



BILLE FORAOISEACHTA, 1928.
FORESTRY BILL, 1928.

mar do tugadh isteach.
as introduced

ARRANGEMENT OF SECTIONS.

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SAORSTÁT EIREANN.

BILLE FORAOISEACHTA, 1928.
THE FORESTRY BILL, 1928.

BILL

entitled

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AN ACT TO MAKE FURTHER AND BETTER PROVISION
FOR PROMOTING AFFORESTATION AND FOR THAT
PURPOSE TO AMEND THE FORESTRY ACT, 1919, TO
RESTRICT THE FELLING OF TREES, AND TO MAKE
OTHER PROVISIONS CONNECTED THEREWITH.

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BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

Definitions.

1. In this Act—

the expression “ the Minister ” means the Minister for Lands and
Agriculture,

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the expression “ the Principal Act ” means the Forestry Act, 1919,
the word “ adapted ” when used in relation to the Principal Act
means adapted by the Saorstát Eireann Forestry Commissioners
Order, 1927 made on the 11th day of August, 1927 by the Execu-
tive Council under section 7 of the Adaptation of Enactments
Act, 1922 (No. 2 of 1922) and the Saorstát Eireann Forestry
Commissioners (Transfer of Functions) Order, 1927 made on the
12th day of August, 1927 by the Executive Council under section
9 of the Ministers and Secretaries Act, 1924 (No. 16 of 1924),

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the word “ tree ” includes a tree of any age or at any stage of
growth but does not include any fruit tree or any osier,

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the word “ timber ” means wood which is the product of any tree,
the word “ wood ” save in the foregoing definition includes a
plantation,

the word “ prescribed ” means prescribed by regulations made by
the Minister under this Act.

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Applications to the Irish Land Commission.

2.—The following provisions shall apply in respect of every
application to the Irish Land Commission under section 7 of and
the schedule to the Principal Act as adapted, that is to say:—

(1) every such application shall be made to and heard and
determined by the Irish Land Commission exclusive of
the Judicial Commissioner;

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(2) an appeal shall lie to the Judicial Commissioner from
every order made by the Irish Land Commission
exclusive of the Judicial Commissioner on any such
application;

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(3) the decision of the Judicial Commissioner on an appeal
under this section shall be final;

(4) no such application shall be refused unless the Irish Land
Commission, exclusive of the Judicial Commissioner
or, on appeal, the Judicial Commissioner is of opinion
that the land to which the application relates comes
within the provisions of sub-section (2) of section 7 of
the Principal Act or it is required for the purpose of
relieving congestion under the Land Purchase Acts;

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(5) if the Irish Land Commission (exclusive of the Judicial
Commissioner) or the Judicial Commissioner, as the
case may be, is satisfied that after diligent inquiry the
owner of the land to which an application or appeal
relates cannot be found or cannot be ascertained such

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application or appeal may, notwithstanding anything to the contrary contained in the said section 7, be heard and determined in the absence of such owner;

- 5 (6) an order made on any such application by the Irish Land Commission exclusive of the Judicial Commissioner or, on appeal, by the Judicial Commissioner, shall operate to extinguish as from the date of such order all grazing, turbary and other rights in the land to which such order relates subject to the payment by the
10 Minister to the owners of such rights of compensation which shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919;
- 15 (7) every such application and every such appeal shall be made and conducted in accordance with rules to be made by the Irish Land Commission.

3. Whenever land the subject of an order under section 7 of the Principal Act as adapted and amended by this Act is subject in conjunction with other land to an annuity payable to the Irish
20 Land Commission, the Irish Land Commission may apportion such annuity in such manner as they may deem expedient between the land the subject of such order and such other land or may charge the whole of such annuity on any part of the land subject thereto in exoneration of the residue thereof.

Apportionment of land purchase annuities.

25 4.—(1) It shall not be lawful for any person to cut down or uproot or permit to be cut down or uprooted any trees unless—

Prohibition of felling of trees.

- (a) such tree is cut down or uprooted under and in accordance with a licence of the Minister granted under this Act, or
30 (b) such tree is uprooted for the purpose of transplantation and is actually transplanted, or
(c) such tree is growing or standing in a county borough or urban county district, or
(d) such tree is growing or standing within one hundred feet of any building occupied as a dwelling house or used for housing domestic animals, or
35 (e) such tree is cut down under section 34 of the Local Government Act, 1925 (No. 5 of 1925) or section 98 of the Electricity (Supply) Act, 1927 (No. 27 of 1927), or
40 (f) such tree is not necessary for the ornament or protection of the holding on which it stands and is cut down with the intention of using the timber thereof for the construction or repair of buildings, fences or other structures on the said holding or another holding
45 belonging to the owner of such first mentioned holding and such timber is actually so used.

(2) If any person cuts down or uproots or permits to be cut down or uprooted any tree in contravention of this section he shall
50 be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds for every tree so cut down or uprooted or permitted to be cut down or uprooted.

55 5.—(1) The Minister may, if he so thinks fit, grant to any person a licence in the prescribed form to cut down or uproot any tree specified in such licence.

Licences to fell trees.

(2) Every application for a licence under this section shall be in the prescribed form and shall contain the prescribed particulars.

