

FORESTRY ACT, 1946 (PART IV) REGULATIONS 1949

I, JOSEPH BLOWICK, Minister for Lands, in exercise of the powers conferred on me by Section 5 of the Forestry Act, 1946 (No. 13 of 1946), hereby make the following regulations:—

REG 1

1.—(1) These Regulations may be cited as the Forestry Act, 1946 (Part IV) Regulations, 1949.

(2) These Regulations shall come into operation on the first day of April, 1949.

REG 2

2. In these Regulations, the expression " The Act " means the Forestry Act, 1946 (No. 13 of 1946).

REG 3

3.—(1) Every document of the kind mentioned in column (2) of the Table to this Regulation at any particular reference number shall be in the Form (set out in the Schedule to these Regulations) specified in column (3) of the said Table at that reference number.

(2) The provisions (if any) set out in column (4) of the Table to this Regulation at any particular reference number shall apply in relation to every document of the kind mentioned in column (2) of the said Table at that reference number.

TABLE TO REGULATION 3

Ref. No.	Document	Relevant Form	Other provisions applicable	Felling notice under section 37 of the act.
1		Form F.A.1.	The notice shall specify the particulars indicated in the said Form F.A.1.	2
2		Form F.A.2.	The application shall be sent by registered post to the Secretary, Department of Lands (Forestry Division), Dublin.	3
3		Form F.A.3.	The application shall be sent by registered post to the Secretary, Department of Lands (Forestry Division), Dublin.	4
4		Form F.A.4.	The application shall contain the particulars indicated in the said Form F.A.4.	5
5		Form F.A.5.	—	6
6		Form F.A.6.	The requisition shall—(a) be sent by registered post to the Secretary, Department of Lands (Forestry Division), Dublin, within a period of three months commencing on the date on which the action of the Minister for Lands to which the requisition relates was taken,(b) be accompanied	

by the fee of £1.

SCHEDULE

Form F A 1.
FORESTRY ACT, 1946.
SECTION 37 (1)

For Official Use Only Register No.....No
Action.....Prohibit.....For
inspection by.....Instructions
issued.....

FELLING NOTICE

Note : Attention is directed to the instructions for the completion of this Form printed on the back hereof.

To :

The Sergeant-in-Charge,
Garda Siochána Station.

In pursuance of section 37(1) of the Forestry Act, 1946, I hereby give notice that it is intended, after twenty-one days from the receipt by you of this Notice, unless, in the meantime, a prohibition order under Section 39 (1) of the said Act is served, to cut down or uproot the tree(s) specified herein.

PART I

GENERAL

1. Christian name (in full), Surname and Postal Address of the person who is the owner of the land on which the tree(s) stand(s). (USE BLOCK CAPITALS).

.....
.....

2. Full Postal Address at which a prohibition order under the Act (if made) in relation to the tree(s) may be served.

.....
.....
.....

3. Particulars as to land on which the tree(s) stand(s) :

a. r. p.

(a)

Area.....
....

(b) Townland(s) in which situated.....

(c) Number of the Folio on which the land is registered under the Local Registration of Title Act, 1891, (if the land is not registered write " Not Registered.").....

4. If the said land is subject to an annuity or rent under any Irish Land Act give the following particulars. (If it is not so

subject, write " Not subject.")—

(a) Name of Estate.....

(b) Irish Land Commission Receivable Order No.....

(c) Year in which land was vested in Occupier.....

5. Total number of trees, or area at present under timber, on the said land

6. Number of trees or area planted on the said land by the present owner

7. Has the owner of the said land or any predecessor in title entered into an agreement with the Irish Land Commission or the Estates Commissioners undertaking to preserve the trees the subject of this Notice or any of them

8. Particulars as to all other land which is owned by the person by or on whose behalf this Notice is given. (If none, write " None.").

CountyTownland(s) where situatedArea a. r. p.Folio No.

9. Is the person by or on whose behalf this Notice is given prepared to replant and, if so, to what extent ?

**PART II.
TREES PROPOSED TO BE CUT DOWN OR UPROOTED AND NOT CLAIMED TO BE " EXEMPTED TREES " AS DEFINED IN SECTION 35 (1) OF THE SAID ACT**

(a)p135a.
10. Particulars of the said trees :—

Species (Use a separate line for each species).NumberAge (if mature state so)Whether growing in hedgerows, belts, clumps, plantations or otherwiseName of field or other particulars as to the part of the land where the trees are situatedWhether it is intended to cut down or to uproot the trees. (If it is intended to uproot the trees for the purpose of transplantation insert here : " to be uprooted for transplanting ")

(a) An extract from section 35 (1) of the said Act defining the expression " exempted tree " is printed on the back hereof.

