An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

Terms & Conditions for the Registration of Foresters and Forestry Companies

(Register of Foresters)

gov.ie/forestry

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1. Introduction

This document sets out the terms and conditions applied by the Department of Agriculture, Food and the Marine for the registration of individuals and companies as “Registered Forester” and “Registered Forestry Company” respectively. It is effective from 1 January 2023.

An applicant under the various forestry schemes must, unless expressly stated otherwise, use a Registered Forester to plan, prepare and submit their application for approval or grant aid and, in many cases, to supervise or carry out the work being grant aided. The Registered Forester and Registered Forestry Companies, therefore, play a critical role in the delivery of the State’s forestry programme in partnership with the landowner and this Department.

This Department relies upon the maintenance of the high standards already achieved by the private sector in previous programmes and recognises in particular the role played by the Society of Irish Foresters in fostering a culture of continuous professional development. This document seeks to ensure that these professional standards are reflected in the requirements for registration and that performance which falls short of this can be dealt with in a manner that upholds these standards, has due regard for the standards achieved by other Registered Foresters, and ensures that the substantial investment being made by the State in the promotion and development of forestry is protected.

These terms and conditions may be reviewed from time to time, in consultation with the industry representatives and in the light of experience. In this regard this Department confirms its policy of ongoing consultation and also looks forward to continuing the practice of regular formal meetings with industry representatives where items of mutual interest and /or concern, including the implementation of these terms and conditions, may be raised and discussed.

2. Definitions

Please see Annex I for a full list of definitions relevant to this document.

3. Register of Foresters

1) The Department will maintain a Register of Foresters and Forestry Companies eligible to prepare and submit valid applications under the Forestry Schemes on behalf of applicants. Only Registered Foresters shall be eligible to prepare and submit applications on behalf of applicants under the Forestry Schemes, unless expressly stated otherwise in the relevant scheme document.

2) Application for inclusion of individual Foresters and Forestry Companies on the Register must be made on the application forms in Annex II and Annex III respectively.

3) Foresters and Forestry Companies included on the Register of Foresters and the only entities entitled to apply and be granted access to the INET system.

4) At the time of application, a Forester must have attained the following minimum educational standard:

    - an ordinary bachelor’s degree in forestry (National Framework of Qualifications Level 7), or
    - a qualification in forestry listed in Annex V, or
    - a qualification deemed acceptable by the Minister

5) Technical members of the Society of Irish Foresters (SIF) **or equivalent internationally recognised organisation**, who do not satisfy the minimum educational standard, may be accepted onto the register based on their proven and relevant previous forestry experience and expertise.

6) Registered Foresters who have already been admitted to the register based on their past forestry qualifications will be deemed to have satisfied this criteria for any subsequent registration application.

7) A person who is refused entry to the Register of Foresters based on their qualifications may appeal this decision in writing to the relevant Senior Forestry Inspector/Principal Officer in the Forestry Division.

8) At the time of application, a Forester must provide to the Department evidence of valid Professional Indemnity Insurance with a minimum value of €500,000 for any one claim. In order for a Registration under these Terms and Conditions to be valid, a current Professional Indemnity Insurance to the value of the minimum specified amount must be maintained for the duration of the Registration. Registered Foresters and Forestry Companies must provide evidence of renewal of this Professional Indemnity Insurance on an annual basis in order to remain on the Register. It is the responsibility of the Forester or Forestry Company to ensure that they hold adequate insurance to indemnify the work being undertaken by them.

9) Registration as a Registered Forester or Registered Forestry Company shall be valid from the date of a written confirmation of such registration by the Department. Registrations will not be made with retrospective effect.

10) A registration of a Forestry Company shall confer the status of a Registered Forester on the individual foresters nominated by that company (subject to their satisfying the other requirements), but only in respect of work undertaken by that forester on behalf of the Company. The Registered Forestry Company shall be responsible for its foresters' obligations and their compliance with Forestry Standards as set out in the Forestry Schemes and this document. The Registered Forestry Company, as part of their normal course of business, should assess the level and scope of Professional Indemnity Cover appropriate for the business they carry out, taking account of the minimum requirement of €500,000 for any one claim required by the Department.

