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ACT
of 21 May 1965
RELATING TO FORESTRY
AND FOREST PROTECTION
(THE FORESTRY ACT)

as amended, most recently by
Act no. 25 of 5 June 1987

Mottatt fra ... oversatt til ...

Act of 21 May 1965**relating to Forestry and Forest Protection(1)**

as amended, most recently by Act no. 25 of 5 June 1987.

- 1 The title of the Act was amended by Act no. 77 of 11 June 1976. - Cf. the Act of 22 June 1863, Sections 11 ff. of the Act of 29 November 1968, and temporary Act no. 65 of 16 June 1978 (felling machines). - Cf. earlier the Acts repealed by Section 57 of the Act (included in previous editions of the statute book).

Chapter I. Introductory provisions**Section 1.(1) Purpose of the Act**

The purpose of this Act is to promote forest production, afforestation and forest protection. The aim shall be by means of rational tending to achieve satisfactory results for those engaged in forestry and ensure an efficient and regular supply of raw materials for industry. Emphasis shall also be given to the importance of forests as a source of recreation for the public, a major element of the natural scene, a living environment for plants and animals, and as hunting and fishing areas.

1 Amended by Act no. 77 of 11 June 1976.

Section 2.(1) Definitions

For the purposes of this Act, "forest land" means land which produces forest(2) or which on an overall agricultural and forestry assessment is considered to be most suitable for forest production and is not being used for any other purpose.

For the purposes of this Act, "unsatisfactory forest" means forest which, owing to damage, unskilful tending, or other causes, will give a significantly lower yield than the productive capacity of the land indicates. Forest containing evidently unsuitable species or mixtures of species is also counted as unsatisfactory. Other forest is "satisfactory forest".

"Younger forest" means forest of a significantly lower age than that which yields the highest average volume. Forest of

varying ages in the same area shall be counted as younger forest when trees with over half its volume are covered by the definition in the preceding period.

The Ministry⁽³⁾ issues more detailed rules concerning what shall be counted as "significantly lower" according to the second and third paragraphs.

1 Cf. Section 18.

2 Cf. Section 17.

3 The Ministry of Agriculture according to Royal Decree of 25 June 1965.

Section 3.(1) Scope of the Act

This Act applies to all forest and forest land. The provision in Section 50, however, does not apply to areas which according to the Act relating to Planning and Building:

- a) have according to zoning or building plans been scheduled for other purposes than agriculture or designated as danger areas.
- b) in areas bindingly allocated in municipal development plans, have been scheduled for
 1. building or the extraction of raw materials, or
 2. agriculture, nature reserves or outdoor recreation in areas where the land use is in accordance with provisions governing scattered development which stipulate building plans before divisions and development can take place.

In connection with the adoption or approval of municipal plans or the adoption or confirmation of zoning or building plans, the planning authorities can resolve that the provision in Section 50 shall apply to the planning areas or particular parts of them.

The King can decide that a municipality or part of a municipality shall be exempted in whole or in part from the provisions of the Act.

The provisions of the Act shall not apply insofar as they may infringe Sami rights.⁽³⁾

1 Amended by Act no. 76 of 21 December 1979. - Cf. Chapter VII.

2 See Section 2.

- 3 Cf. Act no. 31 of 9 June 1972, and Section 13 of Act no. 49 of 9 June 1978.

Chapter II. The Forest Authority

Section 4.(1) Supervisory authorities under the Act

According to this Act, the Forest Authority shall consist of:

1. The Municipal Land Board
2. The County Land Board, to which the Municipal Land Board reports, and
3. The Ministry(2) under whose jurisdiction this Act belongs, as the highest supervisory authority.

Decisions or action delegated in or pursuant to this Act to a subordinate supervisory authority can be taken by a higher supervisory authority(3) whenever the latter finds it expedient to do so.

- 1 Amended by Act no. 41 of 13 June 1980.
- 2 The Ministry of Agriculture according to Royal Decree of 25 June 1965.
- 3 Cf. Section 14.

Sections 5-6. (Repealed by Act no. 41 of 13 June 1980.)

Section 7. (Repealed by Act no. 77 of 11 June 1976.)

Sections 8-10. (Repealed by Act no. 41 of 13 June 1980.)

Section 11. The central administration

The Ministry under whose jurisdiction this Act belongs(1) is ultimately responsible for supervising the implementation of and compliance with the Act. It shall as such exercise the necessary control of subordinate forest supervision authorities and issue the instructions and orders it finds necessary to ensure the best possible results of their activities.

The Ministry can impose on the subordinate supervisory authorities other duties relating to forestry than those mentioned in this Act.

- 1 The Ministry of Agriculture.

Section 12. Statements from parties affected by decisions

Before the Forest Authority takes a decision, persons affected by the decision shall be given the opportunity to state their views, if they have a known domicile in the realm or an authorised representative with such a domicile. In other cases, too, persons concerned shall be given the opportunity to state their views if this can be done without any substantial delay or inconvenience. The statement must be made by a reasonable deadline set by the Forest Authority.

If the Authority finds it necessary to take immediate action, it can irrespective of the preceding paragraph take a provisional decision at once, in which case, however, a final decision must be taken as soon as circumstances permit.

Section 13.(1) Decisions taken by the Forest Authority

The person concerned shall be notified in writing of a decision taken by the Forest Authority. If the decision is not delivered in person, it shall be sent to him by registered mail.

