
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 47

**The Forestry and Land Management (Scotland)
Act 2018 (Commencement, Transitional
and Saving Provisions) Regulations 2019**

Saving: unauthorised felling - restocking notices – enforcement commenced before appointed day

18.—(1) Where paragraph (2) applies, the provisions referred to in paragraph (3) continue to have effect, subject to the modifications in paragraph (4), on an after the appointed day as they did immediately before that day.

(2) This paragraph applies to—

- (a) any appeal against a restocking notice under section 17B of the 1967 Act where the restocking notice was issued before the appointed day and where—
 - (i) a notice requesting an appeal was sent in accordance with section 17B of that Act and regulation 8A of the 1979 Regulations before the appointed day, or
 - (ii) a notice requesting an appeal is sent in accordance with section 17B of that Act before the expiry of the period prescribed for that purpose in regulation 8A of the 1979 Regulations,
- (b) any appeal against a notice to comply with a restocking notice where the notice to comply was issued before the appointed day under section 24 of the 1967 Act (as modified by section 17C of that Act), and where—
 - (i) a notice requesting an appeal is sent to the Scottish Ministers in accordance with section 25 of the 1967 Act (as modified by section 17C of that Act) before the appointed day, or
 - (ii) a notice requesting an appeal is sent to Scottish Ministers in accordance with section 25 of the 1967 Act (as modified by section 17C of that Act) before the expiry of the period prescribed for that purpose in regulation 14 of the 1979 Regulations.

(3) The provisions are—

- (a) sections 17A to 17C, 24, 25, 26 (1), (3) and (4), 27, 30, 34, 35, 48 and 49 of the 1967 Act; and
- (b) regulations 1, 3, 8A, 13, 14 and Forms 6A and 9 in schedule 1 of the 1979 Regulations.

(4) The modifications are—

- (a) section 17B is to be read as if for subsection (2) there were substituted—

“(2) The Scottish Ministers may, after considering the committee’s report, withdraw the notice or notify the objector that it shall have effect subject to such modifications as the Scottish Ministers may direct.”,
- (b) section 26 of the 1967 Act is to be read as if the references in that section to “the appropriate forestry authority” were references to “the Scottish Ministers”,
- (c) section 27 of the 1967 Act is to be read as if—

- (i) subsection (2)(a) were omitted, and
- (ii) for subsection (3)(c) there were substituted—
 - “(c) take into consideration any information provided to them by the Scottish Ministers as to the promotion of the establishment and maintenance of adequate reserves of growing trees within the conservancy in which the trees are growing.”,
- (d) section 30 of the 1967 Act is to be read as if the reference to “the appropriate forestry authority” were a reference to “the Scottish Ministers”,
- (e) section 48 of the 1967 Act is to be read as if—
 - (i) the references in subsection (1A)(a) to “the Commissioners” were references to “the Scottish Ministers”,
 - (ii) subsection (2) were omitted, and
 - (iii) the reference to “the appropriate forestry authority” in subsection (3) were a reference to “the Scottish Ministers”,
- (f) regulation 8A of the 1979 Regulations is to be read as if the reference to “the appropriate Minister” were a reference to “the Scottish Ministers”, and
- (g) Forms 6A and 9 in schedule 1 of the 1979 Regulations are to be read as if the references in those forms to “the Secretary of State for Scotland, New St Andrews House, St James Centre, Edinburgh, EH1 3SX” were references to “the Scottish Ministers, St Andrews House, Regent Road, Edinburgh, EH1 3DG”.