11) Foresters may be concurrently registered on an individual basis and with one or more Forestry Companies. This will require separate registrations as an individual and with each Company. Each registration will be subject to the registration requirements set out in this document including a requirement for separate Professional Indemnity Insurance for each registration.

12) Where a forester transfers employment from one Registered Forestry Company to another, application must be made by the new employer of that forester for registration under these Terms and Conditions. The onus is on the Registered Forester and/or Forestry Company to inform the Department of the termination date of the employment within 7 days of that termination. No application under the Departments Schemes should be submitted by the registered forester on behalf of the new employer until their registration with that employer has been approved by the Department. Any applications submitted to the Department by a Registered Forester on behalf of their new employer before the new registration process has been completed will render any such application invalid.

4. Standards

a. A Registered Forester or Registered Forestry Company is expected to provide an applicant with a high-quality service which meets the Department's application requirements and which demonstrates expertise, care and diligence in conformity with the following Forestry Standards:

- Society of Irish Foresters Code of Ethics and Professional Conduct.
- The Forest Service Code of Best Forest Practice – Ireland.
- The suite of Environmental Guidelines published by the Forestry Division of DAFM.
- The principles of Sustainable Forest Management
- The Terms and Conditions of each Scheme as set out in each scheme document and in an approval, industry circulars and the Forestry Standards Manual, as applicable; and
- All relevant EU requirements and national legislation in force at the time.

b. At the time of preparing an application for either a forestry licence or forestry scheme, a Registered Forester shall satisfy themselves by field assessment that, where applicable, any work proposed or undertaken meets, or continues to meet, the requirements of the particular scheme, the Forestry Standards, and that all documentation has been prepared with proper care and diligence, with due regard to the requirements of the scheme and the proper interests of the Applicant. Registered Foresters must carry out a field site assessment for applications just prior to submission of any form for pre-approval and/or grant aid in order to certify and declare that details provided and any works carried out are in accordance with the conditions of the schemes. Applications cannot be submitted unless they have been field assessed by the Registered Forester signing the application.

c. If the Registered Forester fails to comply with the required Forestry Standards or provides incorrect advice/information at the time of an application for approval or payment, the Department will not accept any responsibility or liability if that application is rejected. Nor can the Registered Forester rely upon inspection by the Department to ensure that the standards required of him or her are achieved, including in relation to the measurement of areas claimed for payment. The Department can provide clarification in relation to the operation of the Schemes, where such is required. The onus, however, remains on the applicant and their Registered Forester or Forestry Company to ensure compliance with the terms and conditions of schemes.

d. In the event of an Applicant being refused a grant payment under a Forestry Scheme as a result of failure of the Registered Forester or Registered Forestry Company to comply with the Forestry Standards or giving advice contrary to the procedures and standards and/or terms and conditions of the scheme the Registered Forester or Registered Forestry Company must rectify matters to the satisfaction of the Department. If, in the opinion of the Minister, the Registered Forester or Registered Forestry Company negligently ignores or fails to comply with the Standards or has negligently given advice contrary to the Standards, the Registered Forester or Registered Forestry Company shall indemnify the Minister against any further claims from that Applicant for grant or premium payments, losses or damages howsoever arising. Sanctions as outlined in Section 7 may also apply.

e. In the event of a dispute arising in relation to payment of a grant or premium under any of the Forestry Schemes, the Registered Forester or the Registered Forestry Company may request a review of the Department's decision with the applicants

written permission as described in the scheme terms and conditions If the applicant is dissatisfied with the review decision in relation to a payment s/he may appeal the decision to the Agricultural Appeal Office, Kilminchy Court, Portlaoise, Co Laois, who will determine the matter, without prejudice to the right of normal legal redress. Appeals against licence decisions may be appealed to the Forestry Appeals Committee, Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois, R32 DTW5.