If the Forest Authority's decision contains an order that certain measures be implemented, a time limit shall be set for such implementation.(2)

1 Amended by Act no. 54 of 19 June 1969.

2 Cf. Sections 17 and 24.

Section 14.(1) Concerning appeals against decisions

Decisions taken by the Municipal Land Board can be appealed to the County Land Board. Decisions taken in the first instance by the County Land Board can be appealed to the Ministry.(2) Public environmental protection and outdoor recreation authorities have the right to appeal against decisions affecting interests in their areas of responsibility.

1 Amended by Acts no. 54 of 19 June 1969, no. 77 of 11 June 1976, no. 41 of 13 June 1980, and no. 26 of 11 May 1984 (see its Chapter V).

2. The Ministry of Agriculture.

**Chapter III. Harvesting, afforestation and reforestation,
and roads and other construction.(1)**

1 Headings amended by Act no. 77 of 11 June 1976.

Section 15.(1) Right of the forest owner to blaze etc.

Provided a forest owner in the opinion of the Forest Authority treats his forest in accordance with the silviculture principles in this Act and complies with the relevant provisions issued in pursuance of the Act, he shall have the right to blaze and tend the forest himself.

1 Amended by Act no. 77 of 11 June 1976.

Section 16.(1) Harvesting.

In younger satisfactory forest, harvesting must only be such as is conducive to the further favourable development of the forest from the point of view of production and quality. Other harvesting - for instance regeneration felling - must only be carried out with the permission of the Forest Authority.

In other forest, thinning or regeneration felling shall be done in such a way as to further the future production or regeneration of the forest. Trees to be retained or adjoining forest must not during felling and extraction be unnecessarily exposed to damage or destruction.

Harvesting shall be planned and carried out with due regard to the natural environment and outdoor recreation (cf. the third period of Section 1). Care shall be taken that continued public use of paths, ski trails and other rights of way is not rendered unnecessarily difficult after harvesting has been completed.

Should the Forest Authority find that a forest owner has planned, begun, or carried out regeneration felling, including clear felling, in such a way or to such an extent that it must be assumed to have a distinctly negative effect on future harvesting in the district or on the future operation of the property, or that it will have a substantially harmful effect on outdoor recreation or the natural environment (cf. the third period of Section 1), the Ministry(2) can on the recommendation of the County Land Board prohibit or restrict regeneration felling in the

forest in question for a specific period of time.(3)

Harvesting carried out in accordance with the Forest Authority's blazing shall in all cases be regarded as lawful in relation to the provisions in this Section.

- 1 Amended by Acts no. 77 of 1 June 1976 and no.41 of 13 June 1980.
- 2 The Ministry of Agriculture.
- 3 Cf. Sections 26 and 52.

Section 17.(1) Concerning natural regeneration, reforestation and aforestation

Forest land, cf. the first paragraph of Section 2, which is not currently productive but has produced forest in the course of the last 20 years shall, by means of reforestation or other efforts to ensure regeneration, if possible be restored to a productive condition within a reasonable space of time given the circumstances.

If after 2 years the owner of forest land as mentioned in the first paragraph has not complied with a written request from the Forest Authority that steps be taken according to the first paragraph, the Forest Authority can order(2) certain measures to be carried out for a certain amount of the Forest Trust Fund(3) plus any public grants that may be added, and furthermore resolve that an amount shall be reserved from the Forest Trust Fund to cover expenses relating to the measures. Should the owner fail to meet the deadline set (cf. the second paragraph of Section 13) for carrying out the measures ordered, and the Ministry after consulting the Forest Authority finds no reason to extend the deadline, the Ministry(4) can decide that the Forest Authority shall arrange for the measures to be carried out. Reimbursement of expenses can be claimed out of the funds available for the purpose according to the rules above.

If a district contains large areas of forest land (cf. the first paragraph of Section 2) which has not produced forest in the course of the last 20 years and is not currently productive, or if there are large areas where a change of tree species is clearly desirable, the Forest Authority shall endeavour to prepare an

aforestation plan for the district. To this end, cooperation should be sought with the agricultural authorities and the landowners, with a view to ensuring that as far as possible the land is used either for agricultural purposes or for forest production.

On the recommendation of the County Land Board, the Ministry can refuse or grant conditional permission to plant bare land, change tree species, cut ditches, and use fertilizers and pesticides to whatever extent it finds necessary to prevent substantial damage or inconvenience to outdoor recreation or substantial damage to the natural environment (cf. the third period of Section 1), including pollution of important bodies of water (cf. Act no. 75 of 26 June 1970, the Water Pollution Act).

The Ministry can issue more detailed regulations governing seed and plant supplies in forestry, and supplementary provisions concerning what according to this Act is to be understood by forest-producing land.

- 1 Amended-by Acts no. 77 of 11 June 1976, no. 41 of 13 June 1980, and no. 26 of 11 May 1984 (where see Chapter V). - Cf. Section 18.
- 2 Cf. Section 52.
- 3 Cf. Section 46.
- 4 The Ministry of Agriculture.

Section 17 a.(1) Concerning roads and other construction etc. in connection with forestry

The Ministry can establish regulations governing road planning and road construction and other works and technical encroachments of a lasting nature in connection with forestry, including a provision to the effect that plans for such constructions and encroachments can not be carried out unless the plan has previously been submitted to and approved by the Forest Authority. The regulations can also contain a provision to the effect that the Forest Authority can refuse to approve such a plan if it finds that its realisation will reduce the possibility of arriving at other more appropriate overall solutions or seriously impair outdoor recreation or the natural environment (cf. the

third period of Section 1).

