



# Forestry and Land Management (Scotland) Act 2018

2018 asp 8

## 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.

###### *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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (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.

#### **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.

#### **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.

## **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).

## **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.

### *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.

## 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.

#### **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.