerned with the study and promotion of forestry:

Provided that no Commissioner or person employed by the Commissioners shall be a member of any such committee.

(3) The committee shall—

(*a*) afford to the person at whose request the reference was made an opportunity of appearing before them and of making representations to them on the matter in question;

(*b*) if they think fit or if they are so required by the person who made the request, inspect the trees or land to which the reference relates; and

(*c*) take into consideration any information furnished to them by the Commissioners as to the performance within the conservancy in which the trees are growing of their duty under section one of this Act,

and shall thereupon make a report on the reference to the appropriate Minister.

(4) The appropriate Minister shall, after considering the report, confirm the decision of the Commissioners in respect of the application, or reverse or modify that decision and direct the Commissioners to give effect to the reversal or modification.

(5) No request may be made under this section in respect of a refusal to grant a licence under this Act authorising the felling of any trees unless a previous application for such a licence has been refused and the application to which the request relates is made after the following date, that is to say—

(*a*) where a reference under this section has been made in respect of any previous application relating to the trees, the third anniversary of the last such application in respect of which such a reference has been made;

(*b*) in any other case, the third anniversary of the first previous application relating to the trees.

Compensation for refusal of licence.

5.—(1) Where an application for a licence under this Act authorising the felling of any trees is refused, any person who is for the time being the owner of the trees shall, on a claim made in the prescribed manner, be entitled to recover from the Commissioners compensation in respect of any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber comprised therein in consequence of the refusal.

(2) Claims for compensation under this section in respect of any trees may be made from time to time in respect of deterioration which has taken place since the refusal of the licence or since the last previous claim, as the case may be; but no such claim shall be made after the expiration of one year after the felling of the trees, or in respect of deterioration which took place more than ten years before the date of the claim.

(3) In calculating the amount of any compensation payable under this section in respect of any trees—

(*a*) no account shall be taken of any deterioration in the quality of the timber in the trees which is attributable to neglect of the trees after the date of the refusal of the licence; and

(*b*) the value of the trees at any time shall be ascertained on the basis of prices current at the date of the claim.

(4) At any time after a licence under this Act authorising the felling of any trees has been refused, the Commissioners may, if they think fit, give notice to the owner of the trees that they are prepared to grant such a licence either unconditionally or subject to conditions described in the notice; and in any such case—

(*a*) the Commissioners shall, subject to the provisions of subsection (5) of section three and of section thirteen of this Act, grant a licence in accordance with the notice if an application is duly made in that behalf; and

(*b*) in calculating any compensation payable under this section in consequence of the previous refusal of a licence, no account shall be taken of any deterioration occurring after the giving of the notice.

(5) Any question of disputed compensation under this section shall be determined by the Lands Tribunal.

Power to make loans on refusal of licence.

6. Where a licence under this Act authorising the felling of trees on any land is refused, then, if the land is or in the opinion of the Commissioners will be managed in a manner approved by the Commissioners, the Commissioners may, if they think fit, make to persons interested in the land advances by way of loan of such amounts, upon such terms and subject to such conditions as they may determine.

Felling directions.

7.—(1) If it appears to the Commissioners that it is expedient in the interests of good forestry or for purposes connected with their duty under section one of this Act that any growing trees should be felled—

(*a*) in order to prevent deterioration or further deterioration in the quality of the timber comprised therein; or

(*b*) in order to improve the growth of other trees,

they may give directions to the owner of the trees requiring him to fell them within such period, being not less than two years after the directions have become operative, as may be specified in the directions:

Provided that, in considering whether to give any directions under this subsection, the Commissioners shall have regard to the interests of agriculture and the amenity or convenience of any farm or dwelling-house or park usually occupied with a dwelling-house or of any land held inalienably by the National Trust, and shall take into account any advice tendered by the regional advisory committee for the conservancy in which the trees are growing.

(2) No directions shall be given under this section requiring the felling of any such trees as are mentioned in paragraph (*c*) of subsection (2) of section two of this Act.