- 1 Added by Act no. 77 of 11 June 1976.
- 2 The Ministry of Agriculture.

Section 17 b.(1) Forest areas of particular value from the point of view of outdoor recreation and environmental protection

In respect of forest areas which are of particular value from the point of view of outdoor activities and environmental protection, the King can in their interests establish more detailed regulations which, in addition to such restrictions as are otherwise authorised in law, can contain other and more far-reaching restrictions relating to forestry. The King determines the boundaries of the areas to which such regulations shall apply. The regulations can comprise bans or restrictions on felling of regeneration areas, felling of certain kinds or types of trees, felling of wooded vegetation in particular places, the use of large off-road machines, the construction of forest roads and other works, measures and encroachments relating to the operation and tending of the forest which can significantly impair or inconvenience outdoor recreation or do significant damage to the natural environment (cf. the third period of Section 1). Similarly, the regulations can contain an obligation on forest owners in the area in question without further specific requests to report to the Forest Authority any plans for measures and encroachments to which the regulations apply.

The Ministry(2) can establish temporary regulations as mentioned in the first paragraph. The regulations shall apply until the matter has been decided on by the King, but no longer than 3 years.

Regulations and area delimitations pursuant to this Section shall be announced in Norsk Lovtidend and in one or more newspapers which are generally read in the district.

- 1 Added by Act no. 77 of 11 June 1976.
- 2 The Ministry of Agriculture.

Section 18. Decision in advance

A forest owner who has planned or begun harvesting can obtain the Forest Authority's decision on which category a particular stand or a particular area shall be considered to belong to according to Section 2 or Section 17.

Section 19.(1) Notice of harvesting and certain other measures

If the Forest Authority finds it necessary in order to monitor compliance with this Act, it can - in areas where the measures are not subject to compulsory notice in pursuance of Section 17 b - direct forest owners to give written notice within a time limit to be specified of:

- a. planned harvesting, including information on the place, nature and estimated volume of the harvesting and of the size of any area(s) where clear felling is planned.
- b. plans to cut ditches, plant in denuded areas, change tree species, and use fertilizers or pesticides, including information concerning the location and scale of the measure.

The obligation to give notice can apply to individual forest owners as mentioned by name, or to all the forest owners in a district. In the latter case, announcement of the obligation in one or more newspapers generally read in the district shall be regarded as sufficient promulgation.

Unless the Forest Authority decides otherwise, notice as mentioned in the first paragraph can be omitted when a measure is carried out in accordance with a management plan approved by the Forest Authority.

The Ministry(4) can issue regulations relating to compulsory notice of felling of Christmas trees.

The Ministry can issue regulations relating to compulsory notice of use of felling machines and regulations governing such use.

- 1 Amended by Acts no. 77 of 11 June 1976 and no. 40 of 13 June 1980.
- 2 Cf. Section 52.
- 3 Cf. Chapter V.
- 4 The Ministry of Agriculture.

Section 20. Blazing

Blazing or other clear marking must be carried out prior to harvesting.

The Ministry⁽¹⁾ issues more detailed regulations concerning how blazing or other marking is to be carried out and concerning the duty of the Forest Authority to supervise blazing.

Chapter IV. Ban on and conditions for harvesting. Compulsory reforestation. Certain measures etc.

Section 21.(1) Ban on harvesting, conditions for harvesting

If the Forest Authority finds that harvesting has been carried out in contravention of this Act or of provisions issued pursuant to the Act, or that plans have been made for such harvesting, it can impose a ban on blazing or on harvesting without prior blazing by the Forest Authority. Instead of imposing a ban as mentioned, the Forest Authority can as a condition for harvesting require specific reforestation to be carried out within a certain time limit.

If in the opinion of the Forest Authority it is essential to do so, it can impose a complete or partial ban on further harvesting.

1 Cf. Sections 26 and 52.

Section 22.(1) Measures when forest has been damaged by fire and the like

When forest is damaged by fire, windthrows, landslides, or rodent or insect attacks, the following rules shall apply:

1. The insurance company or whoever is liable for the damages is obliged, in accordance with more detailed guidelines laid down by the Ministry, to pay the Forest Authority compensation for replanting and up to 30% of the other damages. To ensure regeneration, the Forest Authority can order that the amount or part of it shall be spent on reforestation as more specifically determined by the

Authority. If such an order only relates to part of the amount, the remainder shall be paid to the policy-holder. The amount of the damages to be spent on reforestation shall be deposited in a separate bank account. With the permission of the Forest Authority, the amount and accrued interest can be withdrawn as the prescribed reforestation measures are carried out.

2. Where it cannot be expected that satisfactory regeneration can be brought about by other means within a reasonable time, the County Land Board can order reforestation to be carried out for a certain amount of the Forest Trust Fund plus any public grants that may be added.
- 1 Amended by Acts no. 77 of 11 June 1976 and no. 41 of 13 June 1980. - Cf. Sections 26 and 52.
- 2 Cf. Section 46.

Section 23.(1) Measures to remedy the consequences of unsuitable treatment of forest etc.

1. If as a result of harvesting or for other reasons forest is in such a state that the conditions for its production and for the occurrence or growth of naturally or artificially regenerated forest are evidently unsatisfactory,(2) the County Land Board can:
 - a. order reforestation, including the clearing of regeneration areas, to be carried out for a certain amount of the Forest Trust Fund(3) plus any public grants that may be added, and furthermore decide that a part of the Forest Trust Fund shall be held back to meet the cost of the measures.
 - b. if local operating conditions are such as to permit financially viable operations, order felling in the interests of regeneration and the growth of young forest.
2. If the forest is seriously damaged by decay which clearly significantly reduces its value,(2) the County Land Board can, where local operating conditions are such that financially viable operations are possible, order the felling

of damaged trees to the extent considered necessary to prevent further deterioration. The same applies where the forest is so old that there is an evident risk that a considerable number of trees will die unless felling takes place.

