

# **FORESTRY AND LAND MANAGEMENT (SCOTLAND) ACT 2018**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 3 - Management of land by Scottish Ministers**

##### ***Sections 11, 12 and 13 - Management of forested land***

16. Section 11(1) places a duty on the Scottish Ministers to manage forested land (as defined in section 12 as read with section 13) in a way that promotes SFM. This includes, as set out in section 11(2), the use of forested land for economic development, the conservation and enhancement of the environment and the realisation of the social benefits of forestry (which links back to certain of the requirements included in the forestry strategy under section 3(3)).
17. Section 11(3) qualifies the application of that section in the case where Scottish Ministers have entered into arrangements with other persons for the management of forested land, in accordance with the power in section 17(1). Section 17(4) provides for the application of section 11 in relation to that land to be subject to the terms of those arrangements.
18. [Section 12](#) defines “forested land” for the purposes of the Act. Subsection (2) provides that “forested” includes undergoing afforestation.
19. Subsection (1)(a) of that definition refers to land in the national forest estate that is forested. The national forest estate is defined in section 13 as land in Scotland that was at the disposal of the Forestry Commissioners under the Forestry Act 1967 immediately before the date on which the section comes into force, and that is, for the time being, owned by the Scottish Ministers. The definition of the national forest estate also has relevance for section 20 (power to dispose of land).
20. Subsection (1)(b) of the definition of forested land refers to other forested land which is either owned by the Scottish Ministers or managed by them on behalf of another person. This provision is intended to capture forested land owned by the Scottish Ministers that is not part of the national forest estate, and forested land belonging to another person that the Scottish Ministers manage, for example, in accordance with arrangements under section 17(1).