



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 2

#### LAND USE

##### *Land use strategy*

#### **57 Duty to produce a land use strategy**

- (1) The Scottish Ministers must, no later than 31 March 2011, lay a land use strategy before the Scottish Parliament.
- (2) The strategy must, in particular, set out—
  - (a) the Scottish Ministers' objectives in relation to sustainable land use;
  - (b) their proposals and policies for meeting those objectives; and
  - (c) the timescales over which those proposals and policies are expected to take effect.
- (3) The objectives, proposals and policies referred to in subsection (2) must contribute to—
  - (a) achievement of the Scottish Ministers' duties under section 1, 2(1) or 3(1)(b);
  - (b) achievement of the Scottish Ministers' objectives in relation to adaptation to climate change, including those set out in any programme produced by virtue of section 53(2); and
  - (c) sustainable development.
- (4) Before laying the strategy before the Scottish Parliament, the Scottish Ministers must publish a draft strategy and consult with such bodies as they consider appropriate and also with the general public.
- (5) The strategy must be accompanied by a report setting out—

- (a) the consultation process undertaken in order to comply with subsection (4); and
  - (b) the ways in which views expressed during that process have been taken account of in finalising the strategy (or stating that no account has been taken of such views).
- (6) The Scottish Ministers must, no later than—
- (a) 5 years after laying a strategy before the Scottish Parliament under subsection (1); and
  - (b) the end of every subsequent period of 5 years,
- lay a revised strategy before the Scottish Parliament; and subsections (2) to (5) apply to a revised strategy as they apply to a strategy laid under subsection (1).

### *Muirburn*

## 58 Variation of permitted times for making muirburn

After section 23 of the Hill Farming Act 1946 (c. 73) (prohibition of muirburn at certain times), insert—

### **“23A Power to vary permitted times for making muirburn**

- (1) The Scottish Ministers may, by order, modify section 23 so as to substitute for any of the dates for the time being mentioned in subsection (1), (2) or, as the case may be, (3) of that section such other dates as they consider appropriate as the dates before which or after which it is lawful to make muirburn in any year.
- (2) The Scottish Ministers may make an order under subsection (1) only if they consider it necessary or expedient to do so in relation to climate change.
- (3) An order under subsection (1) may not modify any of the dates for the time being mentioned in section 23 if the modification would result in a period during which it is lawful to make muirburn in any year being shorter than the corresponding period which applied immediately before the coming into force of section 58 of the Climate Change (Scotland) Act 2009 (asp 12).
- (4) The power conferred by subsection (1) is exercisable by statutory instrument.
- (5) No statutory instrument containing an order under subsection (1) may be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.”.

### *Forestry*

## 59 Power to modify functions of Forestry Commissioners

- (1) The Scottish Ministers may, by order, modify the functions of the Forestry Commissioners in or as regards Scotland.
- (2) The Scottish Ministers may make an order under subsection (1) only where they consider it necessary or expedient to do so—
  - (a) in order to comply with their duty under section 1, 2(1) or 3(1)(b); or

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

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- (b) otherwise in relation to climate change.
- (3) An order under subsection (1) may in particular include provision enabling the Forestry Commissioners to—
- (a) form, or participate in the forming of, a body corporate;
  - (b) invest in a body corporate;
  - (c) provide loans;
  - (d) establish a trust;
  - (e) act, or appoint a person to act, as—
    - (i) an officer of a body corporate; or
    - (ii) a trustee of a trust.
- (4) Any body corporate formed or trust established by the Forestry Commissioners by virtue of an order under subsection (1) is a public body or office holder for the purposes of section 1 of the Nature Conservation (Scotland) Act 2004 ([asp 6](#)).