

October 25, 1989
910190

C O N F I R M A T I O N

I, the undersigned official translator and interpreter of the English language, hereby confirm that the document:

- The Forest Act, 18 p.

is a correct and semantically identical translation of the document presented to me:

- Skovloven, 6 p.

ULLA STEENSEN
Official translator and interpreter
of the English language
Authorized by the Royal Danish
Ministry of Industry

Miljøministeriet, J. nr. SN

26 OKT. 1989

Akt. nr. 6

THE FOREST ACT

WE, MARGRETHE II, by the Grace of God Queen of Denmark, hereby proclaim: The Folketing has adopted and We have provided Our consent to the following Act:

Part 1

Purpose

1.-(1) The purpose of the Act shall be

- 1) To conserve and protect Danish forests,
- 2) To improve the stability, structure of ownership and productivity of forestry,
- 3) To contribute to increasing the total forest area, and
- 4) To strengthen advisory and information activities concerning good and multiple-use forest management.

1.-(2) In administration of the Act importance shall be attached to ensuring that forests are managed in order to increase and improve wood production and to protect landscape amenity, nature conservation, cultural heritage and environmental-protection interests, as well as recreational activity interests.

2.-(1) In publicly-owned forests, landscape amenity, nature conservation, cultural heritage and environmental-protection interests, as well as recreational activity interests, shall be given special emphasis.

2.-(2) In national forests emphasis shall also be placed on development tasks and experimental activities.

Part 2
Forest Reserves

3.-(1) The following areas shall be preserved as forest reserves:

- 1) Forests which are the property of the Danish State, municipalities or the National Lutheran Church, cf. subsection (4), however.
- 2) Forests which are recorded in the Danish Land Register as forest reserves.
- 3) Forests which are preserved as forest reserves by declarations which are recorded in the Danish Land Register.
- 4) Forests of at least 2.5 hectares, which have been established with the assistance of the Danish Land Development Service (forest reserve plantations).
- 5) Forests which existed in 1805, in 1784 in respect of the regions of Southern Jutland, cf. subsection (5), however.
- 6) Forests which were the property of a public foundation on May 14, 1935.
- 7) Forests which belong under, or have belonged under, the former majority estates*).
- 8) Oak scrub.

3.-(2) The rule in subsection (1), no. 4), shall apply irrespective of the extent of allocated state subsidies and irrespective of the declaration's provision concerning conditional preservation as a forest reserve.

*) An estate which was passed down according to specific laws of succession, so that the estate passed undivided to one heir, usually the first-born. Abolished in Denmark in 1919

3.-(3) Unafforested areas which are part of a forest reserve, cf. subsection (1), shall be preserved as forest reserves.

3.-(4) Forests which are the temporary property of the Danish State, in connection with land distribution, and which are not preserved as forest reserves on their acquisition, shall not fall under the rule in subsection (1), no. 1).

3.-(5) Areas in the Southern Jutland regions, which were cleared by a former owner before June 15, 1920, shall not fall under the rule in subsection (1), no. 5).

4.-(1) Areas preserved as forest reserves shall be used for forestry purposes and shall be managed in accordance with the rules in Part 3.

4.-(2) Areas preserved as forest reserves shall be kept covered with trees, which form, or which will come to form, a closed high forest within a reasonable period of time.

4.-(3) Areas which are preserved as forest reserves may be kept uncultivated when this is considered necessary for forestry activities. Furthermore, areas may be kept uncultivated or subject to other special management according to the rules of this part and Part 3.

5.-(1) Before transfer of a forest area to other use the owner shall prove to the Minister for the Environment that it is not preserved as a forest reserve according to section 3 and is not comprised by the rule in section 24.-(1).

6.-(1) The forest reserve preservation duty shall be binding on owners of and holders of lien on the real property, irrespective of how such a right was established.

an area is considered as a forest reserve according to the rules in section 3.

7.-(2) The Minister may decide that forest areas which round off forest reserves, and which are of significant importance for the management thereof, shall be considered as forest reserves.

7.-(3) The Minister shall inform the owners, certain users, etc., of decisions in accordance with subsections (1) and (2) and shall ensure that the forest reserve preservation duty is recorded in the Land Register and in the cadaster.

8.-(1) With the authorization of the Minister for the Environment, an owner may schedule an area which is found to be suitable for forestry as a forest reserve. The forest reserve preservation duty shall be imposed in the form of a forest reserve declaration containing provisions to ensure that the area complies with the rules of the Act within a reasonable period. The declaration shall be established and recorded in the Land Register at the owner's expense.

8.-(2) The Minister may order security to be lodged for the afforestation of the area.

9.-(1) The Minister for the Environment may order that an area which has been designated as an afforestation area in regional planning shall be subject to preservation as a forest reserve in connection with government subsidies for afforestation. The Minister shall inform the owner in this respect and shall ensure that the forest reserve preservation duty is recorded in the Land Register and in the cadaster.

10.-(1) The Minister for the Environment may allow the forest reserve preservation duty to be cancelled for an area which is not suitable for forestry, or is required to be used for other purposes.

10.-(2) The Minister may permit an area which is preserved as a forest reserve to be used for purposes other than forestry, on a temporary basis.

11.-(1) In a forest reserve area buildings may not be erected, and installations may not be established, nor may alterations be made to the terrain, unless this is necessary for forestry activities.

