On page 10 of the Felling Notice is a summary of the main provisions of the Forestry Act, 1946 with regard to the felling and uprooting of trees. In particular, please note paragraphs 1 & 2.

A Felling Licence must be applied for in the name of the landowner, by or on behalf of the landowner. The Felling Notice must be lodged at the Garda Station situated closest to the proposed felling site by the landowner or person acting on behalf of the landowner. Please complete **pages 1-3, and page 8**.

Please provide the following with your application:

- A contact telephone/mobile number.
- **Two maps: A 6"Ordnance Survey map with the proposed felling site clearly outlined and a Discovery location map should be attached to the Felling Notice. Unless these maps are supplied, we cannot process your application.**
- When tree felling is proposed for the purposes of construction, a copy of the **Full Planning Permission** as issued by the relevant planning authority should accompany the Felling Notice.
- The Afforestation Contract Number (CN No) assigned to the Original Plantation Application if applicable. Any grants or premiums granted by the Forest Service in respect of the area proposed for felling may have to be repaid.
- Please note that if the proposed felling is required for property development an alternative replanting area in lieu of the area to be felled will be required. A 6" OS Map and location map should be submitted outlining the area to be replanted.

To avoid unnecessary delays in the processing of applications, please ensure that all relevant information is included in the application.

Please return the completed Felling Notice to:

The Felling Section
Department of Agriculture, Fisheries & Food
Johnstown Castle Estate
Co. Wexford

FORM F.A.1.

AN ROINN TALMHAÍOCHTA, IASCAIGH AGUS BIA
DEPARTMENT OF AGRICULTURE, FISHERIES AND FOOD

FORESTRY ACT, 1946
SECTION 37 (1)

For Official Use Only

Registered 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 Síochána 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) Area _____

   (b) Townland(s) in which situated _____

   (c) Number of the Folio on which the land is registered under the Local Registration of the 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"):-

(d) Name of Estate _____

(e) Irish Land Commission Receivable Order No. _____

(f) 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.").

County	Townland(s) Where situated	Area	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).[1]

10) Particulars of the said trees-

Species (Use a separate line for each species)	Number	Age (if mature, state so)	Whether growing in hedgerows, belt, clumps, plantations or otherwise	Name of field or other particulars as to the part of the land where the trees are situated	Whether 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")

11) Estimated value of the timber: **€** _____

12) Reason for proposed cutting down or uprooting _____

_____

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

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[2]

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)	Number	Age (if mature, state so)	Whether growing in hedgerows, belt, clumps, plantations or otherwise	Name of field or other particular as to the 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 use of the timber)

_____

_____

[2] An extract from Section 35(1) of the said Act defining the expression "exempted tree" is printed on the back hereof

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)	Number	Age (if mature, state so)	Whether growing in hedgerows, belt, clumps, plantations or otherwise	Name of field or other particular as to the 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.

HEAD C

TREES (IF ANY) CLAIMED TO BE EXEMPTED TREES BY VIRTUE OF PARAGRAPH © OF THE DEFINITION OF "EXEMPTED TREE"

(1) Particulars of the said trees-

Species (Use a separate line for each species)	Number	Age (if mature, state so)	Whether growing in hedgerows, belt, clumps, plantations or otherwise	Name of field or other particular as to the 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 is proposed to cut down-

Species (Use a separate line for each species)	Number	Age (if mature, state so)	Whether growing in hedgerows, belt, clumps, plantations or otherwise	Name of field or other particular as to the 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 is proposed to cut down-

Species (Use a separate line for each species)	Number	Age (if mature, state so)	Whether growing in hedgerows, belt, clumps, plantations or otherwise	Name of field or other particular as to the 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) 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) 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.

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)* 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

* (strike out whichever is not applicable)

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 the 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 _____

For Completion by the Garda Síochána.

This Felling Notice was duly received by me on _____ and it is hereby transmitted to the Secretary, Department of Agriculture, Fisheries and Food, Forest Service, Johnstown Castle Estate, Co. Wexford.

The following are particulars regarding the last two Felling Notices lodged in respect of this land:-

Date of Lodgement	No. of Trees	Lodged by or on behalf of
1. 2.		