(3) Any directions given by the Commissioners under this section shall contain a statement of the grounds upon which they are given.

(4) If any person to whom directions are given under this section requiring the felling of any trees is aggrieved by the directions on the ground that the felling is not expedient as mentioned in subsection (1) of this section, he may by notice served within the prescribed time and in the prescribed manner request the appropriate Minister to refer the matter to a committee appointed in accordance with subsection (2) of section four of this Act; and the provisions of the said section four shall apply in relation to any such request as they apply in relation to

a request under subsection (1) of that section, subject to the following modifications:—

(*a*) subsections (4) and (5) shall not apply; and

(*b*) the report of the committee under subsection (3) shall be made to the person by whom the notice was served and to the Commissioners, and the Commissioners shall confirm, withdraw or modify the directions in accordance with the report.

Obligation to purchase trees or land in certain cases.

8.—(1) If any person to whom directions are given under this Act claims that compliance with those directions would involve him in a net loss after taking into account any benefit arising therefrom in respect of other trees of which he is the owner, he may by notice given to the appropriate Minister in the prescribed manner and within the prescribed period—

(*a*) if he has the right to sell the trees for immediate felling, require the Commissioners to buy the trees to which the directions relate; or

(*b*) in any case, require the appropriate Minister to acquire his interest in the land affected by the directions.

(2) Where such a notice is given by any person, the appropriate Minister may within the prescribed period after receiving it either—

(*a*) accept the notice; or

(*b*) refer the notice to a committee appointed in accordance with subsection (2) of section four of this Act; or

(*c*) revoke the directions to which the notice relates.

(3) Subsection (3) of section four of this Act shall apply to any reference under this section as if for references to the person at whose request the reference was made there were substituted references to the person by whom the notice was given; and the report of the committee shall be made to the person by whom the notice was given as well as to the appropriate Minister and shall state whether in the opinion of the committee compliance with the directions would involve that person in such loss as aforesaid, and if so what modification, if any, of the directions would be sufficient to avoid such loss.

(4) Where the committee report that compliance with the directions would not involve the said person in such loss as aforesaid, the notice shall be of no effect; but in any other case the appropriate Minister may, within the prescribed period after receiving the report, either—

(*a*) accept the notice; or

(*b*) revoke the directions; or

(*c*) modify the directions in accordance with the report,

according as he thinks fit.

(5) Where a notice given by any person under this section is accepted by the appropriate Minister, the directions to which the notice relates shall cease to have effect and—

(*a*) where the notice requires the Commissioners to buy the trees to which the directions relate, the Commissioners shall be deemed to have contracted with that person to buy those trees on the date of the acceptance of the notice at such price and on such terms (including terms as to the time within which the Commissioners may fell and remove the trees) as may in default of agreement be determined by the Lands Tribunal; and

(*b*) where the notice requires the appropriate Minister to acquire the interest of the said person in the land affected by the directions, the said Minister shall be deemed to be authorised to acquire the interest of that person in the land compulsorily under the Forestry Act, 1945, and to have served a notice to treat in respect thereof on the date of the acceptance of the notice.

(6) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

(7) Any notice given under subsection (1) of this section requiring the appropriate Minister to acquire an interest in land shall be deemed to include an offer by the person entitled to that interest to convey to the appropriate Minister such easement or other right for the benefit of the land over adjoining land in which that person has an interest as may be agreed upon between that person and the appropriate Minister or as may, in default of such agreement, be determined by the Lands Tribunal; and the second reference in paragraph (*b*) of subsection (5) of this section to the interest of that person in the land to which the notice relates shall be construed as including a reference to any such easement or right as aforesaid.

(8) If within the prescribed period after receiving a notice or the report of a committee under this section the appropriate Minister has not taken any such action as is authorised by subsection (2) or subsection (4) of this section, as the case may be, the directions to which the notice relates shall cease to have effect at the expiration of that period.