60 (3) A licence granted under this section shall operate to relieve in respect of every tree mentioned therein the licensee and any person authorised by him from any prohibition against cutting down or uprooting contained in this Act but shall not operate to give any other relief or to confer any further or other authority
65 in respect of any such tree.

(4) A licence granted under this section may, if the Minister so thinks fit, contain a condition that the licensee shall, within a specified time after cutting down or uprooting a tree under the licence, plant one or more trees of a specified kind on the holding on which such tree was cut down or uprooted and if in any such case the licensee fails to perform such condition within the time specified in that behalf in the licence he shall be guilty of an offence under this section in respect of every month during which such failure continues and shall be liable on summary conviction of any such offence to a fine, in the case of a first offence in respect of any particular licence, not exceeding five pounds and, in the case of a second or any subsequent offence in respect of the same licence, not exceeding ten pounds.

(5) Before granting a licence under this section to cut down or uproot a tree on a holding which is for the time being subject to an annuity payable to the Irish Land Commission the Minister shall have regard to the security for the payment of such annuity.

Burning of shrubs.

6.—(1) It shall not be lawful for any person to burn any shrubs growing within one mile of a wood which is not the property of such person unless such person shall, not less than seven days before commencing to burn such shrubs, have given notice in writing of his intention to burn such shrubs to the owner of such wood and to the sergeant in charge of the *Gárda Síochána* station nearest to such wood.

(2) If any person burns any shrubs in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding five pounds.

(3) Whenever a notice has been served on the owner of a wood under sub-section (1) of this section such owner may within three days after receiving such notice serve a counter-notice on the person by whom such notice was given objecting to the proposed burning on the ground that it is liable to cause damage to such wood.

(4) If any person burns any shrub either in contravention of this section or after serving the notice required by this section and receiving a counter-notice under this section all injury occasioned by such burning to any wood in respect of which a notice ought to have been or was served under this section shall be deemed to have been caused by the negligent act of such person and damages to the extent of such injury shall be recoverable accordingly from such person by the owner of such wood.

(5) In this section the word "shrub" means gorse, heather, bracken, and other like plants.

Protection of woods.

7.—(1) It shall be the duty of the owner of any wood to take such steps as may be necessary by fencing or otherwise to prevent trees growing in such wood from being damaged or destroyed by horses, mules, asses, goats, sheep or cattle.

(2) If any person makes default in complying with the provisions of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Information from sawmillers.

8.—(1) Every proprietor of any sawmill or factory in which timber grown in *Saorstát Éireann* is sawn or converted from the round or rough state shall furnish in the prescribed form to the Minister, within twenty-eight days after being required by the Minister so to do, such information as the Minister may require in relation to the source of supply, volume, and variety of such timber so sawn or converted in such sawmill or factory.

(2) If any person on being required under this section by the Minister to furnish any information fails or refuses to furnish such information or furnishes information which is false or mis-

leading in any material respect, or otherwise makes default in complying with this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and in the case of a continuing offence a further fine not exceeding ten pounds for every day during which the offence is continued.

9.—(1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Minister. Prosecution of offences.

(2) Every offence under any provision of this Act may be prosecuted by or at the suit of the Minister as prosecutor.

10. The Minister may by order make regulations prescribing any matter or thing referred to in this Act as prescribed. Regulations.

11. All expenses incurred in carrying this Act into execution shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

12. The enactments mentioned in the Schedule hereto are hereby repealed to the extent specified in the third column of the said Schedule. Repeals.

13. This Act may be cited as the Forestry Act, 1928 and the Principal Act and this Act may be cited together as the Forestry Acts, 1919 and 1928. Short title and citation.

SCHEDULE.

ENACTMENTS REPEALED.

Session and chapter or year and number.	Short title.	Extent of Repeal.
9 Edw. VII. ch. 42.	The Irish Land Act, 1909.	Section 32, paragraph (b) of sub-section (1) and sub-section (2).
9 & 10 Geo. V. ch 58.	The Forestry Act, 1919.	Section 3, sub-section (3) from the words "any advance by way of grant" to the words "Provided also that." Section 7, sub-section (3).
No. 19 of 1927.	The Land Act, 1927.	Section 3, sub-section (3).

Saorstát Éireann

Saorstát Éireann.

BILLE FORAOISEACHTA, 1928.

FORESTRY BILL, 1928.

BILLE

(mar do tugadh isteach)
dá ngairmtear

Acht chun soerú breise agus soerú níos fearr do dhéanamh chun cur coillte do chur ar aghaidh agus chun an *Forestry Act*, 1919, do leasú chun na críche sin, chun srian do chur le leaga erann, agus chun soeruithe eile do dhéanamh a bhaineas leis na nithe sin.

An tAire Talmhaíochta do thug isteach.

Do hordúodh, ag Dáil Éireann, do chlóbhuála, 25adh Aibreán, 1928.

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BILL

(as introduced)
entitled

An Act to make further and better provision for promoting afforestation and for that purpose to amend the *Forestry Act*, 1919, to restrict the felling of trees, and to make other provisions connected therewith.

Introduced by Minister for Agriculture.

Ordered, by Dáil Éireann, to be printed, 25th April, 1928.

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