12.-(1) Consolidated forest reserve areas may not be parcelled out.

13.-(1) Should special circumstances make this advisable, the Minister for the Environment may permit deviations from the rules in section 11 and section 12.

14.-(1) As conditions for authorizations according to section 10 and section 13, the Minister for the Environment may order a second area to be made subject to preservation as a forest reserve (compensatory area), according to the rules in section 8.

14.-(2) The Minister shall determine the size of the compensatory area. Compensatory areas smaller than 10 hectares shall normally lie adjacent to a forest reserve.

14.-(3) The Minister may specify rules concerning the compensatory area.

Part 3

Good and Multiple-use Forest Management

15.-(1) In good and multiple-use forest management it shall be endeavoured to manage forests in order to increase and improve wood production and to protect landscape amenity, nature conservation, cultural heritage*) and environmental-protection interests, as well as recreational activity interests. Good forest management implies, among other things:

- 1) The area shall be planted with suitable plants as soon as possible, if natural regeneration or sowing is not to be used.
- 2) New stands shall be tended in order to protect growth.
- 3) During the development to high forest, thinnings shall be carried out in order to ensure the health, production and stability of the forest.
- 4) Final felling may not take place before maturity.
- 5) Final felling shall take into consideration the creation of a stable and varied forest.
- 6) To protect the health of the forest, products for sale shall be removed as soon as possible.
- 7) Forestry shall be managed in order to protect or improve the silvicultural basis.

15.-(2) Christmas trees and decoration greenery may be cultivated in short rotation cycles in up to 10 per cent of the forest area.

15.-(3) Mountain pine may be used until growth conditions are adequate for the silviculture of closed high forest.

16.-(1) Should the considerations described in section 1.-(2) require, by agreement with the owner the Minister for the

Environment may establish a declaration whereby individual trees or groups of trees in a forest are subject to conservation. The declaration shall be entered to the Land Register record for the real property.

16.-(2) The Minister may provide that the declaration be established and recorded in the Land Register at the expense of the owner.

17.-(1) In forest reserves the edges of the forest, consisting of broadleaved trees and bushes, shall be conserved.

17.-(2) Oak scrub shall be conserved.

17.-(3) Lakes, watercourses, bogs, heaths, coastal meadows or swamps, which are part of a forest reserve, and which are not covered by the rules in Part V of the Nature Conservation Act, may not be cultivated, drained, afforested or altered in any other way.

17.-(4) Fields, meadows and sand dunes which are part of a forest reserve shall not be covered by the rules in section 15 for as long as their use is not altered.

17.-(5) Animal husbandry may not take place in wooded areas of forest reserves.

17.-(6) No litter may be discarded in forest reserves.

18.-(1) Should special grounds make this expedient, the Minister for the Environment may permit deviations from the rules in section 15 and section 17.

Part 4

Enhancement of Broadleaved Woodlands, etc.

19.-(1) The Minister for the Environment may provide state subsidies for the enhancement of broadleaved woodlands, including the establishment of forest edges of broadleaved trees and bushes. Subsidies may be given, i.a. to ensure that the total area of beech and oak is retained or increased, particularly in areas where beech or oak are characteristic.

19.-(2) Subsidies can be granted for:

- 1) Planting, sowing or natural regeneration of areas preserved as forest reserves,
- 2) Generation of suitable seeds or plants of broadleaved trees, and
- 3) Research or development projects to enhance silviculture of broadleaved woodlands.

19.-(3) Subsidy funds shall be allocated under the Finance Act for each year. Allocated funds which are not used up during a fiscal year shall be transferred to the following fiscal years.

20.-(1) The Minister for the Environment may specify rules concerning the implementation and administration of the subsidy scheme. Rules may be specified concerning the information to be included in a subsidy application and concerning the submission of applications on a special form.

21.-(1) The Minister for the Environment may reach agreement with the owner concerning the responsibility for the silviculture of special vegetation in the forest, or the silviculture of the entire forest.

Part 5

Change of Ownership, etc.

22.-(1) A new owner of a forest or an area preserved as a forest reserve shall inform the Minister for the Environment to this effect at the latest 3 months after the change of ownership, calculated from the handing-over date.

22.-(2) The Minister shall inform the new owner of the rules of the Act and of the state-authorized forestry consultant organizations.

23.-(1) The vendor of a forest may not reserve the right of ownership of unfelled trees.

24.-(1) Forests of at least 2.5 hectares which are not preserved as forest reserves shall be managed according to the rules in section 15 in the first 10 years after change of ownership, calculated from the handing-over date.

24.-(2) Should special grounds make this expedient the Minister for the Environment may authorize deviation from the rule in subsection (1).

25.-(1) The Minister for the Environment may decide or stipulate rules that for the first 10 years after a change of ownership, calculated from the handing-over date, commercial felling in the forest may only take place on specified conditions. The rules may be limited to apply only for specific areas.

25.-(2) Concerning forest reserves which are owned by a public limited liability company, a private limited liability company, a cooperative society or similar, the Minister may decide or stipulate rules that for a period of up to 10 years commercial felling may only take place on specific conditions.

26.-(1) To promote good forest management in forests which are divided between several owners, in cooperation with state-authorized forestry consultant organizations the Minister for the Environment shall promote the amalgamation or joint silviculture of forest lots.