3. If the drainage system has not been maintained in forest where satisfactory ditching of profitably drainable marsh or waterlogged forest land has previously been carried out with support from public funds, and it must be assumed that the land will again become marshy if no maintenance is carried out on the drainage system, the County Land Board can order the forest owner to carry out necessary maintenance for up to an amount corresponding to the state allocation to the ditching, plus a certain amount of the Forest Trust Fund.(3)
 - 1 Amended by Act no. 41 of 13 June 1980. - Cf. Sections 26 and 52.
 - 2 Cf. Section 2.
 - 3 Cf. Section 46.

Section 24.(1) Execution of orders

If the forest owner fails to carry out the measures enjoined on him pursuant to Sections 22 and 23 within the appointed time limit (cf. the second paragraph of Section 13), and the Ministry after consulting the County Land Board finds no reason to extend the time limit, the Ministry(2) can decide that the Forest Authority shall see that the measures are carried out. Reimbursement of the costs can be claimed out of the funds which according to Section 22 or Section 23 are available for the purpose.

- 1 Amended by Act no. 41 of 13 June 1980. - Cf. Section 26 and subsection 3 of Section 58.
- 2 The Ministry of Agriculture.

Section 25.(1) Amicable agreement

Before issuing orders to fell, carry out reforestation etc. according to Sections 22 and 23, the Forest Authority shall attempt to reach an amicable agreement with the forest owner in

question concerning the work to be done and the time for it. To be valid, such an agreement must be made in writing.

If the forest owner fails to observe the amicable agreement, Section 24 shall apply correspondingly.

1 Cf. Section 26.

Section 26.(1) Effects for future owners

Decisions pursuant to the fourth paragraph of Section 16, Sections 21-24, and Sections 27-28 (cf. the second paragraph of Section 17) are also binding without registration on future owners of the forest.

Decisions as mentioned in the first paragraph can nevertheless be forwarded for registration on the land register page for the property concerned. The same applies to amicable agreements as mentioned in Section 25. In the event of such a registration, the agreement shall be binding also on future owners of the forest.

1 Amended by Act no. 26 of 11 May 1984 (where see Chapter V).

Section 27.(1) Responsibility for carrying out reforestation.

Security

The forest owner is responsible for carrying out reforestation according to this Act. If another person is entitled to harvest in the forest when a decision to carry out reforestation is taken, the Forest Authority shall decide who is responsible. The forest owner is liable to the Forest Authority for the cost of the work. If harvesting is carried out by someone else or at someone else's expense, the latter, too, is liable to the Authority for the cost of such reforestation as his harvesting has necessitated.

If the Forest Authority has made reforestation a condition for harvesting, it can in special cases when it is thought necessary require that satisfactory security for the costs be furnished in advance. The Forest Authority can then prohibit harvesting until the required security has been furnished.

1 Cf. Section 26 and 52.

Section 28.(1) Measures to prevent insect and fungus attacks, etc.

When because of fire, windthrows, landslides or for other reasons there is reason to fear extensive damage to forest from insect or fungus attacks. the Ministry(2) can initiate the necessary public measures to combat such attacks irrespective of who owns the forest.

In circumstances as mentioned in the first paragraph, the Ministry can also decide that a forest owner shall carry out such felling and removal of timber from his forest as is considered necessary to combat the attack. The forest owner can demand that the Forest Authority blazes the trees the felling of which has been ordered for this reason free of charge. If voluntary arrangements are not made or if especially rapid measures are called for, the Ministry can order forest owners jointly to construct roads for the removal of such timber. The orders can contain more detailed provisions concerning the execution of the measure and the obligation of each individual to participate in the measure in proportion to the benefit which it is believed that he will derive from it.

The Ministry can issue regulations deciding that forest owners can be ordered to take other appropriate steps to combat insect attacks and prevent damage by insects, including laying out trap trees and setting up traps for harmful insects.

If the measures ordered are not carried out within the stipulated time limit, the Forest Authority can have the work done at the forest owner's expense.

The Ministry can issue regulations governing cleaning and thinning, the treatment of residues from felling, and the treatment, extraction and storing of unbarked timber and other measures which can prevent insect or fungus attacks, as well as the obligations in this connection of owners and buyers, and buyers of standing timber, if any.

Before taking a decision according to the second paragraph, the Ministry shall give economic associations of forest owners with members who will be affected by the decision the opportunity to make their views known.(3) The Ministry can, however, when it

is thought necessary to prevent extensive damage, take preliminary steps at once.

The cost of measures according to the first paragraph shall be met by the authorities, and can in the event be covered out of the interest accrued on the Forest Trust Fund.(4) The Ministry can order forest owners to pay the cost of measures according to the second and third paragraphs. If the expenses are not met voluntarily and can not be met as mentioned in the fourth sentence of the fourth paragraph of Section 46, the amount can be recovered by distraint.

Forest owners are entitled to damages for possible losses resulting from measures according to the first paragraph or orders according to the second and third paragraphs. In this connection, the benefits which the forest owner derives from the measures initiated by the authorities or which he himself has been ordered to carry out shall be taken into account. In the absence of an amicable agreement, the amount of damages shall be determined by valuation by court-appointed experts.

