



# Forestry Act 1967

## 1967 CHAPTER 10

### PART II

#### <sup>F1</sup>... POWER TO CONTROL FELLING OF TREES

##### *Enforcement of licence conditions and felling directions*

#### **24 Notice to require compliance with conditions or directions.**

- (1) The provisions of this section shall apply if—
  - (a) any works required to be carried out in accordance with conditions of a felling licence are not so carried out; or
  - (b) any felling directions given by the [<sup>F1</sup>appropriate forestry authority] are not complied with.
- (2) The [<sup>F1</sup>appropriate forestry authority] may give to the person responsible a notice requiring such steps as may be specified therein 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 for purposes of this subsection, “the person responsible” is—
  - (a) in the case of non-compliance with conditions of a felling licence, [<sup>F2</sup>the person specified in subsection (2A)]; and
  - (b) in the case of non-compliance with felling directions, the owner of the trees.

[<sup>F3</sup>(2A) The person referred to in subsection (2)(a) is—

- (a) where the licence relates to land in [<sup>F4</sup>England or Wales]—
  - (i) the applicant for the licence, if on the date the notice is served he has such estate or interest in the land as is referred to in section 10(1) of this Act; or
  - (ii) in any other case, the owner of the land.

<sup>F5</sup>(b) .....]

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- (3) If after the expiration of the time specified in the notice any steps required by the notice have not been taken, the [<sup>F1</sup>appropriate forestry authority] may, subject to the following section, enter on the land and take those steps.
- (4) Without prejudice to the powers of the [<sup>F1</sup>appropriate forestry authority] under the foregoing subsection, a person who without reasonable excuse fails to take any steps required by a notice given to him under this section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 5 on the standard scale]; and proceedings in respect of such an offence 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.
- (5) A person who is required by a notice under this section to carry out 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 notice.
- [<sup>F7</sup>(6) A notice under this section given by the Commissioners is a local land charge; and for the purposes of the Local Land Charges Act 1975 the Commissioners are the originating authority as respects the charge.]

#### Textual Amendments

- F1** Words in s. 24 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 64\(2\)](#) (with Sch. 7)
- F2** Words in s. 24(2)(a) substituted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006 \(S.I. 2006/780\), arts. 1\(1\), 5\(2\)](#)
- F3** S. 24(2A) inserted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006 \(S.I. 2006/780\), arts. 1\(1\), 5\(3\)](#)
- F4** Words in s. 24 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 64\(3\)](#) (with Sch. 7)
- F5** S. 24(2A)(b) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\), reg. 1\(2\), Sch. para. 25; S.S.I. 2019/47, reg. 2](#)
- F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 39, 46, Sch. 3](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), Sch. 7D](#) and expressed to be substituted (S.) (1.4.1996) by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 10, Sch. 2 Pt.III](#)
- F7** S. 24(6) inserted (1.1.2023) by [Environment Act 2021 \(c. 30\), s. 147\(3\), Sch. 16 para. 4](#) (with s. 144); [S.I. 2022/1266, reg. 2\(d\)](#) (with [reg. 3\(2\)](#))

#### [<sup>F8</sup>24A Further notice under section 24 for next estate or interest holders

- (1) Subsection (2) applies where—
- a notice has been given to a person under section 24 to require compliance with the conditions of a felling licence in relation to land in England,
  - steps required by the notice have not been taken, and
  - before the time specified in the notice has expired, the person ceases to have the estate or interest in the land by reference to which the notice was served.
- (2) The Commissioners may give to the next estate or interest holder a further notice under section 24 requiring the steps that were not completed under the notice described in subsection (1) to be completed.

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- (3) In subsection (2) the “next estate or interest holder” means the person who has an estate or interest in the land as is referred to in section 10(1) immediately after the person referred to in subsection (1) ceased to have the estate or interest referred to in subsection (1)(c).
- (4) The reference in subsection (1) to a notice under section 24 includes a notice given under subsection (2).]