Proceedings in respect of felling directions.

9.—(1) A request under subsection (4) of section seven of this Act, and a notice under section eight of this Act, may be made and given in respect of the same directions; and regulations

made by the Commissioners under this Act may make provision for securing—

(*a*) that in any such case proceedings under those sections respectively on the request or notice are taken concurrently;

(*b*) that any proceedings on any such request or notice in respect of any directions may be postponed until the expiration of the period within which such a notice or such a request, as the case may be, might be given or made in respect of those directions.

(2) Any directions given under this Act shall be inoperative until the expiration of the period during which such a request or notice as aforesaid may be made or given in respect of the directions and, where such a request or notice is made or given, until the conclusion of any proceedings under section seven or section eight of this Act pursuant to the notice or request.

Supplementary

Special provisions for trees subject to forestry dedication covenants, etc.

10.—(1) Where application is made for a licence under this Act in respect of trees on land which is subject to a forestry dedication covenant, no conditions shall be imposed on the grant of a licence in pursuance of the application; and no breach of such a covenant shall be deemed to have occurred by reason of anything done or omitted in consequence of the refusal of such a licence.

(2) Where an application is made for a licence authorising the felling of trees in accordance with a plan of operations or other working plan approved by the Commissioners under such a covenant, or otherwise approved by them in writing for the purposes of this section—

(*a*) the Commissioners shall not refuse the licence unless the appropriate Minister certifies that, by reason of an act of God or other emergency which has taken place or arisen since the approval of the plan, the granting of a licence in respect of those trees, or in respect of trees of any class which comprises those trees, would be detrimental to the national interest; and

(*b*) if the licence is refused, the applicant may by notice given to the Commissioners in the prescribed manner and within the prescribed period require them to buy the trees in respect of which the licence is refused, or such of those trees as may be specified in the notice.

(3) Where a notice is served under subsection (2) of this section in respect of any trees, section five of this Act shall not apply in relation to the trees; and the Commissioners shall be deemed to have contracted with the applicant to buy the trees on the date

of the service of the notice at such prices as may in default of agreement be determined by the Lands Tribunal, and shall fell and remove the trees at such time or times as they may determine.

(4) An advance by way of loan may be made under section six of this Act in respect of any trees on land subject to a forestry dedication covenant, other than trees in respect of which a notice is served under subsection (2) of this section.

(5) No directions shall be given under section seven of this Act in respect of trees on land which is subject to a forestry dedication covenant or of trees which are being managed to the satisfaction of the Commissioners in accordance with any such plan approved as aforesaid otherwise than under such a covenant.

Enforcement of conditions and directions.

11.—(1) If any works required to be carried out in accordance with conditions of a licence under this Act or with any directions given by the Commissioners under this Act are not carried out in accordance with the conditions or directions, the Commissioners may give notice—

(*a*) in the case of works required to be carried out in accordance with such conditions as aforesaid, to the owner of the land;

(*b*) in the case of works required to be carried out in accordance with such directions as aforesaid, to the owner of the trees,

requiring such steps as may be specified in the notice to be taken within such time (not being less than the prescribed period after the notice has become operative) as may be so specified for remedying the default; and if after the expiration of the time so specified any steps required by the notice have not been taken, the Commissioners may enter on the land and take those steps, and may recover from the person to whom the notice was given any expenses reasonably incurred in connection therewith.

(2) If any person to whom notice is given under subsection (1) of this section claims that the works in question have been carried out in accordance with the conditions or directions, as the case may be, or that the steps specified in the notice are not required by the conditions or directions, he may, by notice served on the appropriate Minister in the prescribed manner within the prescribed period after the receipt of the notice under subsection (1) of this section, request the appropriate Minister to refer the matter to a committee appointed in accordance with subsection (2) of section four of this Act, and the provisions of that section (except subsections (4) and (5)) shall apply accordingly.