Regulations according to this Section can be issued specifically for certain limited areas.

The Ministry can delegate authority according to this Section to the County Land Board and the Chief County Forester.

- 1 Amended by Acts no. 77 of 11 June 1976, no. 2 of 27 April 1979, and no. 41 of 13 June 1980. - Cf. Sections 3, 26 and 52.
- 2 The Ministry of Agriculture.
- 3 Cf. Section 12.
4. Cf. Section 48.

Chapter V. Management Plan

Section 29. What is meant by management plan

For the purposes of this Act, management plan means a plan for the care and management of a forest property or part of such a property.

Section 30.(1) Order to set up a management plan

The County Land Board can order that a management plan be set up for a forest or part of a forest when:

- a. there has been a violation of Section 16 of this Act;
- b. an order to fell or to carry out reforestation has been issued pursuant to Section 22 or Section 23;
- c. the Forest Authority according to legislation or a decision by the Ministry is to carry out blazing in the forest concerned for at least 10 years.

The Ministry(3) decides what information a management plan is to contain and to which period of time it shall apply.

The management plan shall be submitted to the County Land Board for approval within a time limit determined by the Board. The forest owner is obliged to adhere to the provisions in the approved management plan for such time as the County Land Board decides.

- 1 Amended by Act no. 41 of 13 June 1980. - Cf. Section 52.
- 2 See Section 29.
- 3 The Ministry of Agriculture.

Section 31. Voluntary management plan(1)

In the following cases, the Forest Authority can demand to see extracts from voluntarily established management plans within a specified time limit:

1. when there is good reason to believe that the care of the forest in question is not in accordance with the rules in Section 16, or there is good reason to believe that orders according to Sections 21, 22 or 23 may be necessary;
2. when a forest owner with authority in provisions issued pursuant to Section 20 has demanded or requested that the Forest Authority shall carry out blazing.

- 1 See Section 29.

Chapter VI. Protection Forest

Section 32.(1) What is meant by protection forest for the purposes of the Act, and how it is to be delimited

The Ministry(2) can decide that forest -- or certain types of forest -- shall be regarded as protection forest when it can be seen to serve as protection against landslides and avalanches, rivers bursting their banks, harmful floods, aeolian loss of material or the like, or as special protection for other forest, cultivated land or buildings. The same applies to forest which, owing to its location towards the tree line, by the sea, or in the far north, has such difficult regeneration conditions or such slow growth that it can be destroyed by misguided treatment or felling.

After hearing the views of the Municipal and County Land Boards on how the boundaries should be determined, the Ministry prepares proposals for boundaries. The Ministry's proposal is sent to the Municipal Council for comment. If the proposed boundaries pass through more than one municipality, the matter shall be submitted to the Municipal Councils of the municipalities affected. The Municipal Council(s) in question shall make the proposals available for inspection by the public for at least 4 weeks after they have been announced according to normal procedure in municipal matters. The proposals are then returned with the Municipal Council's statement to the Ministry, which takes the final decision on the boundaries.

The boundaries shall -- if this is considered necessary -- be marked out on the ground. Three quarters of the cost of marking required by the Ministry shall be borne by the State and one quarter by the municipality concerned.

Certified copies of the provisions in force at any given time relating to the boundaries of protection forest shall be available at the office of the lensman (N) and the Municipal Council Chairman concerned.

1 Amended by Act no. 41 of 13 June 1980.

2 The Ministry of Agriculture.

(N. Translator's note: Norwegian "lensmann", an official with police and other responsibilities in rural districts.)

Section 33.(1) Rules governing harvesting

Unless the Forest Authority has decided otherwise, notice of all felling in protection forest, (2) except felling of firewood for domestic use, shall be given in advance within a certain time limit to the Forest Authority. The trees to be felled must be blazed beforehand by the Forest Authority or a person approved by the Forest Authority.

Before requesting healthy trees to be blazed for domestic use, the forest owner is obliged to use dry (dead), windthrown or otherwise damaged trees and tops and residues which will serve the purpose. The same applies to persons with the right of use of wood for domestic purposes.

Needles and leaves must only be removed from trees which are to be felled within one year. The Forest Authority can allow exceptions to this provision.

Otherwise the provisions in Chapter III apply where appropriate also to protection forest.

1 Cf. Section 52.

2 See Section 32.

3 Cf. Section 39.

Chapter VII Special rules for certain forests

Section 34.(1) Insofar as the Ministry does not decide otherwise, this Act shall also apply to state common land(2) and other public forests under the administration of civil servants, and to rural district commons(3) which are administered according to rules approved by the Ministry or a person authorised by the Ministry.

The Ministry(4) can issue special rules governing contributions to and payments from the Forest Trust Fund relating to timber sold, assessed or supplied from forests as mentioned in the first paragraph.

1 Cf. Section 3.

2 See Chapter 4 of Act of 22 June 1863.

3 See Chapter 2 of the same Act.

4 The Ministry of Agriculture.

Section 35.(1) Forest belonging to municipalities and county municipalities

The provisions in Section 34 apply correspondingly to forest belonging to municipalities or county municipalities. Such forest shall, however, be under the supervision of the respective County Land Board and the Ministry.(2)

The Municipal Council can decide that municipal forest shall be placed in charge of a Board, and that the post of Forest Supervisor(3) shall be established in the municipality. County Councils can adopt corresponding provisions where county municipal forests are concerned.

