



Forestry and Land Management (Scotland) Act 2018

2018 asp 8

PART 4

FELLING

CHAPTER 4

FELLING DIRECTIONS

34 Felling directions

- (1) Subsection (2) applies if it appears to the Scottish Ministers that felling of trees is required—
 - (a) to prevent deterioration or further deterioration in the quality of timber comprised in the trees,
 - (b) to improve the growth of other trees, or
 - (c) to prevent or reduce harm caused by the presence of the trees.
- (2) The Scottish Ministers may give a direction (a “felling direction”) to an owner of the land on which the trees are located requiring that person to fell those trees.
- (3) In deciding to give a felling direction, the Scottish Ministers must have regard to their duty to promote sustainable forest management.
- (4) The Scottish Ministers must, before deciding to give a felling direction in relation to a tree that is covered by a tree preservation order—
 - (a) consult the planning authority that made the order, and
 - (b) have regard to any representations made by that planning authority.
- (5) The Scottish Ministers may vary or revoke a felling direction (including any condition imposed on it).
- (6) The Scottish Ministers may by regulations make further provision about felling directions.

Changes to legislation: There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, CHAPTER 4. (See end of Document for details)

- (7) Regulations under subsection (6) may, in particular, include provision about—
- (a) the circumstances in which a felling direction may not be given,
 - (b) the requirements to be included in a felling direction,
 - (c) how felling directions are to be notified,
 - (d) the imposition of conditions on a felling direction (which may include steps that must be taken after the direction is complied with).

Commencement Information

11 S. 34 in force at 1.4.2019 by S.S.I. 2019/47, **reg. 2** (with regs. 3-22)

35 Felling directions: offence

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

Commencement Information

12 S. 35 in force at 1.4.2019 by S.S.I. 2019/47, **reg. 2** (with regs. 3-22)

Changes to legislation:

There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, CHAPTER 4.