f. The Department will facilitate and encourage Continued Professional Development (CPD) for Registered Foresters through participation in training, field days and specific events. All relevant technical circulars issued to Forestry Inspectors will be sent to Registered Foresters and Registered Forestry Companies. All Registered Foresters participating in a recognised CPD programme will have their participation recorded on the Register of Foresters for public circulation. The publication on the Register of all Registered Foresters who are participating in a recognised CPD programme commenced in mid-2016. The participation on a CPD programme will be voluntary but will be strongly encouraged. However, the Department may identify specific training/information events where attendance will be mandatory. The Department will ensure that there are several venues and dates for mandatory training/information events to facilitate attendance.

g. In line with the Departments Customer Charter, the Department will

i. Provide comprehensive information in a user-friendly format, utilizing various communication channels, on all schemes and services.
ii. Give the best possible service and provide helpful advice.
iii. Set real and achievable targets for service delivery which will reflect the changing expectations of our customers.
iv. Treat everyone properly, fairly, impartially and with courtesy.
v. Strive to ensure that the rights to equal treatment established by equality legislation are upheld in the delivery of our services; and
vi. Aim to meet any special need an applicant may have.

h. In processing scheme applications or claims the Department in accordance with the Farmers Charter

i. Will ensure that decisions and payments will be made within the deadlines as agreed under the Department's *Farmers' Charter of Rights.*
ii. Will fully consult with the Farming Organizations on all scheme details
iii. Provide up to date information on schemes in a user-friendly format
iv. Provide up to date information on the appeal procedures available if an application is unsuccessful or a penalty is applied
v. Every applicant has a right to appeal all decisions made by the Department of Agriculture and the appeals process will take account of all the circumstances in every case. Only certain decisions will go to the Forestry Appeals Committee or the Agriculture Appeals Office in line with their legislation.
vi. Will fully co-operate in any appeal process
vii. Decisions will be based on what is relevant in the rules and regulations governing entitlements under each scheme. Scheme applications and claims will be dealt with correctly, consistently, fairly and impartially in accordance with EU Regulations and
viii. the relevant scheme's terms and conditions
ix. Will provide information on time limits and conditions that it is necessary to comply with

x. Will attend, in so far as is practicable, farmer meetings to explain and clarify the details in respect of all schemes.

5. Mandate of Grant Payments

As contracts under the Schemes are between the applicant and the Department, payment is made to the applicant. However, applicants may mandate grant payments (not premiums) to a Registered Forester or Forestry Company using a mandate document that satisfies the requirements of the Minister as set out in the *Forestry Standards Manual*. Such mandates are a voluntary arrangement between the applicant and their Registered Forester or Forestry Company. Mandates to other parties, e.g. contractors or foresters not registered with the Department, will not be facilitated. In the event that a payment fails to be made in accordance with a valid mandate no liability shall be attached to the Minister.

6. Application of Sanctions and Process

This section is designed to deal with incidents of a significant nature that merit a response over and above what might apply by way of penalty under the individual schemes. For this reason, it is anticipated that this section will be applied in exceptional cases only. Examples of activities which could require action under this section include:

a. Deliberate provision of false, falsified or misleading information or declarations, or the withholding of essential information, which may lead to an approval being granted inappropriately by the Minister or a payment being made inappropriately by the Minister.
b. Persistent negligence or lack of regard for the forestry standards and procedures.
c. Negligent action contrary to the forestry standards and procedures leading to significant environmental or other impacts.

Any decision to impose sanctions under this section will be taken at Assistant Principal level and, where appropriate, following the recommendation of the Forestry Inspectorate at the level of Inspector Grade 1. However, suspension from the Register must be approved at Principal Officer level. Sanctions may be applied to a Registered Forester or to a Registered Forestry Company or to both.

Where it is intended to suspend a Registered Forester or Forestry Company from the Register, the Registered Forester or Forestry Company concerned will be advised in writing and given an opportunity to respond in writing within 30 days. Thet will also be afforded the opportunity of a meeting to discuss the matter. The Registered Forester or Forestry Company may be accompanied by their industry representative or solicitor or other professional representative at any such meeting, if so desired.

Following consideration of the response, should the Department decide that the imposition of a sanction is warranted, it will notify the Registered Forester or Forestry Company that the sanction outlined in the initial notification or a specified reduced sanction will be imposed.