Part 6

Other Provisions

27.-(1) The Minister for the Environment shall supervise compliance with the Act and the rules issued pursuant to the Act.

27.-(2) The Minister shall supervise that orders are complied with and that the terms which are stipulated in authorizations are fulfilled.

28.-(1) An authorization granted according to the Act, or according to rules issued pursuant to the Act, shall lapse if it has not been exercised at the latest 3 years after it was granted.

29.-(1) The owner shall be obliged to rectify any legal irregularities concerning the property. Should the irregularity consist of illegal use of the property, this obligation shall also rest on the user.

30.-(1) The owner or user of a property which includes a forest or area preserved as a forest reserve, at the request of the Minister for the Environment shall furnish such details concerning matters related to the property, including

financial and accounting matters, which are of significance for the administration of the Act.

31.-(1) The Minister for the Environment may order the matter to be rectified on the discovery of non-compliance with the Act or rules issued pursuant to the Act.

31.-(2) If the owner or user does not manage the forest in accordance with the rules in section 15, the Minister may order how such work is to be performed, including what tree species and cultivation methods shall be used. This order can also include provisions concerning the time schedule for the performance of such work.

31.-(3) The Minister may allow an order to be entered to the Land Register. On rectifying the matter the Minister shall allow the order to be cancelled from the Register.

32.-(1) If the owner or the user do not comply with an order to rectify a legal irregularity, the person concerned can be ordered by the courts to rectify the legal irregularity within a specified period, subject to the enforcement of consecutive fines.

32.-(2) If an order by the courts is not complied with in due time, and the collection of compulsory fines is not expected to lead to compliance with the order, at the expense of the owner, the Minister for the Environment may take the necessary action to rectify the irregularity.

33.-(1) Should the omission to comply with an order in accordance with section 31 be of a particularly serious nature, the courts may rule that

- 1) Within a specified time limit felling may only take place after the national forest district has designated the trees which may be felled, or
- 2) At the expense of the owner the forest is run by the

national forest district during a specified period of time.

33.-(2) To cover the costs of the measures stated in subsection (1), no. 2), privileged charges and preferential rights equivalent to those enjoyed by property taxes, shall be registered to the property.

34.-(1) The Minister for the Environment may provide that subsidies in accordance with section 19, or according to rules issued in accordance with section 20, shall be reimbursed in full or in part, or the subsidy allocation shall lapse in full or in part, if

- 1) The applicant has given incorrect or misleading information, or omitted to give information of significance for the decision,
- 2) The terms under which the subsidy was granted are not complied with, or
- 3) The project is not carried out in accordance with the application.

Part 7

Authorities

35.-(1) The Minister for the Environment may delegate tasks and powers under the Act to the National Forest and Nature Agency, or other institutions under the Ministry of the Environment. The Minister may specify rules concerning access to appeal the rulings of these authorities, including to the effect that these authorities shall hold the final administrative powers.

36.-(1) The National Forest and Nature Agency shall provide expert assistance to the Minister for the Environment and

other authorities concerning forestry and other matters which are of significance for administration of the Act.

36.-(2) The National Forest and Nature Agency shall implement research and development to support the objectives and interests described in section 1.

36.-(3) The National Forest and Nature Agency shall provide guidance and information activities on the subject of forests and forestry, directed at other authorities and private individuals.

36.-(4) The National Forest and Nature Agency shall ensure that nationwide forest statistics are prepared at least once every 10 years.

37.-(1) Should the owner so request, the Minister for the Environment may furnish a declaration concerning the state of the forest, including whether such circumstances exist as can be grounds for the issue of a order in accordance with section 31.-(1) or -(2). The Minister for the Environment shall furnish such declaration at the latest 8 weeks after receipt of such request.

37.-(2) The Minister for the Environment may specify rules that a fee shall be paid for the declaration.

38.-(1) In order to supervise compliance with the Act and rules issued pursuant to the Act, the Minister for the Environment may inspect properties on which there are forests or forest reserve areas. Such inspection may take place without a court order, but against proper identification, and as far as possible by prior arrangement with the owner or user.

Part 8
Appeals

39.-(1) Decisions in accordance with the Act or rules issued pursuant to the Act may be appealed by

- 1) The person to whom the decision is directed,
- 2) A person who has an individual, significant interest in the case.

40.-(1) The closing date for appeal shall be 4 weeks from the date on which the decision has been notified to such person.

40.-(2) Authorizations in accordance with section 10, section 13, section 18 or section 24.-(2) may not be utilized before the expiry of the due date of appeal.

40.-(3) Appeal of an authorization in accordance with section 10, section 13, section 18 or section 24.-(2), shall have a delaying effect until the appeal authority has reached a decision, or provided otherwise.

40.-(4) Appeal of an order shall have delaying effect until the appeal authority has reached a decision or provided otherwise.

Part 9

The Forestry Council

41.-(1) The Minister for the Environment shall appoint an advisory committee (The Forestry Council) to advise the Minister on matters related to forestry and other issues concerning forests.

41.-(2) The Chairman of the Council shall be appointed by the Minister.

41.-(3) The Council shall consist of 12 members, in addition to the Chairman. 8 members*) shall be appointed by the Minister on the recommendation of the Ministry of Agriculture, The Danish Forestry Society (2 members), The Federation of Danish Forest Owners' Associations, The Danish Land Development Service, The Danish Society for Conservation of Nature (2 members), The Danish Nature Conservation Council and The Danish Open Air Council. 3 members shall be appointed by the Minister as representatives for the forestry science area, the National Forest and Nature Agency and the national forest districts.