(3) The appropriate Minister shall, after considering the report of the committee on any such reference, confirm or cancel the notice to which the reference relates.

(4) A notice under subsection (1) of this section shall be inoperative until the expiration of the period during which a request may be made under subsection (2) of this section and, where such a request is made, until the conclusion of any proceedings under this section in pursuance of the request.

(5) The Commissioners may remove and either retain or dispose of any trees felled by them under this section, and shall, on a claim made in the prescribed manner by the owner of any trees so removed, pay to him a sum equal to the value of those trees after deducting any expenses reasonably incurred by them in connection with the removal or disposal.

(6) Subject to any express agreement to the contrary, any expenses incurred by any person for the purpose of complying with a notice under subsection (1) of this section, and any sums paid by any person in respect of expenses of the Commissioners under that subsection, shall be deemed to be incurred or paid by that person—

(*a*) where the notice relates to works required to be carried out in pursuance of conditions of a licence under this Act, for the use and at the request of the applicant or applicants for the licence;

(*b*) where the notice relates to works required to be carried out in pursuance of directions under this Act, for the use and at the request of the person to whom the directions were given.

(7) Any sums recoverable by or from the Commissioners under this section may be recovered as a simple contract debt in any court of competent jurisdiction.

(8) A person required by any directions or notice under this Act to carry out any works or take any steps may carry out those works or take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the directions or notice.

Penalties.

12.—(1) Any person who fells any tree in contravention of the provisions of section two of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds or twice the sum which appears to the court to be the value of the tree, whichever is the higher.

(2) Without prejudice to the powers of the Commissioners under section eleven of this Act, any person who without reasonable excuse fails to take any steps required by a notice given to him under the said section eleven shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(3) Proceedings in respect of an offence under this section may be instituted within six months of the first discovery of the offence by the person taking the proceedings, provided that no proceedings shall be instituted more than two years after the date of the offence.

Provisions as to tree preservation orders.

13.—(1) Notwithstanding anything in a tree preservation order, a licence granted or directions given by the Commissioners under this Act after the date on which the order comes into force shall be sufficient authority for the felling of any trees to which the order relates; and (except as provided by this section) no application shall be entertained under any such order for consent thereunder in respect of any felling for which such a licence is required under this Act.

(2) Where the Commissioners propose to grant such a licence in respect of any felling of trees for which consent is required under a tree preservation order, the Commissioners shall give notice in writing of the proposal to the authority by whom the order was made; and if within the prescribed period after the receipt of the notice the authority object to the proposal and the objection is not withdrawn, the Commissioners shall not deal with the application, but shall refer it to the Minister of Local Government and Planning.

(3) Where an application for a licence is referred to the Minister of Local Government and Planning under subsection (2) of this section—

(*a*) the provisions of the tree preservation order, and any provisions of the Town and Country Planning Act, 1947, relating to that order, shall apply as if the application were an application made under the order for consent for the felling of the trees and referred to the said Minister in pursuance of provisions of the order applying section fifteen of that Act, and if the order contains no such provisions as aforesaid it shall have effect for the purposes of this paragraph as if the said section fifteen were incorporated therein subject to such modifications as the said Minister may direct; and

(*b*) if consent for the felling is given by the said Minister in pursuance of the application, no licence under this Act shall be required for the felling of any trees in accordance with the consent.

(4) Notwithstanding anything in this section, the Commissioners may, where application is made to them for a licence in respect of any such felling as aforesaid, refer the application to the authority by whom the tree preservation order was made; and where an application is so referred—

(*a*) so long as the tree preservation order remains in force, no licence under this Act shall be required for the felling of any trees to which the application relates, and

no direction shall be given thereunder requiring the felling of such trees;

(*b*) the provisions of the order and any provisions of the Town and Country Planning Act, 1947, relating to the order shall apply as if the application were an application made to the said authority under the order for consent for the felling of the trees.

