STATUTORY INSTRUMENTS

1972 No. 91

FORESTRY

The Forestry (Exception from Restriction of Felling) Regulations 1972

Made - - -	31*st January* 1972
Laid before Parliament	7*th February* 1972
Coming into Operation	21*st March* 1972

The Forestry Commissioners, in exercise of the powers vested in them by sections 9(5)(*a*) and 32(1) of the Forestry Act 1967(**a**), and of every other power enabling them in that behalf, and after consultation with the Home Grown Timber Advisory Committee, hereby make the following Regulations:—

Citation, Commencement and Extent

1.—(1) These regulations may be cited as the Forestry (Exception from Restriction of Felling) Regulations 1972 and shall come into operation on 21st March 1972.

(2) These regulations shall apply to England and Wales.

Interpretation

2.—(1) In these regulations,—

"the Act" means the Forestry Act 1967.

(2) The Interpretation Act 1889(**b**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Exception from restriction of felling

3. The exception from the application of subsection (1) of section 9 of the Act (which requires a felling licence to be granted by the Forestry Commissioners for the felling of growing trees) set forth in regulation 4 of these regulations shall be additional to the exceptions from the application of the said subsection (1) specified in subsections (2) to (4) of the said section as modified by the Forestry (Exceptions from Restriction of Felling) Regulations 1951(**c**) as amended (**d**), which by virtue of section 50(1) of, and paragraph 1 of Schedule 6 to, the Act have effect as if made under section 9(5) of the Act.

(**a**) 1967 c. 10. (**b**) 1889 c. 63.
(**c**) S.I. 1951/1725 (1951, I, p. 755).
(**d**) The relevant amending instrument is S.I. 1959/96 (1959, I, p. 1432).

4. Subsection (1) of section 9 of the Act shall not apply to the felling of any tree of the genus Ulmus which is affected by the disease in elms caused by the fungus *Ceratocystis ulmi* and commonly known as Dutch elm disease to such an extent that the greater part of the crown of the tree is dead.

IN WITNESS whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 31st January 1972.

(L.S.)

J. J. V. Summers,
Secretary to the Forestry Commissioners

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Under section 9(1) of the Forestry Act 1967 a felling licence granted by the Forestry Commissioners is required for the felling of growing trees except where by or under the Act that subsection does not apply. Exceptions are specified in section 9(2)—(4) and additional exceptions may be provided for by regulations made by the Commissioners. Section 9 is a re-enactment of section 2 of the Forestry Act 1951 (c.61), which (with other enactments) was consolidated by the Act of 1967. Under section 2(3) of the Act of 1951 were made the Forestry (Exceptions from Restriction of Felling) Regulations 1951 and the Forestry (Exceptions from Restriction of Felling) (Amendment) Regulations 1959 which provided for certain exceptions additional to the exceptions specified in section 2(2) of that Act, and those regulations now have effect as if made under section 9(5) of the Act of 1967 by virtue of section 50(1) of, and paragraph 1 of Schedule 6 to, the Act of 1967. The present Regulations add a further exception. This removes the requirement in England and Wales of a licence for felling a growing elm which is so severely affected by Dutch elm disease that the greater part of its crown is dead.

These Regulations come into operation on 21st March 1972.

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