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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 47**

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

**Saving: applications for a felling licence determined under the 1967 Act after appointed day  
- review**

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

(2) This paragraph applies to a request for a review of a decision of the Scottish Ministers under section 10(2) or 13(1) of the 1967 Act (as modified by regulation 4(4))—

- (a) to refuse to grant a felling licence, or
- (b) to grant a felling licence subject to conditions,

in determining an application in the circumstances referred to in regulation 3(2).

(3) The provisions are—

- (a) sections 16, 30, 34 and 35 and 49 of the 1967 Act, and
- (b) regulations 1, 3 and 8 and schedule 1 of the 1979 regulations.

(4) The modifications are—

- (a) section 16 of the 1967 Act is to be read as if—
  - (i) the reference in subsection (1) to “the appropriate forestry authority” were a reference to “the Scottish Ministers”, and
  - (ii) for subsection (2) there were substituted—

“(2) A person aggrieved by the refusal or conditions may by a notice served within the prescribed time and in the prescribed manner request the Scottish Ministers to refer the matter to a person appointed by them for that purpose.”,

- (b) 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”,

- (c) regulation 8 of the 1979 Regulations is to be read as if—

- (i) the reference in paragraph (1) to “the appropriate Minister” were a reference to “the Scottish Ministers”,
- (ii) paragraph (1)(b) were omitted, and
- (iii) for paragraph (2) there were substituted—

“(2) Any notice under section 16(2) of the Act shall be in Form 4 or Form 6 according to whether the case falls within sub-paragraph (a) or (c) of paragraph (1).”,

- (d) Form 4 in schedule 1 of the 1979 Regulations is to be read as if—

- (i) the references to “the Forestry Commissioners” were a reference to “the Scottish Ministers”,

**Changes to legislation:** *There are currently no known outstanding effects for the The Forestry and Land Management (Scotland) Act 2018 (Commencement, Transitional and Saving Provisions) Regulations 2019, Section 6. (See end of Document for details)*

- (ii) for the words “to a committee appointed under section 27 of the 1967 Act” there were substituted “ a person appointed under section 16 of the 1967 Act ”,
  - (iii) the reference in numbered paragraph (1) to “the committee” were a reference to “a committee appointed under section 27 of the 1967 Act”,
  - (iv) the reference in numbered paragraph (2) to “a committee” were a reference to “a committee appointed under section 27 of the 1967 Act”, and
  - (v) the references to “the Secretary of State for Scotland, New St Andrews House, St James Centre, Edinburgh, EH1 3SX” were a reference to “the Scottish Ministers, St Andrews House, Regent Road, Edinburgh, EH1 3DG”,
- (e) Form 6 in schedule 1 of the 1979 Regulations is to be read as if—
- (i) the reference to “the Forestry Commissioners” were a reference to “the Scottish Ministers”, and
  - (ii) the reference to “the Secretary of State for Scotland, New St Andrews House, St James Centre, Edinburgh, EH1 3SX” were a reference to “the Scottish Ministers, St Andrews House, Regent Road, Edinburgh, EH1 3DG”.

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**Commencement Information**

**II** [Reg. 6](#) in force at 1.4.2019, see [reg. 1\(1\)](#)

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