(5) Where an application for a licence is referred by the Commissioners under subsection (2) or subsection (4) of this section, then, without prejudice to the provisions of subsection (4) of section five of this Act in a case where a notice has been given under that subsection, no account shall be taken, in calculating any compensation payable under the said section five in consequence of any previous refusal of a licence in respect of the trees, of deterioration occurring after the date of the reference.

(6) Where the Commissioners propose to give directions under this Act requiring the felling of any trees to which a tree preservation order applies, the Commissioners shall give notice in writing of the proposal to the authority by whom the order was made; and if within the prescribed period after the receipt of the notice the authority object to the proposal and the objection is not withdrawn, the Commissioners shall not give the directions except with the consent of the Minister of Local Government and Planning, who shall, before deciding whether to grant or refuse to grant such consent, consult with the said authority.

(7) In determining for the purposes of section eight of this Act whether compliance with directions requiring a tree to be felled would involve any person in a net loss, regard shall be had to any compensation received by that person under a tree preservation order in respect of a refusal of consent for the felling of the tree.

Identification of trees.

14. Any person authorised by the Commissioners may take such steps, whether by marking or otherwise, as the Commissioners consider necessary for identifying trees which are the subject of a licence or directions under this Act, or for the felling of which such a licence has been refused.

Advisory Committees.

15.—(1) For the purpose of advising the Commissioners as to the performance of their functions under the foregoing provisions of this Act, and such other of their functions as the Commissioners may from time to time determine, the Commissioners shall maintain—

(*a*) a central advisory committee for Great Britain, to be known as the Home Grown Timber Advisory Committee;

(*b*) a regional advisory committee for each conservancy in Great Britain.

(2) The chairman and other members of any committee maintained under this section shall be appointed by the Commissioners, and shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.

(3) The Home Grown Timber Advisory Committee shall consist of not more than twenty-five members, and of those members (other than the chairman)—

(*a*) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interest of owners of woodlands;

(*b*) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of timber merchants.

(4) Each regional advisory committee shall consist of not less than seven nor more than nine members, and of those members (other than the chairman) not less than four shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of owners of woodlands and timber merchants respectively and organisations concerned with the study and promotion of forestry.

Provisions relating to mortgages and settled land.

16.—(1) Where the interest of the owner of any trees is for the time being subject to a mortgage—

(*a*) a claim for any compensation or sum payable under section five or section eleven of this Act in respect of the trees may be made either by the mortgagor or by the mortgagee;

(*b*) in either case the said compensation or sum shall be paid to the mortgagee or, if more than one, to the first mortgagee, and shall be applied by him as if it were proceeds of the sale of the trees.

(2) Subject to the foregoing provisions of this section, where the owner of any trees comprised in a settlement within the meaning of the Settled Land Act, 1925, is a tenant for life who is impeachable for waste in respect of the trees, any compensation or sum payable under section five or section eleven of this Act in respect of the trees shall be paid to the trustees of the settlement, and shall be applied by them in accordance with subsection (2) of section sixty-six of the Settled Land Act, 1925, as if it were proceeds of sale of timber cut and sold with the consent of the trustees under that section.

Trees in County of London.

17. The foregoing provisions of this Act shall not apply in relation to trees standing or growing on land within the administrative county of London.

Miscellaneous and General

Commissioners with knowledge and experience of timber trade.

18. For the purpose of assisting the Commissioners in the performance of their duties under this Act at least one of the Commissioners appointed by His Majesty under subsection (1) of section one of the Forestry Act, 1945, shall be a person who has special knowledge and experience of the timber trade.

Treasury approval for advances.

19. The powers to make advances conferred on the Commissioners by paragraph (*d*) of subsection (3) of section three of the Forestry Act, 1919, and section six of this Act shall be exercisable subject to the approval of the Treasury.

Amendment of compulsory purchase procedure.

20.—(1) The proviso to subsection (3) of section four of the Forestry Act, 1945 (which provides that a compulsory purchase order under that section shall be provisional only if objected to) shall cease to have effect.

