



# Forestry and Land Management (Scotland) Act 2018

2018 asp 8

## PART 4

### FELLING

## CHAPTER 8

### COMPLIANCE

#### *Remedial notices*

#### **54 Remedial notices**

- (1) The Scottish Ministers may give a person a remedial notice if it appears to them that the 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), or
  - (d) a registered notice to comply.
- (2) A “remedial notice” is a notice requiring the person—
  - (a) to take such steps or stop such activity as may be specified in the notice in order to comply with or otherwise give effect to the condition, direction or (as the case may be) registered notice to comply, and
  - (b) to take the steps or stop the activity within such period as may be specified in the notice.
- (3) The Scottish Ministers must give a copy of a remedial notice to the owner of the land to which the condition, direction or (as the case may be) registered notice to comply relates (if the owner is not the person who is given the notice under subsection (1)).
- (4) A person may take any steps or stop any activity specified in a remedial notice despite—

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*Status: This is the original version (as it was originally enacted).*

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- (a) any provision in any agreement relating to the trees or the land to which the notice relates that would otherwise prevent the person from taking those steps or stopping the activity,
  - (b) any condition on felling permission, felling direction, restocking direction or registered notice to comply under this Act that would otherwise prevent the person from taking those steps or stopping the activity.
- (5) The Scottish Ministers may vary or revoke a remedial notice (including any condition imposed on it).
- (6) The Scottish Ministers may by regulations make further provision about remedial notices.
- (7) Regulations under subsection (6) may, in particular, include provision about the imposition of conditions on a remedial notice (which may include steps that must be taken after the notice is complied with).

## **55 Remedial notices: offence**

- (1) A person commits an offence if the person fails, without reasonable excuse, to comply with a remedial notice (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.

## **56 Registration of remedial notices**

If a remedial notice (including any condition imposed on it) has been given in respect of land, the Scottish Ministers may apply to register a notice in relation to that land specifying—

- (a) the effect of the notice and, if relevant, the date by which it must be complied with,
- (b) a description of the land to which the notice relates.

## **57 Registered remedial notices: offence**

- (1) An owner of the land to which a registered remedial notice relates commits an offence if that person fails, without reasonable excuse, to comply with the 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.