



# Forestry Act 1967

## 1967 CHAPTER 10

### [<sup>F1</sup>PART III

#### ADMINISTRATION AND FINANCE

#### *[<sup>F1</sup> Finance, accounts and annual report*

#### Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with ss. 80, 83); S.S.I. 2019/47, reg. 2 (with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 (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\(2\)\(b\)\(3\)\(a\)\)](#)))

#### 41 Forestry Fund.

[<sup>F2</sup>(1) The Forestry Fund constituted under section 8 of the Forestry Act 1919 shall be wound up and any balance in the Forestry Fund shall be paid to the Forestry Commissioners.

[ This subsection applies to the following expenses—

- <sup>F3</sup>(2) (a) the salaries of the Forestry Commissioners and the salaries or remuneration of the officers and servants of the Commissioners;
- (b) all expenses incurred by the Commissioners (including the cost of any grant or loan made by them) in the exercise of their functions under or by virtue of—
- (i) this Act (including the payment of allowances to the members of any committee maintained by them under this Act), or
  - (ii) any other enactment;
- (c) any superannuation benefits paid under paragraph 9 of Schedule 1 to this Act or under a scheme made by virtue of paragraph 10 of that Schedule;
- (d) any administrative expenses of the [<sup>F4</sup>Secretary of State] under Part II of this Act (including sums required for the payment of remuneration to the members of any committee appointed by him under section 27);

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(e) all capital payments made by the [F4Secretary of State] in acquiring land under section 39 above and any expenses incurred by him in managing such land and any rent or other outgoings payable in respect of such land, but this subsection does not apply to any expenses to which subsection (4) below applies.

(3) The expenses to which subsection (2) above applies shall be payable out of money provided by Parliament, except in so far as they are met out of money held by the Commissioners in accordance with subsection (6) or (7) below.

(3A) Where, by virtue of subsection (3) above, any expenses incurred by the [F4Secretary of State] falling within subsection (2) above are to be met out of money held by the Commissioners, they shall make payments to him for that purpose.]

F5(4) .....

F6(4A) .....]

(5) The Commissioners may accept any gift made to them for all or any purposes of this Act and, subject to the terms thereof, may apply it for those purposes in accordance with regulations made by them.

F7(6) .....

F8(7) .....

[F9(6) Subject to [F10subsection (8)] below, all sums received by the Commissioners in respect of–

- (a) the sale of timber or any other transactions carried out by them in the exercise of their functions under this Act, or
- (b) any other exercise of their functions under or by virtue of this Act or any other enactment,

shall be held by the Commissioners for the purpose of meeting the expenses to which subsection (2) above applies.

(7) Subject to subsection (8) below, the following sums received by the [F4Secretary of State] shall be paid by him to the Commissioners and held by them for the purpose of meeting the expenses to which subsection (2) above applies–

- (a) any capital sum received from the sale, lease or exchange of land [F11in England] acquired by him under section 39 above and all sums received by him from the letting or use of such land, and
- (b) all sums received under sections 16 to 18 of the New Forest Act 1949.

(8) The [F4Secretary of State] may, with the approval of the Treasury, direct–

- (a) that sums received by the Commissioners falling within subsection (6) above, or by the [F4Secretary of State] falling within subsection (7) above, or both, which are specified or of a description specified in the direction, or
- (b) that all sums received by the Commissioners falling within subsection (6) above, or by the [F4Secretary of State] falling within subsection (7) above, or both, as specified in the direction,

shall not be subject to subsection (6) or, as the case may be, (7) but shall instead be paid into the Consolidated Fund.

(9) The power to give a direction under subsection (8) above includes power to vary or revoke a previous direction under that power.

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F12(10) .....

F12(11) .....]