(2) Subject to the provisions of this section, where objection to a compulsory purchase order under the said section four is duly made in accordance with Part II of the First Schedule to the Forestry Act, 1945, by any such person as is mentioned in paragraph 2 of that Part and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure and the Statutory Orders (Special Procedure) Act, 1945, shall have effect accordingly.

(3) If in the case of any such objection as aforesaid it appears to the appropriate Minister that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation for the compulsory purchase would be assessed, the appropriate Minister may disregard the objection for the purposes of Part II of the said First Schedule, and may (whether he disregards it for the purposes aforesaid or not) direct that it shall be disregarded for the purposes of subsection (2) of this section.

(4) Where a compulsory purchase order under the said section four is subject to special parliamentary procedure, the notices to be published and served by the appropriate Minister under paragraph 1 of Part III of the said First Schedule shall contain a statement that the order is to be laid before Parliament under the Statutory Orders (Special Procedure) Act, 1945.

(5) Paragraphs 2 and 3 of Part III of the First Schedule to the Forestry Act, 1945 (which relate to the validity and date of operation of compulsory purchase orders under the said section four) shall not apply to any such order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid shall apply to any such order to which the last-mentioned Act applies as if in paragraph 2 for the reference to the publication of the notice

of the order there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in paragraph 3 the words from " and shall become operative " to the end were omitted.

(6) Part III of the First Schedule to the Forestry Act, 1945, shall have effect subject to the following amendments:—

(*a*) in paragraph 1 for the words " a newspaper " there shall be substituted the words " one or more newspapers ";

(*b*) in paragraph 2 for the words " the publication " there shall be substituted the words " the first publication ";

(*c*) in paragraph 3 for the word " published " there shall be substituted the words " first published "; and

(*d*) paragraph 4 shall cease to have effect.

Service of documents.

21.—(1) Any document required or authorised to be served under this Act or the First Schedule to the Forestry Act, 1945, may be served on a person either by delivering it to him, or by leaving it at his proper address, or by sending it through the post in a registered letter addressed to him at that address.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of " owner ", " lessee " or " occupier " of the land (describing it) to which it relates, and by delivering it to some responsible person on the land or, if there is no such person on the land to whom it may be delivered, by affixing it or a copy of it to some conspicuous part of the land.

(5) The Commissioners may, for the purpose of enabling them to serve or give any document or direction under this Act, require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his interest therein and the name and address of

any other person known to him as having an interest therein, whether as a freeholder, mortgagee, lessee or otherwise; and any person who, having been required in pursuance of this subsection to give any information, fails to give that information, or knowingly makes any mis-statement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Regulations.

22.—(1) The Commissioners may, after consultation with the Home Grown Timber Advisory Committee, by statutory instrument make regulations for prescribing anything which by this Act is authorised to be prescribed.

(2) Any power conferred by this Act to prescribe the manner in which a claim or notice may be made or given thereunder shall include power to require that any particulars specified in the claim or notice shall be verified by statutory declaration.

(3) Any statutory instrument containing regulations made under this Act, other than regulations made under subsection (4) of section two, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations made under subsection (4) of section two of this Act shall be of no effect unless approved by a resolution of each House of Parliament.

Crown land.

23.—(1) In this section "Crown land" means land an interest in which belongs to His Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, and land an interest in which belongs to a government department or is held in trust for His Majesty for the purposes of a government department.

(2) Subject to the following provisions of this section, the provisions of this Act shall apply in relation to Crown land and trees growing thereon to the extent only of any estate or interest therein which is for the time being held otherwise than on behalf of the Crown.

(3) Except with the consent of the appropriate authority as defined in this section—

(*a*) no conditions relating to the restocking or stocking of Crown land shall be imposed on the grant of a licence under this Act;

(*b*) no directions shall be given under this Act requiring the felling of trees growing on Crown land.