41.-(4) The appointments shall be for a duration of 4 years.

42.-(1) The following tasks are designated to the Forestry Council:

- 1) On its own initiative the Council shall discuss issues considered to be of significance for forests, and submit statements to the Minister for the Environment.
- 2) The Council shall submit statements concerning the rules drawn up by the Minister under the authority of the Act.
- 3) The Council shall provide statements on matters raised by the Minister.
- 4) The Council shall submit statements for use in guidelines for administration of the Act, including guidelines prepared by the Minister for follow-up of the Act.
- 5) The Council shall submit statements for use in rulings in cases which have been appealed to the Minister, pursuant to rules in accordance with section 35, cf. subsection (2), however.
- 6) The Council may submit reports to the Minister concerning developments in forestry and concerning the changes found to be appropriate by the Council.

*) "8 members" is stated in the Danish text, but the correct number is 9.

42.-(2) The Minister shall determine rules of procedure for the Council, including rules that certain specified cases which are appealed to the Minister shall not be brought before the Council.

Part 10

Penalties, Commencement and Transitional Rules

43.-(1) Any person shall be subject to a penalty of a fine, who

- 1) Is in breach of section 5, section 11, section 17, section 22.-(1) or section 23,
- 2) Ignores conditions related to an authorization in accordance with section 10, section 13, section 18, section 24.-(2) or section 25,
- 3) Omits to comply with a decision in accordance with section 25 that commercial felling may only take place on certain specified conditions,
- 4) Omits to give information in accordance with section 30, or
- 5) Omits to comply with an order in accordance with section 31.-(1) or -(2).

43.-(2) In rules issued in accordance with the Act a penalty of a fine may be stipulated for infringement of provisions laid down in the rules.

43.-(3) The expiry date for the penal liability shall be 5 years.

44.-(1) In respect of infringements by a public limited liability company, a private limited liability company, a cooperative society or similar, the enterprise may incur the liability of a fine. If the infringement is by a municipality or municipal community organization, cf. section 60 of the Danish act concerning the government of municipalities, the

municipality or the municipal organization may be liable to a fine.

45.-(1) The Act shall come into force on July 1, 1989.

45.-(2) The following statutory provisions shall be repealed:

- 1) The act on forests, cf. Consolidation Act no. 231 of May 4, 1979
- 2) Section 3 of the act on the parcelling-out and amalgamation, etc., of real property, cf. Consolidation Act no. 6 of January 7, 1977
- 3) Section 10 of Act no. 250 of May 23, 1984 on the amendment of certain environmental and planning acts (Enforcement)

45.-(3) Section 22.-(1) of this Act shall be repealed as provided by the Minister for the Environment.

46.-(1) Authorizations and terms for authorizations granted in accordance with previous legislation shall retain their validity. However, authorizations shall lapse if they have not been utilized by July 1, 1991 at the latest.

46.-(2) Buildings, installations, forest parks, animal parks and other sites from before May 14, 1935 which do not comply with the rules of the Act may be preserved for as long as their utilization is not altered.

46.-(3) Declarations recorded in the Land Register which have been established by the owner in order to preserve individual trees or sections of a forest, in order to preserve their natural beauty, shall retain their validity, unless provided otherwise by the Minister for the Environment.

46.-(4) Forest reserves containing a larger area of Christmas trees and decoration greenery in short rotation cycles than mentioned in section 15.-(2) shall comply with this provision by July 1, 1999 at the latest.

47.-(1) This Act shall not apply for the Faroe Islands and Greenland.

Given at Christiansborg Palace on June 7, 1989

Under Our Royal Hand and Seal

MARGRETHE R.

/Lone Dybkjær

Skovlov

VI MARGRETHE DEN ANDEN, af Guds Nåde Danmarks Dronning, gør vitterligt:
Folketinget har vedtaget og Vi ved Vort samtykke stadfæstet følgende lov:

Kapitel 1

Formål

§ 1. Lovens formål er

- 1) at bevare og værne de danske skove,
- 2) at forbedre skovbrugets stabilitet, ejendomsstruktur og produktivitet,
- 3) at medvirke til at forøge skovarealet og
- 4) at styrke rådgivning og information om god og flersidig skovdrift.

Stk. 2. Ved lovens administration skal der lægges vægt på at sikre, at skovene dyrkes med henblik på både at forøge og forbedre træproduktionen og varetage landskabelige, naturhistoriske, kulturhistoriske og miljøbeskyttende hensyn samt hensyn til friluftslivet.

§ 2. I offentligt ejede skove skal landskabelige, naturhistoriske, kulturhistoriske og miljøbeskyttende hensyn samt hensyn til friluftslivet tillægges særlig vægt.

Stk. 2. I statsskovene skal der desuden lægges vægt på udviklingsopgaver og forsøgsvirksomhed.

Kapitel 2

Fredskov

§ 3. Følgende arealer er fredskovspligtige:

- 1) Skove, der tilhører staten, kommunerne eller folkekirken, jf. dog stk. 4.
- 2) Skove, der i tingbogen er noteret som fredskovspligtige.
- 3) Skove, der er pålagt fredskovspligt ved tinglyste deklARATIONER.
- 4) Skove på mindst 2½ ha, der er oprettet ved Hedeselskabets medvirken (fredskovsplantager).

