

## SCHEDULE

### PART 1

#### MODIFICATIONS OF PRIMARY LEGISLATION

##### **New Forest Act 1964**

1. The New Forest Act 1964<sup>(1)</sup> is amended as follows.
2. In section 14(3) (expenses), omit “or in Scotland”.

##### **Forestry Act 1967**

3. The Forestry Act 1967<sup>(2)</sup> is amended as follows.
4. In section 1 (Forestry Commission)—
  - (a) in subsection (1A)(a), omit “and Scotland”,
  - (b) in subsection (2), omit “in Scotland,”,
  - (c) omit subsection (2A),
  - (d) in subsection (3), omit “in Scotland,”,
  - (e) in subsection (3A)(a), omit “and, in Scotland, the delivery of the climate change targets”,
  - (f) in subsection (4), omit paragraph (b) (and the word “and” immediately preceding it),
  - (g) omit subsection (6).
5. In section 2 (constitution, administration, etc., of Commission)—
  - (a) in subsection (3), for “committees for England and Scotland respectively” substitute “a committee for England”,
  - (b) in subsection (4), for “committees” substitute “committee”.
6. In section 3 (management of forestry land)—
  - (a) in subsection (1), omit “in Scotland placed at their disposal by the Scottish Ministers under this Act or”,
  - (b) in subsection (2), omit “or a relevant person”.
7. In section 5 (forestry dedication covenants and agreements)—
  - (a) in the title, omit “and agreements”,
  - (b) in subsection (1), omit “and the Scottish Ministers as regards Scotland”,
  - (c) omit subsection (1)(b) (and the word “and” immediately preceding it),
  - (d) omit subsection (3).
8. In section 6 (requirements for haulage facilities)—
  - (a) omit subsection (4)(b) (and the word “and” immediately preceding it),
  - (b) in subsection (5)—
    - (i) omit “as follows that is to say”,
    - (ii) omit paragraph (b) (and the word “and” immediately preceding it).

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(1) 1964 c.83.

(2) 1967 c.10.

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9. In section 7A(1) (incidental powers of Commissioners), omit “land in Scotland or”.
10. In section 8(1)(c) (miscellaneous powers of Commissioners), omit “in Scotland,”.
11. In section 8A (general duty of Ministers), omit from the second “and” to the end.
12. In section 9 (requirement of licence for felling)—
  - (a) in subsection (4)(d), omit “, or under the Town and Country Planning (Scotland) Act 1997”, and
  - (b) in subsection (6), in paragraph (a) of the definition of “relevant territory”—
    - (i) omit “and Scotland”,
    - (ii) omit “or Scotland”.
13. In section 10 (application for felling licence and decision of appropriate forestry authority thereon)—
  - (a) in subsection (4)(b), omit “, and the Scottish Ministers as regards land in Scotland”,
  - (b) in subsection (7), omit “or agreement” in both places where it occurs.
14. In section 12(2) (conditional licences), omit “or agreement” in both places where it occurs.
15. In section 14 (tree-felling in accordance with approved working plan etc.)—
  - (a) in subsection (1), omit “or agreement”,
  - (b) in subsection (2), omit “, and the Scottish Ministers as regards the felling of trees in Scotland certify”,
  - (c) in subsection (5), omit “or agreement”.
16. In section 15 (trees subject to preservation order under Planning Acts)—
  - (a) in subsection (1A), omit paragraph (b),
  - (b) in subsection (5A), omit paragraph (b).
17. In section 16 (review of refusal or conditions of licence)—
  - (a) in subsection (2), omit “, and the Scottish Ministers where the application was to fell trees in Scotland”,
  - (b) in subsection (2)(a)—
    - (i) omit “or, as the case may be, the Scottish Ministers”,
    - (ii) omit “or they are”,
  - (c) in subsection (2)(b), omit “or, as the case may be, the Scottish Ministers”,
  - (d) in subsection (3), omit “or, as the case may be, the Scottish Ministers”.
18. In section 17A (power of appropriate forestry authority to require restocking after unauthorised felling)—
  - (a) in subsection (1)—
    - (i) omit paragraph (b) (and the word “or” immediately preceding it),
    - (ii) in the text immediately following that paragraph, omit “(in either case)”,
  - (b) omit subsection (2).
19. In section 17B (appeal against restocking notice)—
  - (a) in subsection (1), omit “, and the Scottish Ministers where the restocking notice relates to land in Scotland”,
  - (b) in subsection (1)(a)—