(4) The appropriate Minister shall not be authorised to acquire the interest of any person in Crown land by virtue of a notice under section eight of this Act unless an offer has previously been made by that person to dispose of that interest to the appropriate authority on terms that the price payable therefor shall be equal to (and shall be determined in default of agreement

in like manner as) the compensation which would be payable in respect of that interest if it were acquired in pursuance of such a notice, and that offer has been refused by that authority.

(5) In this section " the appropriate authority " in relation to any land means—

(*a*) in the case of land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other government department having the management of the land in question;

(*b*) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(*c*) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and

(*d*) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Application to Scotland.

24.—(1) This Act shall, in its application to Scotland, have effect subject to the following modifications, that is to say—

(*a*) for any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

Provided that, until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland, this paragraph shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed;

(*b*) for any reference to the National Trust there shall be substituted a reference to the National Trust for Scotland;

(*c*) for any reference to a forestry dedication covenant there shall be substituted a reference to a forestry dedication agreement;

(*d*) for any reference to an easement there shall be substituted a reference to a servitude;

(*e*) for any reference to the Minister of Local Government and Planning there shall be substituted a reference to the Secretary of State;

(*f*) for references to the Town and Country Planning Act, 1947, and to sections fifteen and twenty-eight thereof, there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1947, and to sections thirteen and twenty-six thereof;

(*g*) for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947;

(*h*) for references to the Agriculture Act, 1947, and to Part II and section twenty-one of that Act, there shall be substituted references to the Agriculture (Scotland) Act, 1948, and to Part II and section thirty-eight of that Act;

(*i*) for references to a freeholder, to a mortgage, to a mortgagor, to a mortgagee, and to the first mortgagee there shall be substituted respectively references to an owner, to a heritable security, to a debtor in a heritable security, to a creditor in a heritable security, and to the creditor whose heritable security has priority over any other heritable securities secured on the land; and

(*j*) in subsection (5) of section twenty the reference to section six of the Statutory Orders (Special Procedure) Act, 1945, shall include a reference to subsection (4) of section two, as read with section ten, of that Act.

(2) Any inquiry in relation to a compulsory purchase order under section four of the Forestry Act, 1945, affecting land in Scotland and which becomes in certain circumstances subject to special parliamentary procedure, shall, if the appropriate Minister so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction has been so given—

(*a*) it shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945; and

(*b*) if publication of notice in accordance with the provisions of paragraph 1 of Part II of the First Schedule to the Forestry Act, 1945, has been made, the provisions of subsection (1) of the aforesaid section two with regard to advertisement of notice shall be deemed to have been complied with.

Transitional provisions.

25.—(1) Any authorisation to fell trees having effect by virtue of Regulation sixty-eight of the Defence (General) Regulations, 1939, and in force immediately before the coming into force of this subsection shall have effect as if it were a licence granted under this Act; and any application for such an authorisation which was outstanding immediately before the coming into force of this subsection shall have effect as if it were an application for a licence duly made in accordance with the provisions of this Act and any regulations made thereunder.

(2) An application for a licence under this Act authorising the felling of any trees may be made by any person who has obtained the right to fell the trees by virtue of a contract for the sale of the trees made before the seventh day of February, nineteen hundred and fifty-one, notwithstanding that he is not authorised by section three of this Act to make such an application; and in the case of any such application—

(*a*) subsection (5) of the said section three shall not apply, and no conditions relating to the restocking or stocking of land shall be imposed on any licence granted pursuant to the application unless the person entitled to such interest in the land as would enable him to comply with those conditions is a party to the application; and

(*b*) any compensation payable under section five of this Act to the owner of the trees shall be held by him in trust for the applicant.

(3) This Act shall not affect proceedings on any compulsory purchase order made before the coming into force of section twenty of this Act; and any such proceedings may be continued as if this Act had not been passed.

Financial provisions.