5) Skove, der fandtes i 1805, i de sønderjyske landsdele i 1784, jf. dog stk. 5.

6) Skove, der den 14. maj 1935 tilhørte en offentlig stiftelse.

7) Skove, der hører til eller har hørt til de tidligere majorater.

8) Egekrat.

Stk. 2. Reglen i stk. 1, nr. 4, gælder uanset omfanget af tildelt statstilskud og uanset deklARATIONENS bestemmelse om betinget fredskovspligt.

Stk. 3. Utilplantede arealer, der hører til fredskov, jf. stk. 1, er fredskovspligtige.

Stk. 4. Skove, der i forbindelse med en jordfordeling midlertidigt tilhører staten, og som ved erhvervelsen ikke er fredskovspligtige, er ikke omfattet af reglen i stk. 1, nr. 1.

Stk. 5. Arealer i de sønderjyske landsdele, der af en tidligere ejer er ryddet inden den 15. juni 1920, er ikke omfattet af reglen i stk. 1, nr. 5.

§ 4. Fredskovspligtige arealer skal anvendes til skovbrugsformål og dyrkes efter reglerne i kapitel 3.

Stk. 2. Fredskovspligtige arealer skal holdes bevokset med træer, der danner, eller som inden for et rimeligt tidsrum vil danne sluttet skov af højstammede træer.

Stk. 3. Fredskovspligtige arealer kan holdes utilplantede, når det er nødvendigt for skovdriften. De kan desuden holdes utilplantede eller i anden særlig drift efter reglerne i dette kapitel og i kapitel 3.

§ 5. Inden et skovareal overgår til anden anvendelse, skal ejeren godtgøre over for miljø-

ministeren, at det ikke er fredskovspligtigt efter § 3 og ikke omfattet af reglen i § 24, stk. 1.

§ 6. Fredskovspligt er bindende for ejere og indehavere af rettigheder over ejendommen uden hensyn til, hvornår retten er stiftet.

§ 7. Miljøministeren kan beslutte, om et areal er fredskovspligtigt efter reglerne i § 3.

Stk. 2. Ministeren kan beslutte, at skovstykker, der arronderer fredskov, og som er af væsentlig betydning for driften heraf, er fredskovspligtige.

Stk. 3. Ministeren underretter ejere, visse brugere m.v. om beslutninger efter stk. 1 og 2 og drager omsorg for, at fredskovspligten bliver noteret i tingbogen og i matriklen.

§ 8. Med miljøministerens godkendelse kan en ejer lægge fredskovspligt på et areal, der findes egnet til skovdrift. Fredskovspligten pålægges ved en fredskovsdeklaration, der indeholder bestemmelser, som sikrer, at arealet inden for en rimelig tid opfylder lovens regler. Deklarationen oprettes og tinglyses for ejerens regning.

Stk. 2. Ministeren kan bestemme, at der stilles sikkerhed for arealets tilplantning.

§ 9. Miljøministeren kan bestemme, at et areal, der i regionplanlægningen er udpeget som skovrejsningsområde, skal pålægges fredskovspligt i forbindelse med statstilskud til skovtilplantning. Ministeren underretter ejeren herom og drager omsorg for, at fredskovspligten bliver noteret i tingbogen og i matriklen.

§ 10. Miljøministeren kan tillade, at fredskovspligten ophæves på et areal, der ikke er egnet til skovdrift, eller som ønskes anvendt til andet.

Stk. 2. Ministeren kan tillade, at et fredskovspligtigt areal midlertidigt anvendes til andet end skovdrift.

§ 11. På fredskovspligtigt areal må der ikke opføres bygninger, etableres anlæg eller gennemføres terrænændringer, medmindre det er nødvendigt for skovdriften.

§ 12. Samlede fredskovsstrækninger må ikke udstykes.

§ 13. Hvis særlige grunde taler derfor, kan miljøministeren tillade, at reglerne i § 11 og § 12 fraviges.

§ 14. Som vilkår for tilladelser efter § 10 og § 13 kan miljøministeren bestemme, at der lægges fredskovspligt på et andet areal (vederlagsareal) efter reglerne i § 8.

Stk. 2. Ministeren bestemmer vederlagsarealets størrelse. Vederlagsareal på under 10 ha skal normalt grænse op til fredskov.

Stk. 3. Ministeren kan fastsætte nærmere regler om vederlagsareal.

Kapitel 3

God og flersidig skovdrift

§ 15. Ved god og flersidig skovdrift tilstræbes, at skovene dyrkes med henblik på både at forøge og forbedre træproduktionen og varetage landskabelige, naturhistoriske og miljøbeskyttende hensyn samt hensyn til friluftslivet. God skovdrift indebærer blandt andet:

- 1) Arealet skal snarest tilplantes med egnet plantemateriale, hvis selvforyngelse eller tilsåning ikke anvendes.
- 2) Den nye bevoksning skal plejes sådan, at væksten sikres.
- 3) Under bevoksningens udvikling til højstammede træer skal der gennemføres udtyndinger af hensyn til skovens sundhed, produktion og stabilitet.
- 4) Foryngelseshugst må ikke finde sted, før bevoksningen er hugstmoden.
- 5) Foryngelseshugst skal udføres under hensyntagen til opbygning af en stabil og varieret skov.
- 6) Af hensyn til skovens sundhed skal salgsprodukterne fjernes snarest.
- 7) Skovdriften skal tilrettelægges, så dyrkningsgrundlaget vedligeholdes eller forbedres.

