## SCHEDULE

*Ascertainment of Cubic Content*

The cubic content is to be ascertained by the Hoppus system of measurement taking the quarter-girth measurement over bark. In the case of a tree which is of uniform taper throughout its timber length, the timber length of the tree is to be treated as one unit in ascertaining the cubic content. In the case of a tree which is not of uniform taper throughout its timber length, the respective cubic contents of the length between the butt and the first stop and of each length between stops are to be ascertained separately.

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The functions of the Board of Trade under Defence Regulation 68 (as amended), relating to the control of the felling of growing trees and the sale of growing trees for felling, have been assigned with effect from 1st January, 1950, to the Minister of Agriculture and Fisheries and the Secretary of State for Scotland (in Great Britain) and the Home Secretary (or, in relation to certain matters, the Ministry of Agriculture for Northern Ireland) in Northern Ireland—see, for details, the Defence Regulations (No. 3) Order, 1949 (S.I. 1949 No. 2350). The Board of Trade remains the responsible authority in the United Kingdom for the control of home-grown timber in the log.

The present Order, made by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, empowers the Forestry Commissioners to issue licences authorising the felling of growing trees in Great Britain, and such a licence is made prerequisite to the felling or sale for felling of any growing tree in Great Britain. Provision is made, however, for the felling without licence of up to 275 cubic feet (over bark) per month by owners of trees and certain other persons, and there are exemptions for existing licence-holders and Electricity Boards in certain circumstances.

This Order comes into force on 3rd January, 1950.

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# The Control of Growing Trees (Felling and Selling) (Northern Ireland) Order, 1950

## 1950 No. 2

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| *Made* - - - - | *2nd January*, 1950 |
| *Laid before Parliament* | *2nd January*, 1950 |
| *Coming into Operation* | *3rd January*, 1950 |

In pursuance of the powers conferred upon me by Regulation 68 of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a), as extended by the

(a) 9 & 10 Geo. 6. c. 10; *and see* S. R. & O. 1945 (No. 1621) II, p. 52 and S.I. 1949 (No. 2350) II, p. 20.

Supplies and Services (Extended Purposes) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following Order:—

**1.** Subject to the provisions of Article 3 of this Order, no person shall fell or cause to be felled or sell for felling any growing tree or growing trees in Northern Ireland unless the felling of the tree or trees has first been authorised by a licence granted or direction issued by the Ministry to the person desiring to fell or cause to be felled or, as the case may be, sell for felling the said tree or trees:

Provided that any person who owns or has power to sell or is in possession of any growing tree or growing trees in Northern Ireland may, without such authority as aforesaid, fell the same so, however, that the aggregate cubic content of any tree or trees so felled by him shall not in any one calendar month exceed two hundred and seventy five cubic feet.

**2.**—(1) Any person acting under the authority of a licence granted under this Order shall comply with any condition contained or incorporated in the licence.

(2) Where any licence granted under this Order is revoked by the Ministry, the holder of the licence shall forthwith deliver it up to the Ministry or in accordance with the directions of the Ministry.

**3.** Where, immediately before the coming into operation of this Order, there was in force any licence or direction authorising any person to fell or cause to be felled or sell for felling any growing tree or growing trees, that licence or direction shall for the purpose for which it was granted or issued continue in force and have effect in all respects as if it had been duly granted or issued under Article 1 of this Order.

**4.** Article 1 of this Order shall not apply to any electricity undertakers who require the felling of any growing tree which obstructs or interferes with the construction, maintenance or working of any main transmission line or other electric line under construction or owned by them, or which will interfere with the maintenance or working of such a line.

**5.**—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"cubic content" means the cubic content ascertained in accordance with the Schedule to this Order;

"Electricity Acts" means the Electricity (Supply) Acts (Northern Ireland), 1882 to 1948;

"electricity undertakers" includes the Electricity Board for Northern Ireland and any undertakers authorised by or under the Electricity Acts to supply electricity;

"electric line" has the same meaning as in the Electric Lighting Act, 1882(b);

"growing tree" means any tree exclusive of an orchard tree (but inclusive of coppice and underwood) of which the diameter measured over bark at a point five feet from ground level exceeds three inches;

(a) 10 & 11 Geo. 6. c. 55. (b) 45 & 46 Vict. c. 56.

" main transmission line " has the same meaning as in the Electricity Acts ;

" Ministry " means the Ministry of Agriculture for Northern Ireland.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**6.** This Order may be cited as the Control of Growing Trees (Felling and Selling) (Northern Ireland) Order, 1950, and shall come into operation on the third day of January, 1950.

*J. Chuter Ede,*

One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

2nd January, 1950.

## SCHEDULE

### Ascertainment of Cubic Content

The cubic content is to be ascertained by the Hoppus system of measurement taking the quarter-girth measurement over bark. In the case of a tree which is of uniform taper throughout its timber length, the timber length of the tree is to be treated as one unit in ascertaining the cubic content. In the case of a tree which is not of uniform taper throughout its timber length, the respective cubic contents of the length between the butt and the first stop and of each length between stops are to be ascertained separately.

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but it is intended to indicate its general purport.)*

Under Defence Regulation 68, as amended by the Defence Regulations (No. 3) Order, 1949 (S.I. 1949 No. 2350), functions relating to the control of the felling of growing trees and the sale of growing trees for felling, which were formerly exercised by the Board of Trade, are now exercised in relation to Northern Ireland by the Secretary of State.

The present Order empowers the Ministry of Agriculture of Northern Ireland to issue licences authorising the felling of growing trees in Northern Ireland and such a licence is made a prerequisite of the felling or sale for felling of any growing tree. Provision is made for the felling without licence of up to 275 cubic feet (over bark) per month by owners of trees and certain other persons and there are exemptions for existing licence-holders and electricity undertakers.

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(a) 52 & 53 Vict. c. 63.