Signature _____

Sergeant

Garda Síochána Station _____

Date _____

DEFINITION OF EXPRESSION "EXEMPTED TREE" (SECTION 35 (1) OF FORESTRY ACT, 1946)

35.(1). In this Part –

the expression "exempted tree" means any tree, being –

(a) a tree which, in the opinion of the Minister, is not necessary for the ornament or protection of the holding on which it stands and which is stated in the felling notice relating to it to be intended to be cutdown for the purpose of using the timber thereof for the construction or repair of buildings, fences, or other structures on the said holding or another holding belonging to the owner of such first-mentioned holding, or on a holding belonging to another person in the immediate neighbourhood of such first-mentioned holding, or for the construction or repair of farming implements for use on any of the said holdings, or

(b) a tree which, in the opinion of the Minister, is not necessary for the ornament or protection of the holding on which it stands and which is stated in the felling notice relating to it to be intended to be cut down for the purpose of using it as domestic fuel on the holding on which it stands, or

(c) a tree which, in the opinion of the Minister, is dead or decayed or irremediably damaged and is useless for commercial purposes, or

(d) a tree in respect of which it is proved to the satisfaction of the Minister that such tree is standing on land purchased before the 1st day of April, 1928, and that the whole or some part of the purchase money of such land was lent to the purchaser thereof on the terms that such tree should be cut down and sold and the proceeds thereof applied in or towards repayment of such loan and that such loan or some part thereof is still owing at the date of the felling notice relating to such tree, and in respect of which it is stated in such felling notice that such tree is being cut down for the purpose of complying with the said terms of the said loan, or

(e) a tree in respect of which it is proved to the satisfaction of the Minister that the land on which such tree is standing is subject to a mortgage or charge subsisting at the passing of the Act of 1928, and that such tree together with other trees (whether included or not included in the same felling notice) standing on such land is a substantial portion of the security for the payment of the moneys secured by such mortgage or charge, and in respect of which it is stated in the felling notice relating to it that such tree is being cut down for sale with the intention of applying the proceeds of such sale in or towards payment of such moneys.

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.)

THE INFORMATION BELOW DOES NOT FORM PART OF FORM F.A.1. IT IS INSERTED FOR INFORMATION ONLY.

FORESTRY ACT, 1946

SUMMARY OF THE MAIN PROVISIONS OF THE ACT IN REGARD TO THE FELLING OR UPROOTING OF TREES

1. It is not lawful for any person to uproot any tree over 10 years of age or to cut down any tree unless the owner of the lands on which the tree stands or his predecessor in title or someone on his behalf has, not less than 21 days and not more than 2 years before the commencement of the uprooting or cutting down of the trees, given to the Sergeant-in-Charge of the Garda Síochána Station nearest to the tree a notice of intention to uproot or cut down the tree.

2. The law set out in paragraph (1) above does not apply to any hazel, apple, plum, damson, pear or cherry tree grown for the value of its fruit or any ozier. It also, does not apply to (a) a tree standing in a County or other Borough or an urban district; (b) a tree standing within 100 feet of any building other than a wall or temporary structure; (c) a tree which is being felled under Section 70 of the Roads Act 1993 or Section 98 of the Electricity Supply Act, 1927; (d) a tree certified by a Local Authority as dangerous to road traffic on account of age or condition; (e) a tree uprooted or cut down by direction of the Minister for Transport, Energy and Communications because it is a danger or obstruction to telegraph or telephone wires; (f) a tree cut down by a local authority in connection with road construction, etc. With the above exceptions the law applies to every tree of any age or any stage of growth.

3. Notice of intention to fell or uproot trees must be given to writing on a form known as a Felling Notice. Felling Notice Forms may be obtained at any Garda Station.

4. Trees specified in a Felling Notice may be felled after the expiry of 21 days from the sate of which a properly completed Felling Notice is lodged with the Gardáí, unless within that period a Prohibition Order is issued by the Minister for Agricultre, Food and Forestry. A Prohibition Order may prohibit the felling of all or any of the trees specified in a Felling Notice. A Prohibition Order is normally followed by an inspection of the trees concerned and the Minister then indicates whether he is prepared to grant a Limited Felling Licence of the felling of all or any of the trees.

5. A limited Felling Licence may be granted without any conditions attached thereto, or it may contain conditions requiring: (a) the planting of trees to replace those felled, and the preservation of trees to be planted, including the provision and maintenance of any necessary fencing or other protection; or (b) the preservation of other trees on the lands of the same owner including the provision and maintenance of any necessary fencing or other protection; or (c) the payment of a contribution towards the cost of State Forestry.

6. Certain trees are known as “Exempted Trees.” An extract from the portion of the Act defining an “exempted tree” is given on the back of the Felling Notice. Notice of intention to fell “exempted trees” must be given in the ordinary way (see paragraph 1), but any Felling Licence granted in respect of such trees must be free of any replanting, preservation or contributing conditions.

7. If in a Felling Notice a tree is claimed to be an exempted tree, it shall be unlawful to utilise such tree for purposes other than those stated in the Felling Notice, but the Minister may by order authorise the use of the tree for such other purposes and subject to such conditions as to replanting, preservation, etc, as he may consider necessary.