1 Amended by Acts no. 41 of 13 June 1980 and no. 25 of 5 June 1987 (effective from 1 January 1988). - Cf. Section 3.

2 The Ministry of Agriculture.

3 Cf. Section 37.

Section 36. (Repealed by Act no. 25 of 5 June 1987 (effective from 1 January 1988).)

Section 37.(1) Forest Supervisors for forests belonging to municipalities and county municipalities

The Forest Supervisor shall have practical and theoretical training in forestry. It is the Forest Supervisor's responsibility in cooperation with the Forest Board to direct the tending and management of the forest on sound business and silvicultural principles in accordance with the management plan(2) for the forest. The Forest Supervisor shall moreover keep the forest management accounts unless otherwise decided. More detailed provisions concerning the duties of the Forest Supervisor are laid down by Municipal Council and the County Council respectively. The Ministry issues guideline regulations in this respect.

Should the Forest Board disagree with the decisions or measures taken by the Forest Supervisor, both the Forest Board and the Forest Supervisor can submit the issue to the Municipal Council or the County Council respectively.

- 1 Amended by Act no. 25 of 5 June 1987 (effective from 1 January 1988).
- 2 See Section 29.
- 3 The Ministry of Agriculture.

Section 38. Management plan for forests belonging to municipalities and county municipalities

Management plans shall be prepared for the larger forests owned by municipalities or county municipalities. The Ministry lays down more detailed rules governing the preparation of such plans, including the size of areas to be exempted from the management plan requirement.

- 1 See Section 29.
- 2 The Ministry of Agriculture.

Section 39. Forest for domestic use(1) and jointly-owned forest according to the Land Act

The Ministry(2) can make exceptions to the provisions in this Act for home use forest established pursuant to the Act of 9 June 1939 relating to forest for domestic use, and for jointly-owned forest established pursuant to the Section 29 of the Act of 18 March 1955 relating to farm establishments.

- 1 Cf. Section 33.
- 2 The Ministry of Agriculture.

Section 40. Provisions exempting small forests

For a county or part of a county, the Ministry(1) can decide that forest properties under a certain area shall be exempted from this Act or from certain provisions in the Act.

- 1 The Ministry of Agriculture.

Chapter VIII. The Forest Trust Fund(1)

Cf. Section 34 and subsection 1 of Section 58 of Act no. 4 of 9 November 1956.

Section 41. Concerning the obligation to pay contributions to the Forest Trust Fund

Contributions shall be paid to the Forest Trust Fund on sales and other transfers of ownership and expropriation of felled or extracted timber or of standing trees, on the forest owner's processing of timber for sale and other transfer of ownership, and on the forest owner's use of timber for other purposes than to meet his own needs for agricultural and forestry purposes.

The amount of Forest Trust Fund contributions shall be determined for each operating year by the King, after the economic forestry organizations have been given the opportunity to state their views. Contributions shall nevertheless not be lower than 2 per cent of the gross value of the timber.

The King(1) can decide:

- a. that contributions shall be calculated according to special rates in particular districts, for certain types of timber and for timber for specific uses;
- b. that for one or more operating years, contributions shall not be collected in certain districts;
- c. that forest owners in certain districts shall only be liable for contributions if the annual increment of their total forest property in the district exceeds a certain minimum.

Liability for Forest Trust Fund contributions rests on the forest owner.

The King(1) can decide that Forest Trust Fund contributions shall also be paid on timber that is assessed or delivered to persons with right of use in state and rural district commons, and determine the amount of the contributions. In this case, the person with right of use is liable for the contributions.

1 The Ministry of Agriculture, according to Royal Decree no. 1808 of 2 November 1984.

Section 42. Collection of Forest Trust Fund contributions

The Ministry(1) issues more detailed rules concerning the calculation and collection of Forest Trust Fund contributions and can in this connection lay down that measurement societies, river drive associations, and any persons who sell, supply, buy or receive wood on which contributions are levied, shall be obliged(2) to supply the lists and other information considered necessary for the purpose of calculating the contributions. Buyers, expropriators, or selling organizations can be obliged to retain contributions in connection with settlements.

Buyers, expropriators or selling organizations who, contrary to the provisions in force, fail to retain contributions in settlements with sellers or expropriators shall be liable for the amount of the contributions with interest and costs.

When the Forest Authority finds it necessary, it can demand satisfactory security for punctual payment of contributions. Harvesting can not then take place until the required security has been furnished.

- 1 The Ministry of Agriculture.
- 2 Cf. Sections 45 and 52.

Section 43. Relaxation of the obligation to pay Forest Trust Fund contributions

If under special circumstances it would be unreasonable for Forest Trust Fund contributions to be paid, the Ministry(1) can grant complete or partial exemption from the obligation to pay contributions. The Ministry can similarly issue rules to the effect that the obligation to pay contributions shall cease to apply to a forest owner whose contributions do not amount to a specific total.

The Ministry can exempt a forest owner from payment of accrued Forest Trust Fund contributions when the forest owner -- in such manner as the Ministry requires -- proves that, in the course of a period of time determined by the Ministry, he has at his own expense carried out approved reforestation or invested work in his forest for an amount at least equal to the contributions accrued.

Should the Forest Authority find that there is currently no need for such work in the forest as the contributions are used for, and that future needs can be met out of contributions which must be assumed to be paid in at later dates, the Forest Trust Fund can be paid back to the forest owner according to more detailed rules laid down by the Ministry.(2)

- 1 The Ministry of Agriculture.
- 2 See subsection 1 of Section 58.

Section 44. Interest, distraint, etc.