Stk. 2. Der må dyrkes juletræer og pyntegrønt i kort omdrift på op til 10 pct. af skovens areal.

Stk. 3. Bjergfyr kan anvendes, indtil vækstbetingelserne er tilstrækkeligt gode til dyrkning af højstammede træer.

§ 16. Hvis de hensyn, der er nævnt i § 1, stk. 2, taler derfor, kan miljøministeren efter aftale med ejeren oprette en deklaration, hvorved enkelte træer eller grupper af træer i en skov bevarer. Deklarationen tinglyses på ejendommen.

Stk. 2. Ministeren kan bestemme, at deklara-
tionen oprettes og tinglyses for ejerens regning.

§ 17. På fredskovspligtigt areal skal ydre
skovbryn af løvtræer og buske bevares.

Stk. 2. Egekrat skal bevares.

Stk. 3. Søer, vandløb, moser, heder, strand-
enge eller strandsumpe, der hører til fredskov,
og som ikke er omfattet af reglerne i naturfred-
ningslovens kapitel V, må ikke dyrkes, afvæn-
des, tilplantes eller på anden måde ændres.

Stk. 4. Marker, enge og klitter, der hører til
fredskov, er ikke omfattet af reglerne i § 15, så
længe anvendelsen ikke ændres.

Stk. 5. Der må ikke være dyrehold på træbe-
voksede arealer i fredskov.

Stk. 6. Der må ikke henkastes affald i fred-
skov.

§ 18. Hvis særlige grunde taler derfor, kan
miljøministeren tillade, at reglerne i § 15 og § 17
fraviges.

Kapitel 4

Fremme af løvskov m.v.

§ 19. Miljøministeren kan yde statstilskud til
fremme af løvskov, herunder til etablering af
skovbryn af løvtræer og buske. Tilskud kan
blandt andet gives for at sikre, at bøge- og ege-
arealet bevares eller forøges, især i områder,
hvor bøgen eller egen er egnskarakteristisk.

Stk. 2. Tilskud kan ydes til:

- 1) tilplantning, tilsåning eller selvfor yngelse af
fredskovspligtige arealer,
- 2) frembringelse af egnede frø eller planter af
løvtræarter og
- 3) forsknings- eller udviklingsopgaver til frem-
me af løvskovsdyrkning.

Stk. 3. Midlerne til tilskud afsættes på hvert
års finanslov. Beløb, der er bevilget, men ikke
anvendt i et finansår, overføres til følgende fi-
nansår.

§ 20. Miljøministeren kan fastsætte nærmere
regler om tilskudsordningens gennemførelse
og administration. Der kan herunder fastsættes
regler om, hvilke oplysninger en ansøgning om
tilskud skal indeholde, og om, at ansøgning
skal indgives på et særligt skema.

§ 21. Miljøministeren kan indgå aftale med
ejereren om at overtage driften af særlige bevoks-
ninger i skoven eller af hele skoven.

Kapitel 5

Ejerskifte m.m.

§ 22. En ny ejer af en skov eller et fredskovs-
pligtigt areal skal senest 3 måneder efter ejer-
skiftet regnet fra overtagelsesdagen give miljø-
ministeren besked derom.

Stk. 2. Ministeren skal oplyse den nye ejer
om lovens regler og om de statsanerkendte
konsulentorganisationer på skovbrugsområ-
det.

§ 23. Overdrageren af en skov må ikke forbe-
holde sig træer på roden.

§ 24. Skov på mindst 2½ ha, der ikke er fred-
skovspligtig, skal i de første 10 år efter et ejer-
skifte regnet fra overtagelsesdagen drives efter
reglerne i § 15.

Stk. 2. Hvis særlige grunde taler derfor, kan
miljøministeren tillade, at reglen i stk. 1 fravi-
ges.

§ 25. Miljøministeren kan beslutte eller fast-
sætte regler om, at der i de første 10 år efter et
ejerskifte regnet fra overtagelsesdagen kun på
nærmere angivne vilkår må foretages erhvervs-
mæssig hugst i skoven. Reglerne kan begrænses
til kun at gælde for særlige områder.

Stk. 2. For fredskov, der ejes af et aktiesel-
skab, et anpartsselskab, et andelselskab eller
lignende, kan ministeren beslutte eller fastsætte
regler om, at der i en periode på indtil 10 år kun
på nærmere angivne vilkår må foretages er-
hvervsmæssig hugst.

§ 26. Til fremme af god skovdrift i skov, der
er delt mellem flere ejere, søger miljøministe-
ren i samarbejde med de statsanerkendte kon-
sulentorganisationer på skovbrugsområdet at
formidle sammenlægning eller samdrift af
skovparceller.

Kapitel 6

Andre bestemmelser

§ 27. Miljøministeren påser, at loven og reg-
ler, der er udstedt efter loven, overholdes.

Stk. 2. Ministeren påser, at påbud efterkom-

mes, og at vilkår, der er fastsat i tilladelser, overholdes.

§ 28. En tilladelse, der er meddelt efter loven eller efter regler, der er udstedt efter loven, bortfalder, hvis den ikke er udnyttet senest 3 år efter, at den er meddelt.