In all cases, and without prejudice to the right of legal redress, provision will exist for formal appeal to Principal Officer and, where relevant, to Senior Inspector level except in the case of suspension from the Register which can be appealed to Assistant Secretary General.

Reinstatement to the Register will be facilitated on request in writing from the Registered Forester or Forestry Company once the period of suspension specified in the final sanction notification has expired. Proof of the necessary Professional Indemnity Insurance cover will be required.

7. Sanctions

One or more of the following sanctions may be considered, depending on the individual situation.

a. Formal Written Warning (with specified actions, if applicable):

A formal written warning will be used to outline any concerns or objections of the Department relating to the performance or conduct of a Registered Forester and, or Registered Forestry Company. Such a warning may require a Registered Forester and, or Forestry Company to undertake reasonable specified actions to address the Department's concerns or objections.

In general a formal warning letter, which may include specified actions for the Registered Forester or Forestry Company, will be considered the minimum sanction that will be imposed over and above what might apply by way of penalty under the individual schemes.

b. Suspension from Register:

Suspension of a Registered Forester or Forestry Company from the Register will be specified as a period of months not normally exceeding 12 months. Registered Foresters who consistently and repeatedly breach the terms and conditions of their registration as outlined in this document and following the issuing of a warning letter(s) will be considered for suspension or removal from the register. However, where the Department considers a case to be sufficiently serious, it may impose a suspension without the need for a formal warning.

The Department in considering a case for suspension will consider, inter alia,

- the number and content of previous warning letters;
- the seriousness of the breach/breaches of the conditions of registration;
- the provision of false or misleading information in support of applications under the Schemes;
- non-compliance with the terms of approvals which lead to adverse environmental impacts;
- repeated breaches of the terms and conditions of the schemes and non compliance with standards and procedures
- unapproved developments

If a Registered Forester or Forestry Company is convicted of fraud associated with applications for grant aid under the Departments Schemes in the exercise of their functions as a Registered Forester or Forestry Company, this will result in their automatic suspension from the register for a period to be determined by the Department.

The above sanctions may be applied in addition to any penalties applicable under individual Schemes.

8. General Provisions

a. A Registered Forester or Registered Forestry Company will be expected to comply with all reasonable requirements relating to the proper completion and return of forms and documents and shall furnish without undue delay any information appropriate to the relevant Forestry Scheme sought from time to time by the Department, including access to relevant records held by the Registered Forester or Registered Forestry Company.

b. A Registered Forester or Registered Forestry Company must conclude a contract or a written arrangement with an Applicant before commencing grant-aided works under the Forestry Schemes.

c. A Registered Forester or Registered Forestry Company will be expected to operate in line with best practice, including the use of all IT facilities, new administrative systems and on-line application systems such as iNET that may reasonably be prescribed by the Department. It is the intention that all Registered Foresters will submit all applications online. All registered foresters must provide a valid email address for all correspondence.

d. It is a condition of registration that all grant-aided activities shall be conducted in compliance with the laws of the State relating, *inter alia*, to tax and employment and a declaration of compliance (Tax Clearance Certificate/eTC reference and authorisation code) will be required from a Registered Forester or Registered Forestry Company at the time of registration and thereafter, as required.

e. Payment of financial aid under all forestry schemes may be subject to the condition that a tax clearance certificate from the Revenue Commissioners for any Registered Forester or Registered Forestry Company engaged by an applicant be furnished before any payment is issued.

f. The Department reserves the right to delete, replace or amend the terms and conditions and forestry standards and procedures applicable to Forestry Schemes from time to time, and such amendments shall be notified in writing, prior to taking effect and providing reasonable notice of such change to Registered Foresters and Registered Forestry Companies.

g. The rights and remedies set out in this document shall not prejudice any rights or remedies available to the various parties at common law.

h. Either party may terminate a registration under these Terms and Conditions by written notice. The Department shall provide reasons in writing to a Registered Forester or Registered Forestry Company in the event of their registration being terminated without their consent.

The Department may terminate a registration under these Terms and Conditions immediately in the event of the Registered Forester or Registered Forestry Company becoming insolvent or if insolvency, receivership or bankruptcy proceedings are commenced by or against the Registered Forester or Registered Forestry Company or if an administrator is appointed, or if the Registered Forester or Registered Forestry Company shall assign this agreement or any rights under this agreement without the prior written consent of the Department.

