



# Forestry and Land Management (Scotland) Act 2018

2018 asp 8

## PART 4

### FELLING

#### CHAPTER 4

##### FELLING DIRECTIONS

#### 34 Felling directions

- (1) Subsection (2) applies if it appears to the Scottish Ministers that felling of trees is required—
  - (a) to prevent deterioration or further deterioration in the quality of timber comprised in the trees,
  - (b) to improve the growth of other trees, or
  - (c) to prevent or reduce harm caused by the presence of the trees.
- (2) The Scottish Ministers may give a direction (a “felling direction”) to an owner of the land on which the trees are located requiring that person to fell those trees.
- (3) In deciding to give a felling direction, the Scottish Ministers must have regard to their duty to promote sustainable forest management.
- (4) The Scottish Ministers must, before deciding to give a felling direction in relation to a tree that is covered by a tree preservation order—
  - (a) consult the planning authority that made the order, and
  - (b) have regard to any representations made by that planning authority.
- (5) The Scottish Ministers may vary or revoke a felling direction (including any condition imposed on it).
- (6) The Scottish Ministers may by regulations make further provision about felling directions.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Regulations under subsection (6) may, in particular, include provision about—
- (a) the circumstances in which a felling direction may not be given,
  - (b) the requirements to be included in a felling direction,
  - (c) how felling directions are to be notified,
  - (d) the imposition of conditions on a felling direction (which may include steps that must be taken after the direction is complied with).

### **35 Felling directions: offence**

- (1) A person commits an offence if the person fails, without reasonable excuse, to comply with a felling direction (including any condition imposed on it) given to the person.
- (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.