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# CHAPTER

# 17

## Legislation

### Current Features

- 4.17.1** Current forestry legislation is:
- the Forestry Act, 1946, which sets out the Minister's functions in relation to forestry, establishes the felling licence procedure and provides for the compulsory acquisition of land for forestry;
  - the Forestry Act, 1956, which amended the provisions in relation to the compulsory acquisition of land;
  - the Wildlife Act, 1976, sections 53 and 55, which permits some of the Minister's powers under the Forestry Acts to be used for wildlife purposes;
  - the Forestry Act, 1988, which established Coillte Teoranta and increased the penalties for offences under the 1946 Act.
- 4.17.2** Other legislation of relevance to forestry is:
- the Local Government (Planning and Development) Acts, 1963 to 1992, in relation to the making of Tree Preservation Orders by local authorities and planning permission;
  - the European Communities (Environmental Impact Assessment) Regulations, which, *inter alia*, provide for environmental impact assessment (within the context of planning permission) for initial afforestation and for the conversion of broadleaf high forest to conifers (see Chapter 3).
- 4.17.3** The Forestry Acts, 1946 and 1956 require review as they reflect the prevailing circumstances at a time when:
- the forest estate was much smaller;
  - timber shortages following the Second World War required strict control of felling;
  - afforestation was in the main a State operation requiring the acquisition of land;
  - the concerns of the Minister with responsibility for forestry were concentrated on silvicultural and wood supply issues and did not encompass issues such as the environment and amenity or multiple-use forestry.
- 4.17.4** In addition, the current felling licence procedure is proving cumbersome in the context of the increasing amount of timber being harvested as the forest estate matures. The procedure of notification through Garda stations of intent to fell,

prohibition orders, consultation with local authorities and general or limited felling licences which may be refused only on silvicultural (ie not amenity or environment) grounds, requires to be reviewed.

- 4.17.5 Other provisions of the Forestry Act, 1946 have been rendered inappropriate by changed circumstances and the passage of time.
- 4.17.6 Sections 53 and 55 of the Wildlife Act, 1976 are no longer relevant now that the forestry and wildlife functions are in separate Departments. Appropriate amending legislation is being prepared by the Department of Arts, Culture and the Gaeltacht.
- 4.17.7 There has been seven years' experience of the operation of the Forestry Act, 1988 and of Coillte Teoranta, during which time forestry has developed at a pace and on a scale which could not have been foreseen when the Act was passed.

### Policy Considerations

- 4.17.8 While silvicultural issues remain at the centre of the Minister's concerns as regards forestry, other issues such as the environment and amenity and the concept of sustainable forestry must now be taken into account and reflected in legislation.
- 4.17.9 The long-term and comprehensive nature of the Strategic Plan requires a suitable legislative framework for its implementation.
- 4.17.10 Felling control procedures need to be updated and made more efficient.
- 4.17.11 It may be desirable to review the provisions of the Forestry Act, 1988 in the context of implementation of the Strategic Plan.

### Policy Statement

The approach to legislation will be:

**To ensure that the development of a modern, multi-faceted and high quality forestry sector is supported by legislation which is up-to-date and comprehensive.**

### Strategic Actions

- 4.17.12 To review the body of current forestry legislation and to propose any changes which appear to be necessary to facilitate or promote full implementation of the Strategic Plan.