

Draft Regulations laid before the Assembly under section 35(1) of the Forestry Act (Northern Ireland) 2010 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2013 No.

FORESTRY

The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013

Made - - - - 15th May 2013
Coming into operation 17th June 2013

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 15(4)(a) of the Forestry Act (Northern Ireland) 2010(1).

Citation and commencement

1. These Regulations may be cited as The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013 and shall come into operation on 17th June 2013.

Interpretation

2. In these Regulations—
“the Act” means the Forestry Act (Northern Ireland) 2010.

Calculation of the area of land

3. For the purposes of section 15(4)(a) of the Act, the area of the land on which trees are growing shall be calculated for the purposes of section 15(1) of the Act by reference to the area within—

- (a) any physical boundary surrounding that land; or
- (b) where no such boundary exists, the boundary formed by the outside of the crowns of the perimeter trees that join canopy or, which by virtue of their proximity, have the reasonable potential to join canopy on that land.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013 No. 137

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 15th May 2013.



Malcolm Beatty
A senior officer of the Department of Agriculture
and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the calculation of the area of any land for the purposes of section 15(1) of the Forestry Act (Northern Ireland) 2010 (the Act). Under section 15(1) of the Act a person is prohibited from felling trees growing on land of 0.2 hectares or more in area unless a licence granted by the Department authorising the felling is in force or an exemption under section 15(2) of the Act applies.

The area is to be ascertained by measuring the area within any physical boundary surrounding that land, or where no such boundary exists, the boundary formed by the outside of the crowns of the perimeter trees that join canopy or, which by virtue of their proximity, have the reasonable potential to join canopy on that land.