#### Textual Amendments

- F2** S. 41(1)-(4A) substituted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(33)(a)**
- F3** S. 41(2)(3)(3A) substituted (16.3.2000) for s. 41(2)(3) by S.I. 2000/746, art. 2, **Sch. para. 5(2)**
- F4** Words in s. 41 substituted (18.7.2013) by The Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821), arts. 1(2)(3), **13(2)(a)** (with art. 24)
- F5** S. 41(4) 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. 38(a)**; S.S.I. 2019/47, reg. 2
- F6** S. 41A repealed (16.3.2000) by S.I. 2000/746, art. 2, **Sch. para. 5(4)**
- F7** S. 41(6) repealed (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(33)(b)**
- F8** Ss. 39(4), 41(7) repealed by Forestry Act 1981 (c. 39, SIF 54), s. 4(2), **Sch.**
- F9** S. 41(6)-(11) inserted (16.3.2000) by S.I. 2000/746, art. 2, **Sch. para. 5(5)**
- F10** Words in s. 41(6) 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. 38(b)**; S.S.I. 2019/47, reg. 2
- F11** Words in s. 41(7)(a) inserted (18.7.2013) by The Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821), arts. 1(2)(3), **13(2)(b)** (with art. 24)
- F12** S. 41(10)(11) 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. 38(c)**; S.S.I. 2019/47, reg. 2

#### Modifications etc. (not altering text)

- C1** S. 41 transfer of functions (18.7.2013) by The Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821), arts. 1(2)(3), **13(1)** (with art. 24)

F13 42 .....

#### Textual Amendments

- F13** S. 42 repealed (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 12 Pt. II para. 4(34)**

### 43 Satisfaction of certain contingent liability to Crown Estate.

- (1) If the Minister sells land which was transferred to him, or to any predecessor of his, or to the Commissioners, under section 1(1)(a) of the <sup>M1</sup>Forestry (Transfer of Woods) Act 1923 to an amount exceeding [<sup>F14</sup>2 hectares] at any one time, then if the sum determined under section 3 of the said Act of 1923 as the amount contingently payable by way of compensation for the transfer of rights and interests of the Crown has not been fully paid or satisfied,—
- (a) the net proceeds of sale, or the portion necessary to satisfy the said sum, shall be paid by the Minister to the Crown Estate Commissioners and shall form part of the Crown Estate; and
- (b) the payment shall be treated as satisfying a part of that sum equal to the gross proceeds of sale or the corresponding portion of them.

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- (2) [<sup>F15</sup>If section 1 of the Sovereign Grant Act 2011 ceases to have effect ], there shall be paid out of [<sup>F16</sup>the Consolidated Fund] to the Crown Estate Commissioners all such amounts as immediately before the commencement of this Act remained outstanding as compensation due to the Crown under section 3 of the said Act of 1923, reduced by the amount of any payments made since that commencement to the Crown Estate Commissioners pursuant to subsection (1) above or to the corresponding provision in section 8(1) of the <sup>M2</sup>Crown Estate Act 1961.

#### Textual Amendments

- F14** Words substituted by [Forestry Act 1979 \(c. 21, SIF 54\)](#), s. 2(1), **Sch. 1**
- F15** Words in s. 43(2) substituted (1.4.2012) by [Sovereign Grant Act 2011 \(c. 15\)](#), s. 15(1), **Sch. 1 para. 18(a)**
- F16** Words in s. 43(2) substituted (1.4.2012) by [Sovereign Grant Act 2011 \(c. 15\)](#), s. 15(1), **Sch. 1 para. 18(b)**

#### Marginal Citations

- M1** 1923 c. 21
- M2** 1961 c. 55(29:7)

<sup>F17</sup>44 .....

#### Textual Amendments

- F17** [S. 44](#) repealed (1.7.1999) by [S.I. 1999/1747](#), art. 3, **Sch. 12 Pt. II para. 4(35)**

[<sup>F18</sup>~~<sup>F19</sup>45~~(1) .....

<sup>F19</sup>(2) .....

- (3) The Commissioners shall, on such day and in such form as the Ministers may direct, submit to the Ministers an annual report <sup>F20</sup>... as to their proceedings under this Act <sup>F21</sup>... and the Ministers shall lay the report <sup>F20</sup>... before Parliament.

<sup>F22</sup>(4) .....]]

#### Textual Amendments

- F18** [S. 45](#) substituted (1.7.1999) by [S.I. 1999/1747](#), art. 3, **Sch. 12 Pt. II para. 4(36)**
- F19** [S. 45\(1\)\(2\)](#) 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. 39(a)**; [S.S.I. 2019/47](#), reg. 2
- F20** Words in s. 45(3) omitted (16.3.2000) by virtue of [S.I. 2000/746](#), art. 2, **Sch. para. 5(6)**
- F21** Words in s. 45(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. 39(b)**; [S.S.I. 2019/47](#), reg. 2

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**F22** S. 45(4) 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. 39(a)**; S.S.I. 2019/47, reg. 2

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