Annex I – Definitions

- ‘Applicant’ means the person or entity so named in an application under a Forestry Scheme who is the owner of the lands or where written consent has been given by the owner.
- ‘Approval’ or “Licence” means a Pre-Approval under a Forestry Scheme or regulations, granted by the Minister.
- ‘Authorised Officer’ means any person authorised by the Minister to carry out inspections, examinations or other acts arising from the operation of a Forestry Scheme.
- ‘Code of Best Forest Practice - Ireland’ is a Department publication describing all forestry operations and the appropriate manner in which they should be carried out to ensure the implementation of Sustainable Forest Management in Ireland, as agreed at the Third Ministerial Conference on the Protection of Forests in Europe, Lisbon, 1998.
- ‘Department’ means the Department of Agriculture, Food and the Marine;
- ‘Forestry Division Environmental Guidelines’ includes the following publications of the Forestry Division, as may be amended from time to time: ‘Forestry and Water Quality Guidelines’; ‘Forestry and the Landscape Guidelines’; ‘Forestry and Archaeology Guidelines’; Forest Biodiversity Guidelines’; ‘Forest Harvesting and the Environment Guidelines’; Forestry and Otter Guidelines, Forestry and Kerry Slug Guidelines, Forestry and Freshwater Pearl Mussel Requirements, Aerial Fertilisation Requirements; and the ‘Forestry and Forest Protection Guidelines’. Any further Guidelines issued by the Minister shall be included under this definition from the date of their publication or circulation to Registered Foresters.
- ‘Forestry Schemes’ includes the Afforestation Grant and Premium Scheme; Forest Road
  Scheme; Reconstitution Scheme; Woodland Improvement Scheme; NeighbourWood Scheme; Native Woodland Conservation Scheme and any other forestry scheme introduced by the Minister.
- ‘Forestry Standards Manual’ means the manual published by the Department on its website; and which, from time to time, may be amended or replaced by formal circular. It also includes the Forestry Schemes Manuals from the period 2023-2027.
- ‘Forestry Standards’ means the standards outlined in paragraph 4 of this document.
- ‘INET’ online system for Registered Foresters and Forestry Companies to make applications.
- ‘Minister’ means the Minister for Agriculture, Food and the Marine and shall include their successors and permitted assigns;
- ‘Registered Forester’ means a person accepted and entered on the Department’s Register of Foresters and Forestry Companies.
- ‘Registered Forestry Company’ means a company accepted and entered on the Department’s Register of Foresters and Forestry Companies.
- ‘Sustainable Forest Management’ means the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economical and social functions, at local, national and global levels and that does not cause damage to other ecosystems.

Annex II – Application Form: Registered Forester

Application for admission to the Department of Agriculture, Food and the Marine
REGISTER OF FORESTERS AND FORESTRY COMPANIES - INDIVIDUAL FORESTER

Surname		**FR Number (For Office Use only)**			
First Names (s)		**Mr**	**Ms**	**Dr**	
Business Address (postal) **This address will be displayed on the Public Register**					
	Eircode		**Email**		
Date of Birth		**Nationality**			
Tel. Numbers	**Home**	**Business**		**Mobile**	
PPS/RSI Number					
Technical Member of the Society of Irish Foresters	**Yes** ☐ **No** ☐	**MSIF Ref No:**			
Forestry Qualification		**College**		**Year (qualification Attained)**	
		Country			
Are you participating in a recognised CPD Programme		**Yes** ☐ **No** ☐			
Indicative Areas of Operation by county (for display purposes on register)					
Have you been a Registered Forester before? If yes state FR Number					

Declaration

I declare that I am a technical member of the Society of Irish Foresters and I consent to the Minister verifying my membership with the Society, or

I hold a forestry qualification at the level of ordinary degree (NVQ7) as described in Annex V or hold a qualification acceptable to the Minister, of which, I enclose my certificate(s) for the course(s) outlined above.