- (i) omit “or, as the case may be, the Scottish Ministers”,
    - (ii) omit “or they are”,
  - (c) in subsection (1)(b), omit “or, as the case may be, the Scottish Ministers”,
  - (d) in subsection (2), omit “or, as the case may be, the Scottish Ministers” in both places where it occurs.
- 20.** In section 18(5) (felling directions), omit paragraph (b).
- 21.** In section 19 (restrictions on appropriate forestry authority’s power under s. 18)—
- (a) in subsection (1)(b), omit “or agreement”,
  - (b) in subsection (1)(c), omit “or agreement”,
  - (c) in subsection (3), omit “, and the Scottish Ministers where the felling direction was given in respect of trees in Scotland”.
- 22.** In section 20(1) (review of felling directions)—
- (a) omit “, and the Scottish Ministers where the felling direction was given in respect of trees in Scotland”,
  - (b) omit “or, as the case may be, the Scottish Ministers”,
  - (c) omit “or they are”.
- 23.** In section 21 (courses open to person adversely affected by felling directions)—
- (a) in subsection (2), omit “, and the Scottish Ministers where the felling direction was given in respect of trees in Scotland”,
  - (b) in subsection (2)(b), omit “or, as the case may be, the Scottish Ministers”,
  - (c) in the words following paragraph (b) of subsection (2), omit “or, as the case may be, the Scottish Ministers” in each place where it occurs,
  - (d) in subsection (3), omit “or, as the case may be, the Scottish Ministers”,
  - (e) in subsection (4), omit “or, as the case may be, the Scottish Ministers”,
  - (f) in subsection (5)—
    - (i) omit “or, as the case may be, the Scottish Ministers”,
    - (ii) omit “or they think”,
  - (g) in subsection (6), omit “or, as the case may be, the Scottish Ministers”,
  - (h) in subsection (7), omit “a tree preservation order, or under”.
- 24.** In section 22 (consequences of acceptance by Minister of notice under section 21)—
- (a) in subsection (1), omit “or, as the case may be, the Scottish Ministers”,
  - (b) in subsection (4), omit “or, as the case may be, the Scottish Ministers”,
  - (c) in subsection (4)(a), omit “or, as the case may be, the Scottish Ministers”,
  - (d) in subsection (5), omit “or section 39(1) of the Land Compensation (Scotland) Act 1963”.
- 25.** In section 24(2A) (notice to require compliance with conditions or directions), omit paragraph (b).
- 26.** In section 25 (appeal against notice under s. 24)—
- (a) in subsection (1)—
    - (i) omit “and the Scottish Ministers where the notice is given in respect of land or trees in Scotland”,

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- (ii) omit “or, as the case may be, the Scottish Ministers”,
  - (b) in subsection (2), omit “or the Scottish Ministers”,
  - (c) in subsection (3), omit “or, as the case may be, the Scottish Ministers”,
  - (d) in subsection (4), for “or, as the case may be, the Scottish Ministers and he or they” substitute “and who”.
- 27.** In section 27 (committees of reference for purposes of sections 16, 17B, 20, 21 and 25)—
- (a) in subsection (1)—
    - (i) in paragraph (a), omit “, and the Scottish Ministers in relation to cases where the trees are, or the land is, in Scotland”,
    - (ii) in paragraph (b), omit “or, as the case may be, the Scottish Ministers”,
  - (b) in subsection (1A), omit “or Scotland”,
  - (c) in subsection (2)(b), omit “or, as the case may be, the Scottish Ministers”,
  - (d) in the words following subsection (3)(c), omit “or, as the case may be, the Scottish Ministers”,
  - (e) omit subsection (4A).
- 28.** In section 29 (provisions relating to mortgages, heritable securities and settled land)—
- (a) in the title, omit “, heritable securities”,
  - (b) omit subsection (2).
- 29.** In section 31 (determination of matters arising under sections 11, 14, 21 and 22)—
- (a) in subsection (1), omit paragraph (b) (and the word “and” immediately preceding it),
  - (b) omit subsection (2).
- 30.** In section 32 (regulations)—
- (a) in subsection (3), omit “, or as regards Scotland (but not both)”,
  - (b) omit subsection (5),
  - (c) omit subsection (6).
- 31.** In section 33 (application of Part 2 to Crown land)—
- (a) in subsection (4), omit “and the Scottish Ministers”,
  - (b) in subsection (5)(a), omit “or the relevant person”.
- 32.** In section 34 (meaning of “owner” in Part 2), omit subsection (3).
- 33.** In section 35 (interpretation of other expressions in Part 2)—
- (a) in the definition of “conservancy”, for “Great Britain” substitute “England and Wales”,
  - (b) for the definition of “mortgage” and “heritable security” substitute “mortgage” includes any charge for securing money or money’s worth, and references to a mortgagee are to be construed accordingly”,
  - (c) in the definition of “tree preservation order”, omit “or section 160 of the Town and Country Planning (Scotland) Act 1997”.
- 34.** In section 37(1)(b) (advisory committees), for “Great Britain” substitute “England and Wales”.
- 35.** In section 38 (composition etc. of advisory committees), omit subsection (5).
- 36.** In section 39 (power of minister to acquire and dispose of land)—