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**Textual Amendments**

**F8** S. 24A inserted (1.1.2023) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 16 para. 5(2)** (with s. 144); S.I. 2022/1266, reg. 2(d) (with reg. 3(3))

**[<sup>F9</sup>24B Restocking orders after conviction under section 24 in England**

- (1) This section applies where a person has been convicted of an offence under section 24(4) in England in relation to a failure to take steps required by a notice given under section 24 to remedy a default in the case of non-compliance with—
  - (a) the conditions of a felling licence that relate to the restocking or stocking of land with trees, or
  - (b) the requirements of a restocking notice.
- (2) The court may make a restocking order.
- (3) A restocking order is an order that requires the person to take such steps as may be specified therein to be taken within such time as may be so specified—
  - (a) to restock or stock with trees the land in respect of which the notice under section 24 was given, or such other land as the court considers appropriate, and
  - (b) to maintain those trees in accordance with the rules and practice of good forestry for a period not exceeding ten years specified in the order.
- (4) In deciding whether to make a restocking order the court must have regard to—
  - (a) the interests of good forestry and agriculture and of the amenities of the district to which the restocking order would relate, and
  - (b) the desirability of promoting the establishment and maintenance of adequate reserves of growing trees in England.
- (5) Section 63(3) of the Magistrates’ Courts Act 1980 (power of magistrates’ court to deal with person for breach of order etc) applies in relation to a restocking order.]

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**Textual Amendments**

**F9** S. 24B inserted (1.1.2023) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 16 para. 6** (with s. 144); S.I. 2022/1266, reg. 2(d) (with reg. 3(4))

**[<sup>F10</sup>24C Variation of conditions or suspension or revocation of licence following breach of condition: Wales**

- (1) The provisions of this section apply if, in relation to a felling licence granted in relation to land in Wales, the Natural Resources Body for Wales considers that any condition of the licence—

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- (a) has not been complied with, or
  - (b) is not being complied with.
- (2) But this section does not apply if the condition is one that requires works to be carried out (as to which see section 24).
- (3) The Natural Resources Body for Wales may give to the person responsible a notice which makes provision for one or more of the following—
- (a) a suspension of the felling licence, either in full or in part;
  - (b) a variation or removal of a condition of the felling licence or an imposition of a new condition;
  - (c) where the circumstances referred to in subsection (4) apply, a revocation of the felling licence.
- (4) The circumstances are that the condition that has not been complied with, or is not being complied with, was imposed for the purpose mentioned in section 10(2)(c).
- (5) A notice given under subsection (3) may also make provision—
- (a) requiring the person to whom the notice was given to take such steps as may be specified in the notice, and
  - (b) specifying the period (not being less than the prescribed period after the notice has become operative) within which those steps must be taken.
- (6) A notice given under subsection (3) must—
- (a) set out the reasons for giving the notice;
  - (b) specify the condition that has not been or is not being complied with;
  - (c) if the notice suspends the felling licence, specify the period for which the licence is to be suspended;
  - (d) if the notice varies conditions or revokes the felling licence, specify the date upon which the variation or revocation takes effect;
  - (e) if the notice suspends the felling licence in part, specify the felling that may continue.
- (7) Where a notice given under subsection (3) suspends a felling licence, either in full or in part, the suspension ends with the earlier of—
- (a) the expiry of the period specified in the notice in accordance with subsection (6)(c), and
  - (b) the date specified in any further notice given to the person responsible by the Natural Resources Body for Wales under this paragraph.
- (8) The Natural Resources Body for Wales may give a further notice under subsection (7) (b) if it considers that the suspension should be lifted sooner than the end of the period specified in the notice given under subsection (3).
- (9) If—
- (a) a notice given under subsection (3) requires a person to take steps in accordance with subsection (5)(a), and
  - (b) those steps have not been taken before the end of the period specified in that notice in accordance with subsection (5)(b),
- the Natural Resources Body for Wales may enter on the land and take those steps.
- (10) A person who, without reasonable excuse, fails to take any steps required by a notice given under subsection (3) commits an offence and is liable on summary conviction

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to a fine (but this does not affect the powers of the Natural Resources Body for Wales under subsection (9)).

- (11) Proceedings in respect of an offence under subsection (10)—
- (a) must be commenced within the period of six months starting on the day the person commencing the proceedings becomes aware of the offence;
  - (b) may not be commenced more than two years after the date of the offence.
- (12) A person who is required by a notice under subsection (3) to take steps may take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the notice.
- (13) For the purposes of this section, “the person responsible” is—
- (a) the applicant for the licence, if on the date the notice is given the applicant has such estate or interest in the land as is referred to in section 10(1);
  - (b) in any other case, a person who has such estate or interest in the land as is referred to in section 10(1) on that date.

