



Forestry and Land Management (Scotland) Act 2018

2018 asp 8

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 20th March 2018 and received Royal Assent on 1st May 2018

An Act of the Scottish Parliament to make provision about Scottish Ministers' functions in relation to forestry; to make provision about Scottish Ministers' functions in relation to the management of forested land and other land; and for connected purposes.

PART 1

OVERVIEW OF ACT

1 Overview of Act

This Act is arranged as follows—

- Part 2 is about Scottish Ministers' forestry functions,
- Part 3 is about management of land by Scottish Ministers,
- Part 4 is about felling,
- Part 5 is about Scottish Ministers' general powers under this Act,
- Part 6 contains general and final provisions.

Commencement Information

- 11** [S. 1](#) in force at 1.4.2019 by [S.S.I. 2019/47](#), [reg. 2](#) (with [regs. 3-22](#))

Changes to legislation: There are currently no known outstanding effects for the
Forestry and Land Management (Scotland) Act 2018. (See end of Document for details)

PART 2

FORESTRY FUNCTIONS

CHAPTER 1

GENERAL FORESTRY FUNCTIONS

Duty to promote sustainable forest management

2 Duty to promote sustainable forest management

- (1) The Scottish Ministers must promote sustainable forest management.
- (2) A Scottish public authority must, in exercising any of its functions, promote sustainable forest management so far as is consistent with the proper exercise of those functions.

Commencement Information

I2 S. 2 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

Forestry strategy

3 Duty to prepare forestry strategy

- (1) The Scottish Ministers must prepare a forestry strategy.
- (2) The forestry strategy—
 - (a) must set out a vision for forestry in Scotland,
 - (b) must set out the Scottish Ministers' objectives, priorities and policies with respect to the promotion of sustainable forest management, and
 - (c) may set out other matters with respect to the promotion of sustainable forest management.
- (3) The forestry strategy must include the Scottish Ministers' objectives, priorities and policies with respect to—
 - (a) the creation of woodland,
 - (b) the economic development of forestry,
 - (c) targets for the planting of trees,
 - (d) the conservation and enhancement of the environment by means of sustainable forest management,
 - (e) the realisation of the social benefits of forestry,
 - (f) the acquisition and disposal of land under sections 18 to 20,
 - (g) the production and supply of timber and other forest products.
- (4) The Scottish Ministers—
 - (a) must keep the forestry strategy under review, and
 - (b) may, if they consider it appropriate to do so, revise the strategy.

Changes to legislation: There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018. (See end of Document for details)

- (5) If the Scottish Ministers have not revised the forestry strategy under subsection (4) (b) within the period of 9 years beginning with the day on which the strategy was last published, they must revise the strategy.

Commencement Information

I3 S. 3 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

4 Preparation and revision of forestry strategy

- (1) In preparing or revising the forestry strategy, the Scottish Ministers must—
- (a) publish a draft of the strategy and consult with such bodies as they consider appropriate and also with the general public,
 - (b) have regard to—
 - (i) the land use strategy (prepared under section 57 of the Climate Change (Scotland) Act 2009),
 - (ii) the land rights and responsibilities statement (prepared under section 1 of the Land Reform (Scotland) Act 2016),
 - (iii) Article 2 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change,
 - (iv) the code of practice on deer management (drawn up under section 5A of the Deer (Scotland) Act 1996), and
 - (v) the Scottish Biodiversity Strategy (prepared under section 2 of the Nature Conservation (Scotland) Act 2004).
- (2) The forestry strategy must be prepared and revised with a view to achieving consistency, so far as practicable, between the objectives, priorities and policies set out in the strategy and the Scottish Ministers' other functions.

Commencement Information

I4 S. 4 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

5 Publication of forestry strategy

- (1) The Scottish Ministers must publish the forestry strategy and each revision of it.
- (2) The Scottish Ministers must lay a copy of the forestry strategy and each revision of it before the Scottish Parliament.
- (3) When complying with subsection (1), the Scottish Ministers must also publish a report setting out—
- (a) the consultation process undertaken in order to comply with section 4(1)(a), and
 - (b) the ways in which views expressed during that process have been taken account of in preparing or revising the forestry strategy.
- (4) The Scottish Ministers must lay a copy of a report under subsection (3) before the Scottish Parliament.

Changes to legislation: There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018. (See end of Document for details)

Commencement Information

I5 S. 5 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

6 Duty to have regard to forestry strategy

The Scottish Ministers must have regard to the forestry strategy when—

- (a) complying with their duty to promote sustainable forest management,
- (b) exercising any of their tree health and silvicultural material testing functions under the Plant Varieties and Seeds Act 1964 and the Plant Health Act 1967 (see Chapter 2),
- (c) managing forested land in accordance with section 11,
- (d) acquiring land under section 18(1) or 19(1),
- (e) disposing of forested land under section 20(1),
- (f) exercising any of the following functions for the purposes of or in connection with the carrying out of a function mentioned in paragraphs (a) to (e)—
 - (i) section 69 (information, research and education etc.),
 - (ii) section 70 (power to form companies etc.),
 - (iii) section 71 (financial assistance),
 - (iv) section 72 (charging).

Commencement Information

I6 S. 6 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

7 Report on forestry strategy

- (1) The Scottish Ministers must, as soon as practicable after the end of each reporting period, prepare and publish a report setting out—
 - (a) progress made in the reporting period in respect of the objectives, priorities and policies included in the forestry strategy,
 - (b) an assessment of the extent to which funding and support provided by them has assisted in achieving such progress,
 - (c) steps taken in the reporting period to keep the forestry strategy under review.
- (2) The Scottish Ministers must lay a copy of each report prepared and published under this section before the Scottish Parliament.
- (3) In this section, “reporting period” means the period of 3 years beginning with the day on which the forestry strategy was last published and each subsequent period of 3 years.

Commencement Information

I7 S. 7 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

Changes to legislation: There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018. (See end of Document for details)

Duty to make arrangements for research

8 Duty to make arrangements for research in relation to the promotion of sustainable forest management

The Scottish Ministers must make arrangements for the carrying out of research in relation to matters relevant to their duty to promote sustainable forest management.

Commencement Information

I8 [S. 8](#) in force at 1.4.2019 by [S.S.I. 2019/47](#), [reg. 2](#) (with [regs. 3-22](#))

CHAPTER 2

TREE HEALTH AND SILVICULTURAL MATERIAL TESTING FUNCTIONS

9 Transfer of Plant Varieties and Seeds Act 1964 functions

In section 29 of the Plant Varieties and Seeds Act 1964 (application of Part 2 to seed potatoes: silvicultural propagating and planting material), subsections (2) and (4) are repealed.

Commencement Information

I9 [S. 9](#) in force at 1.4.2019 by [S.S.I. 2019/47](#), [reg. 2](#) (with [regs. 3-22](#))

10 Transfer of Plant Health Act 1967 functions

- (1) The Plant Health Act 1967 is amended as follows.
- (2) In section 1(2) (objects of Act and competent authorities under it)—
 - (a) before paragraph (a) insert—

“(za) for Scotland, the Scottish Ministers,”
 - (b) in paragraph (a), “and Scotland” is repealed,
 - (c) in paragraph (a)(ii)—
 - (i) “for England,” is repealed,
 - (ii) “and, for Scotland, the Scottish Ministers” is repealed.
- (3) In section 6 (publication of orders), subsection (4) is repealed.

Commencement Information

I10 [S. 10](#) in force at 1.4.2019 by [S.S.I. 2019/47](#), [reg. 2](#) (with [regs. 3-22](#))