A Certificate of Professional Indemnity Insurance to the minimum value outlined in Section 3 above, is attached: (Where a forester is registering with a company, the company must supply this Certificate.) I will forward renewal, or replacement, of this Certificate annually within thirty days of renewal, otherwise I will forfeit registration. In the event of cancellation or amendment of cover to below the required level, I will notify the Department within five working days and my participation on the register will cease and no applications can be submitted under any grant aided scheme.

I will comply with

-the Terms and Conditions of Registration of Foresters including all Forestry Standards outlined therein;

- Society of Irish Foresters Code of Ethics and Professional Conduct.
- The Forest Service Code of Best Forest Practice – Ireland.
- Forestry Division Environmental Guidelines.
- The principles of Sustainable Forest Management.

-the Terms and Conditions of each Scheme as laid out in each scheme document and in a Pre-Planting Approval, and/or, the Forestry Standards Manual, as applicable.

-all relevant EU requirements and national legislation for the time being in force

I will carry out a field inspection in support of any application for pre-approval and/or grant aid to ensure that the required standards have been met as outlined in the scheme terms and conditions.

Printed Name (Block Letters)	
Signature	
Date	

Annex III – Application Form: Registered Forestry Company

Application for admission to the Department of Agriculture, Food and the Marine
REGISTER OF FORESTERS AND FORESTRY COMPANIES - FORESTRY COMPANY

Company Name				**FR Company Number (For Office Use only)**		
Registered Address						
	Eircode		**E-mail**			
Address (postal)						
This address will be displayed on the Public Register						
	Eircode		**E-mail (mandatory)**			
Contact Surname			**First Name**			
Tel. Numbers	**Home**		**Business**		**Mobile**	
VAT Number			**CRO Number**			
Participation on recognised CPD Programme				**Yes** ☐ **No** ☐		
Indicative Areas of Operation by county (for display purposes on register)						
Has your Company been a Registered Forestry Company before? If yes state RF Number						

Declaration

I declare on behalf of the company named above that it will comply with the Terms and Conditions of Registration of Foresters including all Forestry Standards outlined therein and listed below;

- Society of Irish Foresters Code of Ethics and Professional Conduct.
- The Forest Service Code of Best Forest Practice – Ireland.
- Forestry Division Environmental Guidelines.
- The principles of Sustainable Forest Management.
- The Terms and Conditions of each Scheme as set out in each scheme document and in a Pre-Planting Approval, and/or, the Forestry Standards Manual, as applicable.
- All relevant EU requirements and national legislation for the time being in force.

I attach a list of Foresters nominated for admission to the Register (each sheet signed by company representative below). The Foresters listed are all covered by the Company's Professional Indemnity Insurance.

Printed Name (Block Letters)	
Signature	
Position in Company	
Date	
Signed for and on behalf of the Company	

Annex IV - Registered Foresters Listed per Company

Names of Registered Foresters For Company Registration

I hereby state that the above names are to be included on the register and will work on behalf of the company listed in the application for Company Registration.

Signature	
Printed Name (Block Letters)	
Position in Company	
Date	
Signed for and on behalf of the Company	

Annex V – Acceptable Courses for Registration

Course*	College	Status	Start – End date	Duration Years	NVQ Level	Country
Bachelor of Agricultural Science (Forestry)	University College Dublin	BAgrSc (Hons)	1927 - to date	4 or 5	8	Ireland
Honours Bachelor Degree in Science in Land Management (Forestry)	South East Technological University	BSc (Hons)	2008 - to date	4	8	Ireland
Ordinary Bachelor Degree in Science (Forestry)	South East Technological University	BSc (forestry)	1997 - to date	3	7	Ireland
Ordinary Bachelor Degree in Science (Forestry)	Galway Mayo Institute of Technology	BSc (forestry)	1998-2008	3	7	Ireland
Forestry	Avondale Forestry School	Forester	1904 -1965	3	N/A	Ireland
Forestry	Shelton Abbey Forestry Training School	Forester	1953 -1972	3	N/A	Ireland
Forestry	Kinnity Castle Forestry Training School	Forester	1955 - 1985	3	N/A	Ireland

*Courses not listed above may be acceptable on a case by case basis on application