#### Textual Amendments

**F10** Ss. 24C-24E inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 39, 56(1)(a)

### **24D Notice to subsequent estate or interest holder requiring steps to be taken**

- (1) Subsection (2) applies where—
- (a) a notice has been given to a person under section 24C(3) requiring the person to take steps,
  - (b) steps required by the notice have not been taken, and
  - (c) before the time specified in the notice (within which those steps must be taken) has expired, the person ceases to have the estate or interest in the land by reference to which the notice was given.
- (2) The Natural Resources Body for Wales may give to a person who has such estate or interest in the land as is referred to in section 10(1) a notice—
- (a) requiring the steps that were not taken under the notice described in subsection (1) to be taken, and
  - (b) specifying the period (not being less than the prescribed period after the notice has become operative) within which those steps must be taken.
- (3) A notice given under subsection (2) must set out the reasons for giving the notice.
- (4) If steps required by a notice under subsection (2) have not been taken before the end of the period specified in the notice, the Natural Resources Body for Wales may enter on the land and take those steps.
- (5) A person who, without reasonable excuse, fails to take any steps required by a notice under subsection (2) commits an offence and is liable on summary conviction to a fine (but this does not affect the powers of the Natural Resources Body for Wales under subsection (4)).
- (6) Proceedings in respect of an offence under subsection (5)—

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- (a) must be commenced within the period of six months starting on the day the person commencing the proceedings becomes aware of the offence;
  - (b) may not be commenced more than two years after the date of the offence.
- (7) A person who is required by a notice under subsection (2) to take steps may take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the notice.
- (8) The reference in subsection (1) to a notice under section 24C(3) includes a notice given under this section.

#### Textual Amendments

**F10** Ss. 24C-24E inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 39, 56(1)(a)

#### **24E Suspension, amendment or revocation of tree felling licence where no breach of condition: Wales**

- (1) The provisions of this section apply if, in relation to a felling licence granted in relation to land in Wales, the Natural Resources Body for Wales considers that felling in accordance with the licence is causing, or is likely to cause, significant harm to—
- (a) natural beauty, or
  - (b) flora, fauna, geological or physiographical features, or natural habitats.
- (2) The Natural Resources Body for Wales may give to the person responsible a notice which makes provision for one or more of the following—
- (a) a suspension of the felling licence, either in full or in part;
  - (b) an amendment of the felling licence;
  - (c) if the Natural Resources Body for Wales considers that amending the felling licence would not prevent the harm that is being caused or is likely to be caused, a revocation of the felling licence.
- (3) A notice given under subsection (2) must—
- (a) set out the reasons for giving the notice;
  - (b) specify the harm that felling in accordance with the licence is causing or is likely to cause;
  - (c) if the notice suspends the felling licence, specify the period for which the licence is to be suspended;
  - (d) if the notice amends or revokes the felling licence, specify the date upon which the amendment or revocation takes effect;
  - (e) if the notice suspends the felling licence in part, specify the felling that may continue.
- (4) Where a notice given under subsection (2) suspends a felling licence, either in full or in part, the suspension ends with the earlier of—
- (a) the expiry of the period specified in the notice in accordance with subsection (3)(c), and
  - (b) the date specified in any further notice given to the person responsible by the Natural Resources Body for Wales under this paragraph.

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- (5) The Natural Resources Body for Wales must give a further notice specifying a date under subsection (4)(b) (to bring the suspension to an end) if it considers that felling in accordance with the felling licence (as it would have effect after that date) would neither cause nor be likely to cause the harm specified in the notice that suspended the licence.
- (6) For the purposes of this section, “the person responsible” is—
- (a) the applicant for the licence, if on the date the notice is given the applicant has such estate or interest in the land as is referred to in section 10(1);
  - (b) in any other case, a person who has such estate or interest in the land as is referred to in section 10(1) on that date.]

#### Textual Amendments

**F10** Ss. 24C-24E inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 39, 56(1)(a)

#### [<sup>F11</sup>24F Notices under section 24C(3) or 24E(2) that affect tree preservation orders

- (1) The provisions of this section apply if—
- (a) the Natural Resources Body for Wales proposes to give a notice under section 24C(3) or 24E(2) in respect of any trees to which a tree preservation order relates, and
  - (b) the proposed notice does not meet the emergency criteria.
- (2) The emergency criteria are met if the proposed notice makes no provision other than—
- (a) provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to—
    - (i) natural beauty, or
    - (ii) flora, fauna, geological or physiographical features, or natural habitats, or
  - (b) provision that suspends a felling licence.
- (3) Before the Natural Resources Body for Wales gives the proposed notice it must give notice in writing of the proposal to the authority by whom the tree preservation order was made.
- (4) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the notice in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.
- (5) If a matter is referred to the Welsh Ministers under subsection (4), the Welsh Ministers may decide to—
- (a) grant consent to the giving of the notice, or
  - (b) refuse to grant consent (in which case the notice cannot be given).
- (6) Where the Natural Resources Body for Wales has given notice in writing under subsection (3) to an authority in respect of a proposed notice, the proposed notice cannot be given until—