- 11. Estimated value of the timber : £ s. d.
- 12. Reason for proposed cutting down or uprooting

.....
.....

PART III.
TREES PROPOSED TO BE CUT DOWN OR UPROOTED AND CLAIMED TO BE " EXEMPTED TREES " AS DEFINED IN SECTION 35 (1) OF THE SAID ACT
(b)p136b.

13. HEAD A.

Trees (if any) claimed to be exempted trees under paragraph (a) of the said definition.

- (1) Particulars of the said trees which it is proposed to cut down :—

Species (Use a separate line for each species)NumberAge (if mature, state so)Whether growing in hedgerows, belts, clumps, plantations or otherwiseName of field or other particulars as to part of the land where the trees are situated

- (2) The said trees are not necessary for the ornament or protection of the holding on which they stand.
- (3) The said trees are intended to be cut down for the purpose of using the timber thereof for (here set out intended user of the timber) :—

.....
HEAD B.

Trees (if any) claimed to be exempted trees by virtue of paragraph (b) of the definition of " exempted tree."

- (1) Particulars of the said trees which it is proposed to cut down :—

Species (Use a separate line for each species)NumberAge (if mature, state so)Whether growing in hedgerows, belts, clumps, plantations or otherwiseName of field or other particulars as to part of the land where the trees are situated

- (2) The said trees are not necessary for the ornament or protection of the holding on which they stand.
- (3) The said trees are intended to be cut down for the purpose of using them as domestic fuel on the said holding.
- (b) an extract from section 3b (1) of the said Act defining the expression " exempted tree " is printed on the back hereof.

HEAD C.

Trees (if any) claimed to be exempted trees by virtue of paragraph (c) of the definition of " exempted tree."

- (1) Particulars of the said trees :—

Species (Use a separate line for each species)NumberAge (if mature, state so)Whether growing in hedgerows, belts, clumps, plantations or

otherwiseName of field or other particulars as to part of the land where the trees are situated

(2) The said trees are dead or decayed or irremediably damaged and are useless for commercial purposes.

HEAD D.

Trees (if any) claimed to be exempted trees by virtue of paragraph (d) of the definition of " exempted tree."

(1) Particulars of the said trees which it is proposed to cut down :—

Species (Use a separate line for each species)NumberAge (if mature, state so)Whether growing in hedgerows, belts, clumps, plantations or otherwiseName of field or other particulars as to part of the land where the trees are situated

(2) (a) The said trees are standing on land which was purchased before the 1st day of April, 1928, and was conveyed or assigned by an indenture dated the.....day of....., 19..... made between.....

(b) the purchase money (or part of the purchase money) of such land was lent to the said.....on terms that the said trees should be cut down and sold and the proceeds thereof applied in or towards repayment of such loan,

(c) such loan was secured by an indenture dated the..... day of....., 19....., made between.....

(d) the sum of £..... is now owing to..... on foot of the said loan.

(3) The said trees are intended to be cut down for the purpose of complying with the said terms of the said loan.

"

HEAD E.

Trees (if any) claimed to be exempted trees by virtue of paragraph (e) of the definition of " exempted tree."

(1) Particulars of the said trees which it is proposed to cut down :—

Species (Use a separate line for each species)NumberAge (if mature, state so)Whether growing in hedgerows, belts, clumps, plantations or otherwiseName of field or other particulars as to part of the land where the trees are situated

(2) (a) The land on which the said trees are standing is the subject of a mortgage (or charge) dated the..... day of....., 19..., made between.....

(b) The said trees (or the said trees with other trees standing on

such land) are a substantial portion of the security for the moneys secured by such mortgage or charge,

(c) The sum of £.....is now due to.....on foot of such mortgage or charge.

(3) The said trees are being cut down for sale with the intention of applying the proceeds of such sale in or towards payment of the moneys due on foot of such mortgage or charge.

£ s. d.

14. Estimated value of the timber

I certify that the tree(s) which it is proposed to cut down or uproot is (or are) growing within the boundaries of the area specified in paragraph 3.

(c)p138c This Notice is given by (or on behalf of) the owner of the land on which the said tree(s) stand(s).