§ 29. Det påhviler ejeren at berigtige et ulovligt forhold på ejendommen. Består forholdet i en ulovlig brug af ejendommen, påhviler pligten tillige brugeren.

§ 30. Ejeren eller brugeren af en ejendom, hvorpå der er skov eller fredskovspligtigt areal, skal efter anmodning fra miljøministeren give de oplysninger om forholdene på ejendommen, herunder om økonomiske og regnskabsmæssige forhold, der har betydning for lovens administration.

§ 31. Miljøministeren kan give påbud om at berigtige forholdet, når der konstateres overtrædelse af loven eller af regler, der er udstedt efter loven.

Stk. 2. Hvis ejeren eller brugeren ikke driver skoven i overensstemmelse med reglerne i § 15, kan ministeren give påbud om, hvordan arbejdet skal gennemføres, herunder om, hvilke træarter og dyrkningsmetoder der skal anvendes. Påbudet kan desuden indeholde bestemmelse om tidsfølgen for arbejdets gennemførelse.

Stk. 3. Ministeren kan lade et påbud tinglyse. Når forholdet er berigtiget, skal ministeren lade påbudet aflyse.

§ 32. Hvis ejeren eller brugeren ikke efterkommer et påbud om at berigtige et ulovligt forhold, kan det ved dom pålægges den pågældende inden en fastsat frist og under tvang af fortløbende bøder at berigtige forholdet.

Stk. 2. Når et påbud, der er meddelt ved dom, ikke efterkommes rettidigt og inddrivelse af tvangsbøder ikke antages at føre til, at påbudet efterkommes, kan miljøministeren for ejerens regning foretage det nødvendige for at berigtige forholdet.

§ 33. Hvis undladelse af at efterkomme et påbud efter § 31 er af særlig alvorlig karakter, kan det ved dom bestemmes,

- 1) at der i et nærmere fastsat tidsrum kun må foretages hugst, efter at statsskovdistriktet har udpeget de træer, der må fældes, eller

- 2) at skoven for ejerens regning tages i drift af statsskovdistriktet i et nærmere fastsat tidsrum.

Stk. 2. Til dækning af udgifterne til de foranstaltninger, der er nævnt i stk. 1, nr. 2, er der pante- og fortrinsret i ejendommen som for ejendomsskatter.

§ 34. Miljøministeren kan bestemme, at tilskud efter § 19 eller efter regler, der er udstedt efter § 20, helt eller delvis skal tilbagebetales, eller at tilsagn om tilskud helt eller delvis bortfalder, hvis

- 1) ansøgeren har givet urigtige eller vildledende oplysninger eller fortiet oplysninger af betydning for afgørelsen,
- 2) vilkår, der er fastsat for at yde tilskuddet, ikke opfyldes eller
- 3) projektet ikke gennemføres i overensstemmelse med ansøgningen.

Kapitel 7

Myndigheder

§ 35. Miljøministeren kan henlægge sine opgaver og beføjelser efter loven til Skov- og Naturstyrelsen eller andre institutioner under Miljøministeriet. Ministeren kan fastsætte regler om adgangen til at klage over disse myndigheds afgørelser, herunder at disse myndigheder har den endelige administrative afgørelse.

§ 36. Skov- og Naturstyrelsen yder faglig bistand til miljøministeren og andre myndigheder i skovbrugsfaglige og andre spørgsmål, der har betydning for lovens administration.

Stk. 2. Skov- og Naturstyrelsen iværksætter forsknings- og udviklingsarbejder, der støtter de formål og hensyn, som er nævnt i § 1.

Stk. 3. Skov- og Naturstyrelsen udøver vejlednings- og informationsvirksomhed om skove og skovbrugserhvervet over for andre myndigheder og private.

Stk. 4. Skov- og Naturstyrelsen drager omsorg for, at der mindst hvert 10. år udarbejdes en landsdækkende skovstatistik.

§ 37. Miljøministeren skal, hvis ejeren anmoder om det, afgive en erklæring om skovens tilstand, herunder om, hvorvidt der er forhold, som kan begrunde et påbud efter § 31, stk. 1 eller stk. 2. Miljøministeren skal afgive erklæringen senest 8 uger efter, at anmodningen er modtaget.

Stk. 2. Miljøministeren kan fastsætte regler om, at der skal betales gebyr for erklæringen.

§ 38. Til kontrol med overholdelse af loven og af regler, der er udstedt efter loven, kan miljøministeren besigtige ejendomme, hvorpå der er skov eller fredskovspligtigt areal. Besigtigelsen kan gennemføres uden retskendelse, men mod legitimation og så vidt muligt efter forudgående meddelelse til ejeren eller brugeren.

Kapitel 8

Klage

§ 39. Afgørelser i henhold til loven eller til regler, der er udstedt efter loven, kan påklages af

- 1) den, som afgørelsen retter sig mod,
- 2) den, som i øvrigt har en individuel, væsentlig interesse i sagen.

§ 40. Klagefristen er 4 uger fra den dag, afgørelsen er meddelt den pågældende.

Stk. 2. Tilladelse efter § 10, § 13, § 18 eller § 24, stk. 2, må ikke udnyttes, før klagefristen er udløbet.