26.—(1) The appropriate Minister may pay to the members of any committee appointed by him in pursuance of this Act such remuneration as he may with the consent of the Treasury determine, and the Commissioners may pay to the members of any advisory committee maintained by them in pursuance of this Act such allowances as they may so determine.

(2) Any administrative expenses of the appropriate Minister under this Act (including sums required for the payment of remuneration under this section), any expenses of the appropriate Minister in the acquisition of land under section eight of this Act, and any expenses of the Commissioners under this Act, shall be defrayed out of the Forestry Fund.

Interpretation.

27.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

" the Commissioners " means the Forestry Commissioners;

"conservancy" means any area in Great Britain which may for the time being be designated by the Commissioners as a conservancy for the purpose of the performance of their functions;

"felling" includes wilfully destroying by any means;

"forestry dedication covenant" has the meaning assigned to it by the Forestry Act, 1947;

"mortgage" includes any charge for securing money or moneys worth, and "mortgagee" shall be construed accordingly;

"National Trust" and "held inalienably" have the same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946;

"owner" in relation to land has the same meaning as in Part II of the Agriculture Act, 1947, and subsections (1) and (2) of section twenty-one of that Act shall accordingly have effect as if references therein to the said Part II included references to this Act;

"owner" in relation to trees means the owner of the land on which the trees are growing and, in the case of trees which have been felled, means the person who was the owner immediately before the felling;

"prescribed" means prescribed by regulations made by the Commissioners;

"tree preservation order" means an order made or having effect as if made under section twenty-eight of the Town and Country Planning Act, 1947.

(2) References in this Act to any enactment or provision are references to that enactment or provision as amended by any other enactment or provision.

Citation, construction, commencement and extent.

28.—(1) This Act may be cited as the Forestry Act, 1951, and shall be construed as one with the Forestry Acts, 1919 to 1947, and this Act and those Acts may be cited together as the Forestry Acts, 1919 to 1951.

(2) This Act, except the provisions relating to the procedure on a compulsory purchase under section four of the Forestry Act, 1945, shall come into force on the first day of October, nineteen hundred and fifty-one; and the said provisions shall come into force one month after the passing of this Act.

(3) This Act shall not extend to Northern Ireland.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Acquisition of Land (Assessment of Compensation) Act, 1919.	9 & 10 Geo. 5. c. 57.
Forestry Act, 1919	9 & 10 Geo. 5. c. 58.
Electricity (Supply) Act, 1919	9 & 10 Geo. 5. c. 100.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Private Legislation Procedure (Scotland) Act, 1936.	26 Geo. 5. & 1 Edw. 8. c. 52.
Forestry Act, 1945	8 & 9 Geo. 6. c. 35.
Supplies and Services (Transitional Powers) Act, 1945.	9 & 10 Geo. 6. c. 10.
Statutory Orders (Special Procedure) Act, 1945.	9 & 10 Geo. 6. c. 18.
Acquisition of Land (Authorisation Procedure) Act, 1946.	9 & 10 Geo. 6. c. 49.
Forestry Act, 1947	10 & 11 Geo. 6. c. 21.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 42.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 53.
Electricity Act, 1947	10 & 11 Geo. 6. c. 54.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
National Parks and Access to the Countryside Act, 1949.	12, 13 & 14 Geo. 6. c. 97.

CHAPTER 62

Tithe Act, 1951

ARRANGEMENT OF SECTIONS

Provisions as to annuities registers

Section
1. Repeal of provision for registers of annuities for all districts, and substituted provision as to selected districts.

Amendments and repeals of certain provisions of the principal Act, and subsidiary provisions

2. Extinguished rentcharges undisclosed: exclusion from provisions for compensation and for charge of annuity.
3. Additional powers for apportionment of annuities, and power to consolidate annuities.
4. Mistake as to ownership of land not to invalidate redemption or reduction of an annuity.
5. Ascertainment of ownership of land in respect of which an annuity is charged.