



# Forestry and Land Management (Scotland) Act 2018

2018 asp 8

## PART 4

### FELLING

## CHAPTER 8

### COMPLIANCE

#### *Remedial notices*

#### **54 Remedial notices**

- (1) The Scottish Ministers may give a person a remedial notice if it appears to them that the person has failed or is failing to comply with—
  - (a) a condition on felling permission,
  - (b) a felling direction (including any condition imposed on it),
  - (c) a restocking direction (including any condition imposed on it), or
  - (d) a registered notice to comply.
- (2) A “remedial notice” is a notice requiring the person—
  - (a) to take such steps or stop such activity as may be specified in the notice in order to comply with or otherwise give effect to the condition, direction or (as the case may be) registered notice to comply, and
  - (b) to take the steps or stop the activity within such period as may be specified in the notice.
- (3) The Scottish Ministers must give a copy of a remedial notice to the owner of the land to which the condition, direction or (as the case may be) registered notice to comply relates (if the owner is not the person who is given the notice under subsection (1)).
- (4) A person may take any steps or stop any activity specified in a remedial notice despite—

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**Changes to legislation:** There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, Section 54. (See end of Document for details)

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- (a) any provision in any agreement relating to the trees or the land to which the notice relates that would otherwise prevent the person from taking those steps or stopping the activity,
  - (b) any condition on felling permission, felling direction, restocking direction or registered notice to comply under this Act that would otherwise prevent the person from taking those steps or stopping the activity.
- (5) The Scottish Ministers may vary or revoke a remedial notice (including any condition imposed on it).
- (6) The Scottish Ministers may by regulations make further provision about remedial notices.
- (7) Regulations under subsection (6) may, in particular, include provision about the imposition of conditions on a remedial notice (which may include steps that must be taken after the notice is complied with).

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**Commencement Information**

**II** S. 54 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

**Changes to legislation:**

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