Stk. 3. Klage over en tilladelse efter § 10, § 13, § 18 eller § 24, stk. 2, har opsættende virkning, indtil klagemyndigheden har truffet afgørelse eller bestemmer andet.

Stk. 4. Klage over et påbud har opsættende virkning, indtil klagemyndigheden har truffet afgørelse eller bestemmer andet.

Kapitel 9

Skovrådet

§ 41. Miljøministeren nedsætter et rådgivende udvalg (Skovrådet), der rådgiver ministeren i skovbrugsfaglige og andre spørgsmål vedrørende skove.

Stk. 2. Rådets formand udnævnes af ministeren.

Stk. 3. Rådet består af 12 medlemmer ud over formanden. 8 medlemmer udnævnes af ministeren efter indstilling fra Landbrugsministeriet, Dansk Skovforening (2 medlemmer), De Danske Skovdyrkerforeninger, Hedeselskabet, Danmarks Naturfredningsforening (2 medlemmer), Naturfredningsrådet og Friluftsrådet. 3 medlemmer udnævnes af ministeren som repræsentanter for det skovbrugsvidenskabelige område, Skov- og Naturstyrelsen og statskovdistrikterne.

Stk. 4. Udnævnelserne gælder for 4 år.

§ 42. Skovrådet har følgende opgaver:

- 1) Rådet drøfter på eget initiativ spørgsmål, det finder af betydning for skovene, og udtaler sig herom til miljøministeren.
- 2) Rådet afgiver udtalelse til brug for de regler, ministeren udarbejder med hjemmel i loven.
- 3) Rådet udtaler sig om de spørgsmål, ministeren forelægger.
- 4) Rådet afgiver udtalelse til brug for retningslinier for administration af loven, herunder vejledninger, som ministeren udarbejder til opfølgning af loven.
- 5) Rådet afgiver udtalelse til brug for afgørelse i de sager, der i medfør af regler efter § 35 er påklaget til ministeren, jf. dog stk. 2.
- 6) Rådet kan afgive redegørelse til ministeren om udviklingen inden for skovbrugsområdet og om de ændringer, rådet finder ønskelige.

Stk. 2. Ministeren fastsætter en forretningsorden for rådet. Der kan heri fastsættes regler om, at visse nærmere bestemte sager, som er påklaget til ministeren, ikke skal forelægges for rådet.

Kapitel 10

Straf, ikrafttræden og overgangsbestemmelser

§ 43. Med bøde straffes den, der

- 1) overtræder § 5, § 11, § 17, § 22, stk. 1, eller § 23,
- 2) tilsidesætter vilkår, der er knyttet til en tilladelse efter § 10, § 13, § 18, § 24, stk. 2, eller § 25,
- 3) undlader at efterkomme en beslutning efter § 25 om, at der kun på nærmere angivne vilkår må foretages erhvervsmæssig hugst,
- 4) undlader at give oplysninger efter § 30 eller
- 5) undlader at efterkomme et påbud efter § 31, stk. 1 eller 2.

Stk. 2. I regler, der er udstedt efter loven, kan der fastsættes straf af bøde for overtrædelse af bestemmelser i forskrifterne.

Stk. 3. Forældelsesfristen for strafansvaret er 5 år.

§ 44. For overtrædelser, der er begået af et aktieselskab, et anpartsselskab, et andelsselskab eller lignende, kan der pålægges virksomheden bødeansvar. Er overtrædelsen begået af en kommune eller et kommunalt fællesskab, jf. § 60 i lov om kommunernes styrelse, kan der

pålægges kommunen eller det kommunale fællesskab bødeansvar.

§ 45. Loven træder i kraft den 1. juli 1989.

Stk. 2. Følgende lovbestemmelser ophæves:

- 1) Lov om skove, jf. lovbekendtgørelse nr. 231 af 4. maj 1979.
- 2) § 3 i lov om udstykning og sammenlægning m.m. af faste ejendomme, jf. lovbekendtgørelse nr. 6 af 7. januar 1977.
- 3) § 10 i lov nr. 250 af 23. maj 1984 om ændring af forskellige miljø- og planlægningslove. (Håndhævelse).

Stk. 3. Denne lovs § 22, stk. 1, ophæves efter miljøministerens bestemmelse.

§ 46. Tilladelser og vilkår for tilladelser, der er meddelt efter den tidligere lovgivning, beva-

rer deres gyldighed. Tilladelser bortfalder dog, hvis de ikke er udnyttet senest den 1. juli 1991.

Stk. 2. Bygninger, anlæg, lystskove, dyreha-ver og andre indretninger fra før den 14. maj 1935, der ikke opfylder lovens regler, kan beva-res, så længe anvendelsen ikke ændres.

Stk. 3. Tinglyste deklarationer, der er opret-tet af ejeren for at frede enkelte træer eller par-tier af en skov af hensyn til bevaring af natur-skønheden, bevarer deres gyldighed, medmin-dre miljøministeren bestemmer andet.

Stk. 4. Fredskove, der har et større juletræs-og pyntegrøntareal i kort omdrift end nævnt i § 15, stk. 2, skal senest den 1. juli 1999 opfylde denne bestemmelse.

§ 47. Loven gælder ikke for Færøerne og Grønland.

Givet på Christiansborg Slot, den 7. juni 1989

Under Vor Kongelige Hånd og Segl

MARGRETHE R.

/ Lone Dybkjær