The Ministry(1) can decide that interest shall be charged on overdue Forest Trust Fund contributions. The amount of the contributions with interest and costs can be recovered by distraint within 3 years of the due date from every person liable for payment. The claim to Forest Trust Fund contributions is barred 10 years after the due date.

- 1 The Ministry of Agriculture.

Section 45. Right of the Forest Authority to make estimated assessments of Forest Trust Fund contributions

If anyone liable for Forest Trust Fund contributions has failed to provide the information required in the provisions in force,(1) the Forest Authority can make an estimated assessment of the amount of the contributions.

- 1 Cf. Section 42.

Section 46.(1) Use of and disbursement from the Forest Trust Fund

The Forest Trust Fund shall be used to promote reforestation, forest production and forest operation for the benefit of the forest which supplies the timber, or for the benefit of other forest belonging to the owner in the same municipality. With the approval of the Municipal Land Board, the Fund can be transferred to forest which belongs to the owner in another municipality. If the Board withholds approval of such a transfer, the decision can be appealed to the County Land Board if the transfer is to forest in the same county, and to the Ministry if the transfer is to

forest in another county.(2)

In the event of felling laid down by the Land Reallocation Tribunal(3), the Tribunal decides for the benefit of which forest the Fund shall be used.

From Fund revenues, the Forest Authority transfers to the forest owner the amounts he proves he has spent on work etc. approved by the Forest Authority.

The Ministry(4) issues more detailed regulations concerning the use of Forest Trust Fund revenues and disbursement, and concerning the obligation to submit returns covering work done. In this connection, the Forest Authority can be authorised to decide that a certain amount of the Forest Trust Fund for the forest in question, but not exceeding 2 per cent of the gross value of the timber on which contributions have been levied in the past three operating years, shall be spent on reforestation as laid down by the Forest Authority in the forest in question. The Forest Authority can moreover be authorised to decide that of future Forest Trust Fund revenue for the current and next two operating years, 2 per cent of the gross value of the timber on which contributions are levied shall be spent on reforestation in the forest in question. The Forest Authority can also be authorised to cover expenditure on measures enjoined on the forest owner according to Section 28 directly out of that forest owner's Forest Trust Fund account, unless the forest owner of his own volition has made other arrangements for meeting the expenses. These provisions shall not prevent the implementation of measures according to subsection 2 of Section 23 and subsections 1 and 3 of Section 23 (cf. the second paragraph of Section 17).

1 Amended by Acts no. 12 of 27 April 1979 and no. 41 of 13 June 1980. - Cf. subsection 1 of Section 58.

2 Cf. Section 14.

3 See Section 55 of Act no. 77 of 21 December 1979.

4 The Ministry of Agriculture.

Section 47.(1) Relation of the Forest Trust Fund to the forest property concerned

Claims on the Forest Trust Fund shall be a right appurtenant

to the forest concerned and can not be severed from it in connection with a transfer of ownership, mortgaging, enforcement of claims or in other ways.

The Ministry(2) can issue provisions relating to how the Forest Trust Fund shall be divided when part of a forest property is being sold or the property is otherwise being divided.

1 Cf. subsection 1 of Section 58.

2 The Ministry of Agriculture.

Section 48.(1) Interest on the Forest Trust Fund

A forest owner has no claim on the interest on the Forest Trust Fund.

Accrued interest shall be spent on the administration of the Forest Trust Fund system and to cover possible losses in connection with the collection of contributions. To the extent that the interest is not needed for these purposes, it can be spent on joint purposes and other purposes for the benefit of forestry, primarily within the municipality and county.

The Ministry(2) can issue more detailed provisions concerning the use and management of the interest.

1 Cf. subsections 1 and 2 of Section 58.

2 The Ministry of Agriculture.

Section 49.(1) Extraordinary Forest Trust Fund contributions

For a given operating year -- after the economic forestry organizations have had the opportunity to make their views known -- the King(2) can decide that it shall be possible for forest owners, on application to the County Land Board, to pay extraordinary Forest Trust Fund contributions.

The County Land Board can consent to this when it finds that the applicant is in need of investments in his forest exceeding those that can be made within a reasonable time out of the ordinary Forest Trust Fund.

The Ministry(2) can issue more detailed rules governing how the applications are to be dealt with.

The King(2) determines the size of the extraordinary Forest Trust Fund contributions as a specific fraction -- but not

exceeding half -- of the ordinary contributions applicable to the operating year in question according to Section 41.

Forest owners wishing to avail themselves of permission according to the first paragraph must submit applications to the Municipal Land Board by 1 October after the end of the operating year.

Payment of extraordinary Forest Trust Fund contributions must be made within 14 days after the applicant has received notification of permission.

In other respects the same provision apply to extraordinary Forest Trust Fund revenues and the interest on them as to ordinary Forest Trust Fund revenues.(3)

- 1 Amended by Act no. 41 of 13 June 1980.
- 2 The Ministry of Agriculture, according to Royal Decree no. 1808 of 2 November 1984.
- 3 Cf. Sections 46-48.

Chapter IX Exemption clauses

Section 50.(1) Conversion of forest land to other uses

Subject to any limitations following from decisions pursuant to Sections 17a or 17b, this Act shall not prevent the clearing of forest and the use of the land for agricultural purposes or as a building site, road, gravel pit, industrial site, storage site, loading site or landing.

Where coniferous forest is concerned, the permission of the Forest Authority shall nevertheless be required if:

- a. younger satisfactory forest is growing on the forest land, or
- b. the forest owner is obliged by order or an agreement to carry out reforestation in the area in question to ensure regeneration.