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- (a) the period prescribed under subsection (4) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn), or
  - (b) if the Natural Resources for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.
- (7) Before deciding whether to grant or refuse consent under subsection (5), the Welsh Ministers must consult—
- (a) the Natural Resources Body for Wales;
  - (b) the authority by whom the tree preservation order was made;
  - (c) the applicant for the licence if the applicant has such estate or interest in the land as is referred to in section 10(1) or, in any other case, a person who has such estate or interest in the land.]

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**Textual Amendments**

**F11** S. 24F inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), **ss. 40, 56(1)(a)**

**[<sup>F12</sup>25 Appeal against notice under s. 24.**

- (1) If a person to whom a notice under section 24 is given claims—
- (a) that the works in question have been carried out in accordance with the conditions of the felling licence or, in the case of felling directions, that they have been complied with; or
  - (b) that the steps required by the notice to be taken are not required by the conditions or directions,
- he may by a notice served on the Minister [<sup>F13</sup>where the notice is given in respect of land or trees in [<sup>F14</sup>England or Wales], <sup>F15</sup>... ] in the prescribed manner and within the prescribed period after the receipt of the notice under section 24, request the Minister <sup>F16</sup>... to refer the matter to a committee appointed in accordance with section 27 below.
- (2) A notice under section 24 shall be inoperative until the expiration of the prescribed period for the purposes of subsection (1) above and, where a request to the Minister <sup>F17</sup>... under that subsection is made, until the conclusion of any proceedings under this section in pursuance of the request.
- (3) Where such a request is made by a person receiving a notice under section 24, the Minister <sup>F18</sup>... shall, unless he is of opinion that the grounds for the request are frivolous, refer the matter accordingly to a committee so appointed.
- (4) The committee to whom a matter is referred under this section, after complying with section 27(3), shall make a report on the reference to the Minister [<sup>F19</sup>and who] shall, after considering the report, confirm or cancel the notice to which the reference relates.]

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**Textual Amendments**

**F12** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018 \(asp 8\)](#), s. 85(2), **sch. 2** (with **ss. 80, 83**); [S.S.I. 2019/47](#), **reg. 2** (with transitional provisions and savings in **regs. 3-22**)



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- (as amended (18.3.2021) by The Forestry and Land Management (Scotland) Act 2018 (Consequential, Saving and Transitional Provisions) Regulations 2021 (S.S.I. 2021/44), regs. 1(1), **11(2)(b)(3)(a))**)
- F13** Words in s. 25(1) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para 4(18)(a)**
- F14** Words in s. 25 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 65** (with Sch. 7)
- F15** Words in s. 25(1) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 26(a)(i)**; S.S.I. 2019/47, reg. 2
- F16** Words in s. 25(1) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 26(a)(ii)**; S.S.I. 2019/47, reg. 2
- F17** Words in s. 25(2) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 26(b)**; S.S.I. 2019/47, reg. 2
- F18** Words in s. 25(3) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 26(c)**; S.S.I. 2019/47, reg. 2
- F19** Words in s. 25(4) substituted (1.4.2019) by The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 26(d)**; S.S.I. 2019/47, reg. 2

## 26 Expenses etc. in connection with notices under s. 24 <sup>[F20]</sup>, s. 24C(3) or s. 24D(2)].

- (1) If the <sup>[F21]</sup>appropriate forestry authority], in the exercise of their powers under section 24 <sup>[F22]</sup>, section 24C(9) or section 24D(4)], enter on land and take any steps required by a notice <sup>[F23]</sup>under that section]<sup>[F23]</sup>under either of those sections], they may recover from the person to whom the notice was given any expenses reasonably incurred in connection therewith.
- (2) The <sup>[F21]</sup>appropriate forestry authority] may remove and either retain or dispose of trees felled by them in the exercise of their said powers, 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.
- (3) Subject to any express agreement to the contrary, any expenses incurred by a person for the purpose of complying with a notice under section 24, and any sums paid by a person in respect of expenses of the <sup>[F21]</sup>appropriate forestry authority] under that section, 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 felling licence, for the use and at the request of the applicant for the licence;
  - (b) where the notice requires compliance with felling directions, for the use and at the request of the person to whom the directions were given.
- (4) Any sums recoverable by or from the <sup>[F21]</sup>appropriate forestry authority] under this section may be recovered as a simple contract debt.

