



Forestry and Land Management (Scotland) Act 2018

2018 asp 8

PART 4

FELLING

CHAPTER 2

OFFENCE OF UNAUTHORISED FELLING

23 Offence of unauthorised felling

- (1) A person commits an offence if the person fells a tree unless—
 - (a) the felling is exempt under section 24, or
 - (b) the felling is carried out in accordance with—
 - (i) a felling permission,
 - (ii) a felling direction,
 - (iii) a restocking direction,
 - (iv) a registered notice to comply,
 - (v) a remedial notice, or
 - (vi) a registered remedial notice.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) Where an offence under subsection (1) is committed in respect of more than one tree, the maximum fine under subsection (2) is to be determined as if the person had been convicted of a separate offence in respect of each tree.

24 Unauthorised felling: exemptions

- (1) Section 23 does not apply to felling carried out in accordance with provision made in regulations made by the Scottish Ministers.

Status: This is the original version (as it was originally enacted).

- (2) Regulations under subsection (1) may, in particular, provide that section 23 does not apply to—
- (a) particular categories of person,
 - (b) particular places or activities,
 - (c) particular circumstances,
 - (d) trees of particular descriptions.
- (3) Regulations under subsection (1) may modify any enactment (including this Act).