8. Conditions specified in a Limited Felling Licence are binding on the licensee and his successor in title to the land specified in such conditions.

9. Most conditions specified in a Limited Felling Licence are binding on the occupier of the land specified in such Licence in cases where the licensee is not the owner of the land.

10. The Minister may in certain circumstances withdraw or modify any condition attached to a Limited Felling Licence.

11. If all the trees covered by a Limited Felling Licence are not felled, the Minister may modify or withdraw the replanting condition specified in that Licence.

12. In any case of abuse of a Limited Felling Licence the Minister may terminate or suspend the Licence.

13. If a Felling Licence is refused solely on the ground of preserving amenities, the owner may require the District |Planning Authorities to purchase the trees concerned and the land on which they are growing.

14. In the case of land owners who are carrying out a systematic scheme of felling and replanting, a General Felling Licence may be granted for a specific period in lieu of the lodgement of Felling Notices and the issue of Limited Felling Licences

15. It is unlawful to ring bark or otherwise injure trees in such a manner as to cause them to die or to decay. It is unlawful to remove timber from any tree otherwise than in accordance with the practice of good Forestry, or for the purpose of preventing grave damage to crops.

16. In the case of registered lands, conditions as to replanting, preservation and maintenance shall be registered as a burden affecting the lands and shall be entered on the Land Registry Folio.

17. If the Minister refuses a Licence for the felling of any trees, he must, if requested by the owner, state the ground for refusal.

18. A person who objects to the Minister's decision regarding refusal of a Limited Felling Licence or regarding the conditions imposed in a Licence may, on payment of the prescribed fee, require his objection to be referred to a referee.

19. The period of validity of an Unprohibited Felling Notice or of a Limited Felling Licence is 2 years.

20. The Act provides for penalties not exceeding £50 in respect of every tree illegally injured, felled or uprooted or used for unauthorised purposes. Failure to comply with replanting or preservation conditions is a continuing offence and carries a fine not exceeding £50 on first conviction, and not exceeding £100 on each subsequent conviction. In the case of the illegal felling, in addition to any fine which may be imposed by the Court, the Minister may by order require the person convicted to replant.

21. The fact that the felling of a tree specified in a Felling Notice is not prohibited, or that a limited felling licence is issued in respect of it does not convey any title to ownership.

Other penalties –

FORESTRY ACTS – OFFENCES & PENALTIES
FORESTRY ACT 1946

Section		**Penalty**
11(3)	Obstruction of inspection of land	£100
22 (3)	Failure to comply with acquisition notice	£20
22(4)	Failure to comply with acquisition notice following conviction	£5 per day
28	Obstruction of taking possession of land	£10
29	Entry etc on land where possession has been delivered	£10
37 (3)*	Uprooting or cutting trees	£50 per tree
38 (2)*	Use of tree in contravention of felling notice	£50 per tree
39 (4)*	Cutting tree in contravention of a prohibition order	£50 per tree
41(11)*	Failure to comply with felling licence condition	1st conv. £50 2nd conv. £100
42 (3)*	Contravention of contributing condition	£50 per tree
45 (2)*	Contravention of restricted use of exempted trees	£50 per tree
46 (9)*	Failure to comply with conditions of utilisation (exempted trees) order	1st conv. £50 2nd conv. £100
47 (2)*	Contravention of utilisation (exempted trees) order	£50 per tree
48 (5)	Contravention of condition on 1928 Act felling licence	1st conv. £50 2nd conv. £100
49 (7)*	Contravention of condition on 1928 Act general felling licence	1st conv. £50 2nd conv. £100
51 (2)*	Injuring a tree	£50 per tree

52 (5)*	Contravention of replanting order	1st conv. £50
58 (2)	Obstruction of authorised person in vermin duties	£100
60	Obstruction of authorised person in destruction of hares duties	£20
62	Obstruction of authorised person in relation to burning of vegetation	£20
63 (4)	Failure to comply with notice requiring information following conviction	£50 per day
64	Penalty for false statements etc.	£250

FORESTRY ACT 1988

33	Unauthorised disclosure of information	summary conv. £1000 and/or 12 months indictment £10,000 and/or 2 yrs.
37	Byelaws	Summary conv. £1000 and/or 12 months Indictment £10,000 And/or 2 yrs.

Cases marked * (under Sn 6 (3) of 1988 Act) may be tried on indictment and on conviction are liable to max fine of £2,000 plus additional £50 for each tree in respect of which offence is committed or, at courts discretion, to imprisonment of up to 2 years or both.

These fines are expected to be considerably increased shortly.