(c) This Notice is given by (or on behalf of) the owner of the said tree(s). The land on which the said tree(s) stand(s) was sold before the 1st day of February, 1946, and was conveyed or assigned by an indenture dated the.....day of.....,

19....., made

between.....with a reservation to the vendor of trees standing on the said land, including the tree(s) the subject of this Notice.

Date.....

Signature(d).....

Signature of

Witness.....

Address

.....

Occupation

.....

(d) If the signatory is not the person by or on whose behalf this Notice may be given, it should be here stated on what authority he signs on behalf of the said

person.....

(c) Strike out whichever paragraph is inapplicable.

For Completion by the Garda Síochána.

This Felling Notice was received by me on.....and it is hereby transmitted to the Secretary, Department of Lands, Forestry Division, Dublin. The following are particulars regarding the last two Felling Notices lodged in respect of this land :—

Date of lodgmentNo. of treesLodged by or on behalf of1.2.

Signature of Sergeant :.....

Date :.....

Garda Síochána Station :.....

Instructions for use of this Form.

1. Part I (except paragraph 9) must be completed in every case.

The completion of paragraph 9 is desirable where Part II of Form is to be used.

2. Part II must be fully completed if any trees proposed to be cut down or uprooted are not claimed to be exempted trees. (See definition printed above).

3. Part III must be fully completed if any of the trees proposed to be cut down are claimed to be exempted trees. (See definition printed above).

Form F.A. 2.

AN RIONN TAILTE.
(DEPARTMENT OF LANDS.)
FORESTRY ACT, 1946.
SECTION 40.

Application for a Limited Felling Licence.

Whereas the Minister for Lands duly served a prohibition order under section 7 of the Forestry Act, 1928 (or a prohibition order under section 39 of the Forestry Act, 1946), dated the..... day of....., 19....., prohibiting the cutting down or uprooting of..... tree(s) on the land described in the First Schedule hereto, and

(a)p140a Whereas, I

(b)p140b.....

of, in the County of

....., the owner of the land on which the said tree(s) stand(s), desire(s) to obtain a limited felling licence in respect of the tree(s) to which the said prohibition order applied, particulars of which are set out in the Second Schedule hereto,

(a) Whereas, I

(b)....., of

....., in the County of

....., the owner of the said tree(s), which stand(s) on land which was sold before the 1st day of February, 1946, and was conveyed or assigned by an indenture dated the..... day of....., 19....., made between.....

with a reservation to the vendor of trees standing thereon, including the tree(s) the subject of this application, desire(s) to obtain a limited felling licence in respect of the tree(s) to which the said prohibition order applied, particulars of which are set out in the Second Schedule hereto.

Now, I hereby apply to the Minister for Lands to grant a limited felling licence authorising the cutting down or uprooting of the tree(s), particulars of which are set out in the said Second Schedule.

I am/The said owner is (a)p140a willing to comply with conditions which may be attached to the limited felling licence, requiring :—

(i) the planting of trees as specified in the Third Schedule hereto on the land, of which I am/he is(c) the owner, described in the Fourth Schedule hereto, before the expiration of a period of

(d) 14 months after the date on which the authority to be conferred by the limited felling licence will cease to be exercisable and the taking of such other measures, in relation to the fencing of the land on which the trees are to be planted and the preservation and protection of the trees, as may be specified in such conditions ;

(ii) the preservation of trees which are growing or which, in consequence of natural regeneration, may commence to grow or which may be planted on the land, of which I am/he is(c) the owner, described in the Fifth Schedule hereto, for a period of eleven years from the date on which the authority to be conferred by the limited felling licence will cease to be exercisable and the taking of such other measures, in relation to the fencing of that land, as may be specified in such conditions.

Signature(e).....

Address

Date

(e) If the signatory is not the said owner, it should be here stated on what authority he signs on behalf of the said owner

.....

...

To : The Secretary,
Department of Lands,
(Forestry Division),
Dublin.

(a) Strike out whichever paragraph is inapplicable.

(b) Strike out the word " I " if the person making application is not himself the owner.

(c) Strike out whichever is inapplicable

(d) The period of months to be specified must be not less than twelve months.

First Schedule referred to in foregoing application :—

LAND IN RESPECT OF WHICH A LIMITED FELLING LICENCE IS SOUGHT.

County/Townland(s) where situated/Area

A. R. P. Folio No.

Second Schedule referred to in foregoing application :—

TREES IN RESPECT OF WHICH A LIMITED FELLING LICENCE IS SOUGHT.

Number of trees or area of plantation/Species/Age/Situation

Third Schedule referred to in foregoing application :—

PARTICULARS OF TREES WHICH WILL, IF REQUIRED, BE PLANTED.