### Textual Amendments

- F20** Words in s. 26 heading inserted (W.) (18.8.2023 for specified purposes) by Agriculture (Wales) Act 2023 (asc 4), **ss. 44(4)(a)**, 56(1)(a)

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- F21** Words in s. 26 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 66** (with Sch. 7)
- F22** Words in s. 26(1) inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), **ss. 44(4)(b)(i)**, 56(1)(a)
- F23** Words in s. 26(1) substituted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), **ss. 44(4)(b)(ii)**, 56(1)(a)

## [<sup>F24</sup>26A Appeals against notices given under section 24C(3) and 24D(2)

- (1) The following persons have a right to bring an appeal against a notice given under section 24C(3) if the person thinks that any of the grounds set out in subsection (2) applies—
- (a) the person to whom the notice was given;
  - (b) a person who has such estate or interest in the land as is referred to in section 10(1);
  - (c) the owner of the trees.
- (2) The grounds are—
- (a) a condition referred to in the notice has been complied with or is being complied with;
  - (b) suspending or revoking the felling licence is unreasonable or disproportionate;
  - (c) the variation of a condition of the felling licence, or the imposition of a new condition, is unreasonable or disproportionate;
  - (d) a step specified in the notice is unreasonable or disproportionate;
  - (e) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24C(7)(b).
- (3) A person to whom a notice has been given under section 24D(2) has a right to bring an appeal against the notice if the person thinks that a step specified in the notice is unreasonable or disproportionate.
- (4) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests).

### Textual Amendments

- F24** **Ss. 26A-26G** inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), **ss. 41**, 56(1)(a)

## 26B Appeals against notice given under section 24E(2)

- (1) The following persons have a right to bring an appeal against a notice given under section 24E(2) if the person thinks that any of the grounds set out in subsection (2) applies—
- (a) the person to whom the notice was given;
  - (b) a person who has such estate or interest in the land as is referred to in section 10(1);
  - (c) the owner of the trees.
- (2) The grounds are—

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- (a) the felling is not causing the harm specified in the notice or is not likely to cause the harm;
  - (b) suspending or revoking the felling licence is unreasonable or disproportionate;
  - (c) an amendment to the felling licence is unreasonable or disproportionate;
  - (d) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24E(4)(b).
- (3) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests).

#### Textual Amendments

**F24** Ss. 26A-26G inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 41, 56(1)(a)

### 26C Further provision about appeals brought under sections 26A and 26B

- (1) A request made to the Welsh Ministers under section 26A or 26B must be made in the prescribed manner and within the prescribed period.
- (2) A notice given under section 24C(3), 24D(2) or 24E(2) does not take effect until the expiration of the prescribed period and, where a request is made to the Welsh Ministers under section 26A or 26B (as the case may be), until the conclusion of any proceedings in pursuance of the request.
- (3) But subsection (2) does not apply (and the notice may take effect immediately) to the extent that—
  - (a) the notice makes provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to—
    - (i) natural beauty, or
    - (ii) flora, fauna, geological or physiographical features, or natural habitats, or
  - (b) the notice makes provision that suspends a felling licence.
- (4) Where a request is made to the Welsh Ministers under section 26A or 26B, the Welsh Ministers must, unless they are of the opinion that the grounds for the request are frivolous, refer the matter to the committee appointed in accordance with section 27.
- (5) The committee to whom a matter is referred under this section must, after complying with section 27(3), provide the Welsh Ministers with a report in relation to the reference.
- (6) After considering the report, the Welsh Ministers must—
  - (a) in the case of a request made on the ground in subsection 26A(2)(e) or 26B(2)
  - (d) (suspension should have been ended)—
    - (i) direct the Natural Resources Body for Wales to give a notice under section 24C(7)(b) or 24E(4)(b) (as the case may be) ending the suspension, or
    - (ii) give the person who made the request a notice setting out the reasons why a direction under sub-paragraph (i) is not being given;

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- (b) in the case of any other request, confirm or cancel the notice to which the reference relates.

