



Forestry and Land Management (Scotland) Act 2018

2018 asp 8

PART 4

FELLING

CHAPTER 5

RESTOCKING DIRECTIONS

36 Restocking directions

- (1) Subsection (2) applies if it appears to the Scottish Ministers that—
 - (a) a tree has been 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, or
 - (b) a continuing condition on felling permission in relation to land has not been complied with.
- (2) The Scottish Ministers may give a direction (a “restocking direction”) requiring an owner of the land on which the felled tree was located or (as the case may be) the land to which the continuing condition relates, to stock—
 - (a) the land on which the felled tree was located,
 - (b) the land to which the continuing condition relates, or
 - (c) with the consent of the Scottish Ministers, other land.
- (3) In subsection (2), “stock” includes the preparation of land for the planting of trees.
- (4) In deciding to give a restocking direction, the Scottish Ministers must have regard to their duty to promote sustainable forest management.

Status: This is the original version (as it was originally enacted).

- (5) The Scottish Ministers may vary or revoke a restocking direction (including any condition imposed on it).
- (6) Subsection (7) applies where—
- (a) a person has complied with a restocking direction (including any condition imposed on it) given to the person, and
 - (b) another person—
 - (i) in a case where subsection (1)(a) applies, felled the tree to which the restocking direction relates, or
 - (ii) in a case where subsection (1)(b) applies, failed to comply with the continuing condition on felling permission to which the restocking direction relates.
- (7) The person who complied with the restocking direction may recover any expenses reasonably incurred by that person in complying with the restocking direction from the other person.
- (8) The Scottish Ministers may by regulations make further provision about restocking directions.
- (9) Regulations under subsection (8) may, in particular, include provision about—
- (a) persons to whom a restocking direction may not be given,
 - (b) the circumstances in which a restocking direction may not be given,
 - (c) the requirements to be included in a restocking direction,
 - (d) how restocking directions are to be notified,
 - (e) the imposition of conditions on a restocking direction (which may include steps that must be taken after the direction is complied with).