Draft Order laid before Parliament under section 115(1) of, and paragraphs 1, 2, and 3 of Schedule 7 to, the Scotland Act 1998 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
FORESTRY

The Forestry Commissioners (Climate Change Functions) (Scotland) Order 2012 (Consequential Modifications) Order 2012

Made - - - - 2012

Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(2), (4), (5) and (7) of the Scotland Act 1998(**1**).

In accordance with section 88(2) of that Act, the Secretary of State has consulted the Scottish Ministers.

In accordance with section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, that Act, a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Forestry Commissioners (Climate Change Functions) (Scotland) Order 2012 (Consequential Modifications) Order 2012.

(2) This Order comes into force on the day after the day on which it is made.

(3) This Order extends to Scotland only.

Modification of functions of the Forestry Commissioners in relation to land in Scotland

2. The Forestry Act 1967(**2**) is amended as follows—

(**1**) 1998 c.46.
(**2**) 1967 c.10.

(a) after section 7A(**3**) (incidental powers of Commissioners) insert—

"**Renewable energy installations**

7AA.—(1) The Commissioners may, for the purpose of complying with their general duty under section 1(2A)(**4**)—

(a) promote, develop, construct and operate installations for or in connection with the generation, transmission, distribution and supply of electricity produced from renewable sources, and

(b) use electricity produced by virtue of the powers conferred by paragraph (a).

(2) In subsection (1), "renewable sources" means sources other than—

(a) fossil fuel,

(b) energy derived from fossil fuel, and

(c) nuclear fuel.

(3) In subsection (2), "fossil fuel" means—

(a) coal,

(b) lignite,

(c) peat,

(d) natural gas (within the meaning of the Energy Act 1976(**5**)),

(e) crude liquid petroleum,

(f) petroleum products (within the meaning of that Act),

(g) any substance produced directly or indirectly from a substance mentioned in paragraphs (a) to (f).

(4) Nothing in this section is to be construed as exempting the Forestry Commissioners from the requirements of Part 1 of the Electricity Act 1989(**6**).";
and

(b) in section 7B(1)(**7**) (delegation of functions of Commissioners: Scotland), after "(3)" insert "and section 7AA".

(**3**) Section 7A was inserted by the Regulatory Reform (Forestry) Order 2006 (S.I. 2006/780), article 2 and amended by the Public Services Reform (Scotland) Act 2010 (asp 8), section 12(1).
(**4**) Subsection (2A) was inserted by the Forestry Commissioners (Climate Change Functions) (Scotland) Order 2012 (S.S.I. 2012/77), article 2.
(**5**) 1976 c.76.
(**6**) 1989 c.29.
(**7**) Section 7B was inserted by the Public Services Reform (Scotland) Act 2010 (asp 8), section 11.