



# Forestry and Land Management (Scotland) Act 2018

2018 asp 8

## PART 4

### FELLING

## CHAPTER 8

### COMPLIANCE

#### *Powers of entry*

#### **51 Power of entry: unauthorised felling**

- (1) Subsection (2) applies if the Scottish Ministers have reason to believe that a tree has been felled or is being felled and—
- (a) the felling is not exempt under section 24, and
  - (b) the felling is not 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) The Scottish Ministers may enter the land on which the tree was or is located for the purpose of determining whether the tree has been felled or is being felled as described in subsection (1)(a) or (b).

#### **52 Power of entry: decision to give felling directions or restocking directions**

- (1) Subsection (2) applies if the Scottish Ministers have reason to believe that they may need to give—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a felling direction in relation to a tree or in respect of land,
  - (b) a restocking direction in respect of land.
- (2) The Scottish Ministers may enter the land (or, in the case of a felling direction in relation to a tree, the land on which the tree is located) for the purpose of determining whether they need to give a felling direction or a restocking direction.

### **53 Power of entry: failure to comply**

- (1) Subsection (2) applies if the Scottish Ministers have reason to believe that a person has failed or is failing to comply with—
- (a) a condition on felling permission,
  - (b) a felling direction (including any condition imposed on it),
  - (c) a restocking direction (including any condition imposed on it),
  - (d) a registered notice to comply,
  - (e) a remedial notice (including any condition imposed on it), or
  - (f) a registered remedial notice.
- (2) The Scottish Ministers may enter land mentioned in subsection (3) for the purpose of determining whether a person has failed or is failing to comply with the condition, the direction or (as the case may be) the notice.
- (3) The land is—
- (a) in the case of a condition on felling permission—
    - (i) the land on which the tree to which the condition relates is located,
    - (ii) where it is a continuing condition, the land to which the continuing condition relates,
  - (b) in the case of a felling direction or a restocking direction, the land to which the direction relates,
  - (c) in the case of a registered notice to comply, a remedial notice or a registered remedial notice, the land to which the notice relates.