



Forestry and Land Management (Scotland) Act 2018

2018 asp 8

PART 4

FELLING

CHAPTER 8

COMPLIANCE

Temporary stop notices

45 Temporary stop notices

- (1) Subsection (2) applies if—
- (a) the Scottish Ministers have reason to believe that a tree is being felled and—
 - (i) the felling is not exempt under section 24, and
 - (ii) the felling is not carried out in accordance with a felling permission, a felling direction, a restocking direction, a registered notice to comply, a remedial notice or a registered remedial notice, and
 - (b) the Scottish Ministers consider it expedient that the felling (or other activity related to the felling) should stop immediately.
- (2) The Scottish Ministers may give a notice (a “temporary stop notice”).
- (3) A temporary stop notice must—
- (a) specify the activity which the Scottish Ministers believe is being carried out,
 - (b) prohibit the carrying out of that activity (or of so much of the activity as is specified in the notice),
 - (c) specify the land in relation to which that activity is prohibited,
 - (d) specify the period during which the notice has effect,
 - (e) contain a statement about the effect of section 46, and
 - (f) set out the Scottish Ministers' reasons for giving the notice.

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

- (4) A temporary stop notice may impose conditions.
- (5) The Scottish Ministers may vary or revoke a temporary stop notice (including any condition imposed on it).
- (6) The Scottish Ministers must display on the land to which the temporary stop notice relates—
 - (a) a copy of the notice, and
 - (b) a statement about the effect of section 46.
- (7) A copy of a temporary stop notice may be given to—
 - (a) a person who the Scottish Ministers believe is carrying out the activity,
 - (b) the owner of the land to which the temporary stop notice relates (if the owner is not the person who is given the notice under paragraph (a)).
- (8) A temporary stop notice has effect from the time a copy of it is first displayed in accordance with subsection (6).
- (9) A temporary stop notice ceases to have effect—
 - (a) at the end of the period of 28 days beginning with the day on which a copy of the notice is first displayed,
 - (b) if a shorter period beginning with that day is specified in the notice, at the end of that shorter period, or
 - (c) if the notice is revoked by the Scottish Ministers before the end of the period mentioned in paragraph (a) or (b), when it is revoked.
- (10) A person may stop any activity specified in a temporary stop notice despite any provision in any agreement relating to the trees or the land to which the notice relates that would otherwise prevent the person from stopping the activity.
- (11) The Scottish Ministers may enter the land to which the temporary stop notice relates in order to monitor compliance with the notice.
- (12) When a temporary stop notice has effect, the Scottish Ministers must not—
 - (a) grant an application for felling permission in relation to a tree that is located on land to which the notice relates,
 - (b) give a felling direction in relation to a tree that is located on land to which the notice relates,
 - (c) give a restocking direction in relation to land to which the notice relates.

Commencement Information

II [S. 45](#) in force at 1.4.2019 by [S.S.I. 2019/47](#), [reg. 2](#) (with [regs. 3-22](#))

46 Temporary stop notices: offence

- (1) A person commits an offence if the person fails, without reasonable excuse, to comply with a temporary stop notice (including any condition imposed on it)—
 - (a) a copy of which has been given to the person, or
 - (b) a copy of which has been displayed in accordance with section 45(6).

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

- (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

I2 [S. 46](#) in force at 1.4.2019 by [S.S.I. 2019/47](#), [reg. 2](#) (with [regs. 3-22](#))

47 Temporary stop notices: compensation

- (1) A person who—
- (a) on the date on which a temporary stop notice is first displayed under section 45(6), has a right or interest in or over the land to which the notice relates, and
 - (b) suffers loss directly attributable to the prohibition of felling (or other activity related to the felling) effected by the temporary stop notice,
- is entitled to compensation in accordance with provision made in regulations made by the Scottish Ministers.
- (2) But subsection (1) applies only if—
- (a) the felling (or other activity related to the felling) prohibited by the temporary stop notice—
 - (i) is exempt under section 24, or
 - (ii) is carried out in accordance with a felling permission, a felling direction, a restocking direction, a registered notice to comply, a remedial notice or a registered remedial notice, and
 - (b) the temporary stop notice has been revoked.
- (3) Regulations under subsection (1) may, in particular, include provision about—
- (a) the procedure for applying for compensation,
 - (b) the information to be provided in applications,
 - (c) the way in which the amount of compensation is to be determined,
 - (d) the way in which any disputes about compensation are to be determined,
 - (e) appeals about decisions relating to compensation.

Commencement Information

I3 [S. 47](#) 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, Cross Heading: Temporary stop notices.