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**F24** Ss. 26A-26G inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 41, 56(1)(a)

**26D Compensation following receipt of a notice given under section 24C(3)**

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24C(3), the relevant person is entitled to compensation in accordance with this section and section 26G.
- (2) If the notice given under section 24C(3) is cancelled under section 26C(6)(b), compensation is payable—
- (a) for any expenses reasonably incurred in connection with the giving of the notice;
  - (b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice.
- (3) If a direction is given to the Natural Resources Body for Wales under section 26C(6)
- (a)(i) to give a notice ending a suspension imposed by the notice given under section 24C(3), compensation is payable—
    - (a) for any expenses reasonably incurred in connection with the suspension;
    - (b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the suspension.
- (4) For the purposes of this section “the relevant person” is—
- (a) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred in connection with a requirement to take steps, the person to whom the notice was given;
  - (b) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred otherwise than in connection with a requirement to take steps, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;
  - (c) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

**Textual Amendments**

**F24** Ss. 26A-26G inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 41, 56(1)(a)

**26E Compensation following receipt of a notice given under section 24D(2)**

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24D(2), the person to whom the notice was given is entitled to compensation in accordance with this section and section 26G.

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- (2) If the notice given under section 24D(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.

**Textual Amendments**

**F24** Ss. 26A-26G inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 41, 56(1)(a)

**26F Compensation following receipt of a notice given under section 24E(2)**

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24E(2), the relevant person is entitled to compensation in accordance with this section and section 26G.
- (2) Compensation is payable for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice under section 24E(2) (regardless of whether an appeal has been brought under section 26B).
- (3) If the notice given under section 24E(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.
- (4) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24E(2), compensation is payable for any expenses reasonably incurred in connection with the suspension.
- (5) For the purposes of this section “the relevant person” is—
  - (a) where compensation is payable for expenses reasonably incurred, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;
  - (b) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

**Textual Amendments**

**F24** Ss. 26A-26G inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 41, 56(1)(a)

**26G Compensation under section 26D, 26E and 26F – further provision**

- (1) Compensation under sections 26D, 26E and 26F is recoverable from the Natural Resources Body for Wales.
- (2) A claim for compensation under section 26D, 26E or 26F must be made in the prescribed manner and within the prescribed period.
- (3) Where a claim for compensation is made under section 26D or 26F for deterioration in the quality of the timber—

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- (a) if the trees have been felled, no claim may be made after the expiration of one year from the date of the felling;
  - (b) where a claim is made in reliance on section 26F(2) (depreciation in the value of the trees as a result of the giving of a notice under section 24E(2)), no claim may be made in respect of deterioration occurring more than ten years after the notice was given.
- (4) In calculating compensation that is payable under section 26D or 26F—
- (a) no account is to be taken of deterioration in the quality of the timber that is attributable to neglect of the trees;
  - (b) the value of the trees at any time is to be ascertained on the basis of prices current at the date of the claim.
- (5) If—
- (a) after giving notice under section 24E(2) that amends a felling licence, the Natural Resources Body for Wales notifies the person specified in subsection (6) that it is prepared to further amend the licence under section 10(3A) so that it has the same effect as it had immediately before the licence was amended by the notice given under section 24E(2), or
  - (b) after giving notice under section 24E(2) that revokes a felling licence, the Natural Resources Body for Wales notifies the person mentioned in subsection (7) that it is prepared to grant a new licence that has the same effect as the licence that was revoked,
- then in calculating the compensation that is payable under section 26F(2), no account is to be taken of deterioration occurring after the Natural Resources Body for Wales has notified the relevant person in accordance with this subsection.
- (6) For the purposes of subsection (5)(a), the relevant person is—
- (a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in section 10(1), or
  - (b) if the applicant no longer has such estate or interest, a person who has such estate or interest.
- (7) For the purposes of subsection (5)(b), the relevant person is the person who has such estate or interest in the land as is referred to in section 10(1).
- (8) Any question of disputed compensation arising from a claim made under section 26D, 26E or 26F is to be determined in accordance with section 31.]

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**Textual Amendments**

**F24** Ss. 26A-26G inserted (W.) (18.8.2023 for specified purposes) by [Agriculture \(Wales\) Act 2023 \(asc 4\)](#), ss. 41, 56(1)(a)

**Changes to legislation:**

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Enforcement of licence conditions and felling directions.