Number/Species/Age

Fourth Schedule referred to in foregoing application :—

PARTICULARS OF LAND ON WHICH TREES WILL, IF REQUIRED, BE PLANTED.

Second Schedule referred to in foregoing application :—
PARTICULARS AS TO ALL OTHER LAND OWNED BY THE APPLICANT.

CountyTownland(s) where situatedFolio No.Area
A. R. P.

Form F.A. 4.
AN ROINN TAILTE.
(DEPARTMENT OF LANDS.)
FORESTRY ACT, 1946.
SECTION 49.

Application for a General Felling Licence.

1. Christian name (in full) and surname of the owner of the land the subject of the application (USE BLOCK CAPITALS).....
2. Full postal address of owner.....
3. Details as to the land :—

Area a. r. p.Townland(s) which situatedCountyNature of Ownership, i.e. whether land is freehold, subject to annuity, etc.Total area of woodlands on the land

4. Total area of woodlands falling into the following classifications :—

Type of Woodlands	1-25 years	26-50 years	51-75 years	76 years and over	Various
ages					
Conifers.....					Broad-leaved
trees.....					Mixed
woods.....					

5. Details as to felling and planting operations carried out on the land :—

During the past Year	During the past Ten Years	Area or No. of trees felled	Species	Area or No. of trees planted	Species	Area or No. of trees felled	Species	Area or No. of trees planted	Species
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6. Area of scrub or cleared land not replanted after felling :—
.....
.....

7. Name(s) of Garda Síochána sub-district(s) in which the land is situated
.....
.....

8. Purpose for which a general felling licence is required :—
.....
.....

.....
.....
.....
.....
9. Details as to felling and planting operations which it is proposed to have carried out and the period required for completion of same :—

.....
.....
.....
I hereby apply for a general felling licence in respect of the holding detailed at 3 above.

Signature *p146ast.....

Date.....

* If the signatory is not the owner of the land the subject of the application, it should be here stated on what authority he signs on behalf of the said owner

.....
.....
Form F.A. 5.

(DEPARTMENT OF LANDS.)

FORESTRY ACT, 1946.

SECTION 54.

Application for a certificate of discharge or modification of a burden affecting registered land.

I,

.....
ofin the County
of.....being the owner for the purpose of
Section 54 of the Forestry Act, 1946, of the land described in the
Schedule hereto, as affecting which a burden has been registered in
pursuance of the said Section, in consequence of the terms of
(a)p146a..... dated the

....., hereby apply to the Minister for Lands
to issue to the registering authority for the purposes of the said
Section a certificate in accordance with sub-section (6) thereof
stating that the said burden—

(b)p146b has been modified in the following
manner..... and (b) has been discharged
to the following extent.....

Signature.....

Address.....

Date.....

To : The Secretary,
Department of Lands
(Forestry Division),
Dublin.

(a) Here state whether : (i) a licence granted under the Forestry Act, 1928 ; (ii) a limited felling licence granted under the Forestry Act, 1946 ; (iii) a utilisation (exempted trees) order

granted under the Forestry Act, 1946 ; (iv) a general felling licence granted under the Forestry Act, 1946 ; (v) a replanting order made under the Forestry Act, 1946.

(b) Strike out either paragraph, if inapplicable.

SCHEDULE.

LAND AFFECTED BY BURDEN THE SUBJECT OF THE APPLICATION.

Townland(s)Area

A. R. P.Folio No.

Form F.A. 6.

AN ROINN TAILTE.

(DEPARTMENT OF LANDS)

FORESTRY ACT, 1946.

SECTION 56.

Requisition for Reference of an Objection to a Referee.

Whereas the Minister for Lands has (here set out full particulars, including relevant date, of the action of the Minister which is the subject matter of the requisition (a)p147a

.....

And, Whereas I (or we) being (here state capacity in which requisition is made) object to the said action of the Minister in the following respects.....

.....
.....

I (or we) hereby require the said objection to be referred to a referee.

The following are the grounds on which the requisition is based.....

.....
.....

I (or we) enclose £1, the prescribed fee.

Dated the day of 19

Signature(s).....

Address (or Addresses).....

.....
.....

(a) As to actions of the Minister which may be the subject of a requisition, see Section 56 (1) of the Act (printed on back hereof)

GIVEN under my Official Seal, this 18th day of March, 1949.

(Signed) JOSEPH BLOWICK,

Minister for Lands.