The Forest Authority's permission for conversion shall similarly be required in respect of all forest, irrespective of the species of tree, which is protection forest.

With the Forest Authority's permission, forest land can also be put to other uses than those mentioned in the first paragraph,

provided the Authority finds that the purpose should be given higher priority than the use of the land as forest land.

Plans to clear forest for purposes as mentioned in the first paragraph shall be communicated in writing to the Forest Authority through the local rural municipality's Forest Supervisor, who shall as soon as possible confirm in writing to the person concerned that the notification has been received. Unless the person concerned receives written notice within that time that he must await the decision of the Forest Authority, work can begin after two weeks from the date when the confirmation was sent.

The provision in Section 18 relating to permission to request a decision in advance applies correspondingly.

- 1 Amended by Acts no. 77 of 11 June 1976 and no. 26 of 11 May 1984 (see its Chapter V).
- 2 Cf. Section 52.
- 3 See Section 32.

Section 51. Time limit for conversion of land

In cases where the permission of the Forest Authority for conversion of land is required according to the preceding Section, the Forest Authority shall, if it finds that permission can be given, give the owner a specific time limit within which to have the work carried out which the conversion calls for as decided by the Forest Authority.(1) If the work has not been done when the time limit expires, and the Authority finds no reason to extend it, the Authority can order(1) the land to be restored to forest-producing condition and decide what work is to be done, including reforestation as mentioned in litra b of Section 50. The provisions in Sections 25-27 apply correspondingly.

The provision in the first paragraph applies correspondingly in cases where the permission of the Forest Authority is not required for conversion, provided the Forest Authority finds reason to assume that the conversion will not be carried out within a reasonable time.

- 1 Cf. Section 52.

Chapter X Penalties(1)

- 1 Heading amended by Act no. 26 of 11 May 1984 (see its Chapter V).

Section 52.(1) Whoever deliberately or negligently violates or is accessory to the violation of the provisions in this Act or of any ban, order or other provision or regulation issued pursuant to or confirmed by this Act, shall be punished by a fine insofar as the violation is not subject to a more severe penal provision. Proceedings shall not be instituted for violations except at the request of the Forest Authority.

- 1 Amended by Act no. 2 of 26 January 1973.

Chapter XI Miscellaneous provisions

Section 53. Payment for blazing etc.

Forest owners and others entitled to harvest forest are obliged(1) to pay for blazing, assessing or other similar work carried out for them by the Forest Authority in the forest unless the Ministry has decided otherwise for the district in question.

More detailed rules are issued by the Ministry.(2)

- 1 Cf. Section 52.
2 The Ministry of Agriculture.

Section 54. Obligation to submit to inspections and surveys(1)

Every forest owner is obliged to submit to such inspection and surveys of his property by the Forest Authority as the Authority finds necessary for the enforcement of this Act or provisions issued pursuant to or confirmed by the Act. The forest owner or his representative shall if possible be notified in advance.

- 1 Cf. Section 52 above and Section 326 of the Penal Code.

Section 55. (Repealed by Act no. 21 of 16 May 1986 (effective from 1 October 1986).)

Section 56. Provisions for the implementation of the Act

The Ministry(1) can issue the provisions necessary for the implementation of this Act, including the necessary transitional provisions.

- 1 The Ministry of Agriculture according to the Royal Decree of 25 June 1965.

Section 57. Entry into force

1. This Act enters into force from such date as the King shall decide.(1)
2. The King can lay down(2) that elections, engagements and appointments pursuant to Sections 5,6,8,9 and 10 can take place before that date.
3. From the date of the entry into force of this Act, the Forestry Act of 12 February 1932 and the temporary Act of 19 December 1952 relating to the Forestry Investment Trust Fund are repealed. Provisions issued pursuant to those Acts shall nevertheless remain in force until they are repealed or replaced by new provisions pursuant to this Act.
4. From the date of the entry into force of this Act, a new Section 19 shall be added to the Act of 9 June 1939 relating to forest for domestic use, worded as follows:...
 - 1 Chapter VIII from 1 September 1965, the other Chapters of the Act from 1 January 1966, according to Royal Decree of 25 June 1965.
 - 2 Laid down by Royal Decree of the same date.

Section 58. Transitional provisions

1. Provisions which according to this Act apply to Forest Trust Fund revenues shall apply correspondingly to reforestation funds available, paid in with authority in Section 34 of the Forestry Act of 12 February 1932. The Forestry Investment Trust Fund, paid in pursuant to provisions issued with authority in the temporary Act of 19 December 1952 relating to the Forestry Investment Trust Fund and the temporary Act of 30 June 1947 relating to price regulation and other

commercial activities, shall similarly be subject to the provisions which according to this Act apply to Forest Trust Fund revenues.

The provision in the last paragraph of Section 43 shall nevertheless not apply to Forestry Investment Trust Fund contributions levied for the operating years 1947-48 and 1948-49.

Interest on such contributions mentioned in the first paragraph shall be subject to the provisions in this Act relating to interest on the Forest Trust Fund.

2. Silviculture funds established pursuant to the last paragraph of Section 40 of the Act of 12 February 1932 shall be transferred to the Forest Trust Fund interest account and be subject to the provisions in this Act relating to interest on the Forest Trust Fund.
3. The provisions in Section 24 of this Act shall at the earliest apply two years after the entry into force of the Act.
4. From the entry into force of this Act, new Forest Councils shall be elected, cf. Sections 5 and 9. The newly elected Forest Councils shall function up to and including 31 December 1967.