- (a) in subsection (1)—
    - (i) omit “, and the Scottish Ministers as regards Scotland”,
    - (ii) omit “or their”,
    - (iii) omit “or them”,
  - (b) in subsection (2)—
    - (i) omit “and the Scottish Ministers”,
    - (ii) omit “or them”,
  - (c) in subsection (3)—
    - (i) omit “and the Scottish Ministers”,
    - (ii) omit “or them”,
    - (iii) in paragraph (a), omit “or they think”,
  - (d) omit subsection (5),
  - (e) in subsection (6), omit “or the Scottish Ministers acquire”.
- 37.** In section 40 (compulsory purchase of land)—
- (a) in subsection (1), omit “and the Scottish Ministers”,
  - (b) in subsection (2)(c), omit sub-paragraph (ii) (and the word “and” immediately preceding it),
  - (c) in subsection (3), omit “or agreement”,
  - (d) in subsection (3)(a), omit sub-paragraph (ii) (and the word “and” immediately preceding it),
  - (e) in subsection (5), omit “and the Scottish Ministers”.
- 38.** In section 41 (Forestry Fund)—
- (a) omit subsection (4),
  - (b) in subsection (6), for “subsections (8) and (10)” substitute “subsection (8)”,
  - (c) omit subsections (10) and (11).
- 39.** In section 45 (annual report by commissioners)—
- (a) omit subsections (1), (2) and (4),
  - (b) in subsection (3), omit “other than such proceedings as regards Scotland”.
- 40.** In section 46 (appropriate legislative authority’s power to make byelaws), omit subsections (4A) and (4B).
- 41.** In section 49(1) (interpretation)—
- (a) in the definition of “the appropriate legislative authority” omit “and Scotland”,
  - (b) for the definition of “forestry dedication covenant” and “forestry dedication agreement” substitute ““forestry dedication covenant” has the meaning assigned to it by section 5,”, and
  - (c) omit the definition of “relevant person”.
- 42.** In Schedule 1 (the Forestry Commission and its staff), in paragraph 7, omit sub-paragraph (3).
- 43.** In Schedule 2 (conveyancing and other provisions connected with forestry dedication), omit paragraph 4.

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44. In Schedule 3 (proceedings under Town and Country Planning Acts in relation to tree preservation orders), omit paragraphs 2 and 3.
45. In Schedule 4 (procedure for acquisition of land under s. 39 by agreement), omit paragraph 2.
46. In Schedule 5 (compulsory purchase)—
- (a) in paragraph 2—
    - (i) in sub-paragraph (1), omit “or, as the case may be, the Scottish Ministers”,
    - (ii) omit sub-paragraphs (1A) to (1C),
  - (b) in paragraph 3—
    - (i) in sub-paragraph (1), omit “or, as the case may be, the Scottish Ministers”,
    - (ii) in sub-paragraph (1), omit “and the Scottish Ministers may if they think fit”,
    - (iii) in sub-paragraph (2), omit “or the Scottish Ministers”,
    - (iv) in sub-paragraph (3), omit “or the Scottish Ministers”,
  - (c) in paragraph 4, for the words “paragraphs 5 and 6B”, substitute “paragraph 5”,
  - (d) in paragraph 5, omit “or, as the case may be, the Scottish Ministers” in both places where it occurs,
  - (e) omit paragraphs 6 to 6D,
  - (f) in paragraph 8, in sub-paragraph (3)—
    - (i) in the definition of “confirmed by Act”, omit “or (in relation to Scotland) that section and section 2(4) of the Act as read with section 10 thereof”,
    - (ii) in the definition of “the court”, omit “and, in relation to Scotland, the Court of Session”,
  - (g) omit paragraphs 13 and 14.

#### **Agriculture Act 1967**

47. The Agriculture Act 1967(3) is amended as follows.

48. In section 57(1) (interpretation of Part 3), in the definition of “the appropriate forestry authority”, omit “and Scotland”.

#### **New Forest Act 1970**

49. The New Forest Act 1970(4) is amended as follows.

50. In section 5(3) (expenses), omit “or in Scotland”.

#### **House of Commons Disqualification Act 1975**

51. The House of Commons (Disqualification) Act 1975(5) is amended as follows.

52. In Part 3 of Schedule 1 (other disqualifying offices), in the entry beginning with “Member, not being also a Forestry Commissioner or officer of the Forestry Commissioners”, omit “, Scotland”.

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(3) 1967 c.2.  
(4) 1970 c.21.  
(5) 1975 c.24.

### **Forestry Act 1979**

**53.** The Forestry Act 1979<sup>(6)</sup> is amended as follows.

**54.** In section 1 (finance for forestry)—

(a) in subsection (1)—

(i) omit “and the approval of the Scottish Ministers as regards Scotland,”,

(ii) omit “and Scotland”,

(b) omit subsection (3).

### **Environment Act 1995**

**55.** The Environment Act 1995<sup>(7)</sup> is amended as follows.

**56.** In section 113(1) (disclosure of information), in paragraph (d), after “Commissioners” insert “or the Scottish Ministers”.

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<sup>(6)</sup> 1979 c.21.

<sup>(7)</sup> 1995 c.25.