These notes relate to the Forestry and Land Management (Scotland) Act 2018 (asp 8) which received Royal Assent on 1 May 2018

FORESTRY AND LAND MANAGEMENT (SCOTLAND) ACT 2018

EXPLANATORY NOTES

THE ACT

Part 2 - Forestry functions

Section 2 - Sustainable forest management

5. Section 2 confers a duty on the Scottish Ministers to promote sustainable forest management (SFM). SFM is a concept recognised internationally as the management of forests according to the principles of sustainable development and achieving a balance between the three main pillars of economic, environmental and socio-cultural objectives.

6. Subsection (2) places a duty on Scottish public authorities to promote SFM in exercising any of their functions, so far as is consistent with the proper exercise of those functions.

Sections 3, 4, 5, 6, 7 - Forestry strategy

7. Sections 3, 4, 5, 6 and 7 place duties on the Scottish Ministers associated with the preparation, publication and monitoring of a forestry strategy and require them to have regard to the strategy when exercising forestry functions or related functions under the Act.

8. Under section 3(1) to (3), the Scottish Ministers must prepare a forestry strategy that sets out a vision for forestry in Scotland, their objectives, priorities and policies with respect to the promotion of SFM as well as other matters related to that. Specifically the strategy must include objectives, priorities and policies with respect to: the creation of woodland; economic development of forestry; targets for the planting of trees; the conservation and enhancement of the environment by means of SFM; the realisation of the social benefits of forestry; the acquisition and disposal of land under sections 18 to 20; and the production and supply of timber and other forest products. Section 3(4) places an obligation on the Scottish Ministers to keep the forestry strategy under review and enables them to revise it if they consider revision appropriate. Section 3(5) requires the Scottish Ministers to revise the strategy within 9 years of its publication, if they have not already done so.

9. Section 5 requires the Scottish Ministers to publish the forestry strategy and each revision of it and to lay a copy of the strategy and each revision of it before the Scottish Parliament. Subsections (3) and (4) require the Scottish Ministers, when publishing the strategy and each revision of it, to also publish and lay before the Scottish Parliament a report setting out the consultation process undertaken to comply with the requirements under section 4(1)(a) and the ways in which views expressed during the consultation process have been taken into account.

10. Section 4(1)(a) introduces consultation requirements in the preparation of the forestry strategy and each revision. Section 4(1)(b) requires the Scottish Ministers to have regard

to specified matters listed at (i) to (v) when preparing or revising the forestry strategy. Section 4(2) requires the Scottish Ministers to prepare and revise the strategy with a view to achieving consistency, so far as practicable, between the objectives, priorities and policies set out in the strategy and their other functions.

11. The Scottish Ministers must have regard to the forestry strategy when complying with their duty to promote SFM and in exercising certain functions under the Act as specified in section 6. These include functions in relation to tree health and silvicultural material testing, managing forested land, acquiring land, disposing of forested land, or exercising certain of their general powers under Part 5 for the purpose of or in connection with those functions.

12. Section 7 introduces monitoring requirements in relation to the forestry strategy. It requires the Scottish Ministers to prepare and publish a report setting out matters specified in subsection (1) and to lay a copy of each report before the Scottish Parliament. Reports are required at the end of a reporting period, defined at subsection (3) as three years beginning with the day on which the strategy was last published and each subsequent period of 3 years.

Section 8 – Duty to make arrangements for research

13. Section 8 places a duty on the Scottish Ministers to make arrangements for the carrying out of research in relation to matters relevant to their duty under section 2(1) to promote SFM.

Sections 9 and 10 - Tree health and silvicultural material testing functions

14. Sections 9 and 10 have the effect of transferring to the Scottish Ministers from Forestry Commissioners responsibility for the exercise of functions in or as regards Scotland relating to the testing of silvicultural propagating and planting material and tree health under, respectively, the Plant Varieties and Seeds Act 1964 and the Plant Health Act 1967.