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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 47**

**The Forestry and Land Management (Scotland)  
Act 2018 (Commencement, Transitional  
and Saving Provisions) Regulations 2019**

**Saving: applications for a felling licence made but not determined before the appointed day  
– cases which are to be determined under the 1967 Act**

4.—(1) Where paragraph (2) applies, the provisions referred to in paragraph (3) continue to have effect, subject to the modifications in paragraph (4), on and after the appointed day as they did immediately before that day.

(2) This paragraph applies to an application for a felling licence in the circumstances referred to in regulation 3(2).

(3) The provisions are—

- (a) sections 10, 12 to 15, 30, 34, 35, 48 and 49 and schedule 3 of the 1967 Act<sup>M1</sup>, and
- (b) regulations 1, 3, 6 and 7 and schedule 1 of the 1979 Regulations.

(4) The modifications are—

- (a) section 10 of the 1967 Act is to be read as if—
  - (i) references in that section to “the appropriate forestry authority” were references to “the Scottish Ministers”,
  - (ii) the words “complying with their duty of” in subsection (2)(b) were omitted, and
  - (iii) subsection (4)(b) were omitted,
- (b) section 12 of the 1967 Act is to be read as if the references to “the appropriate forestry authority” in subsection (1) were references to “the Scottish Ministers”,
- (c) section 13 of the 1967 Act is to be read as if—
  - (i) subsection (1) were omitted,
  - (ii) the references to “the appropriate forestry authority” in subsection (2) were references to “the Scottish Ministers”, and
  - (iii) the words from “Where” to the end of subsection (2) were omitted,
- (d) section 14 of the 1967 Act is to be read as if—
  - (i) the first reference in subsection (1) and all references in subsections (2) and (3) to “the appropriate forestry authority” were references to “the Scottish Ministers”, and
  - (ii) subsection (5) were omitted,
- (e) section 15 of the 1967 Act is to be read as if—
  - (i) references in that section to “the appropriate forestry authority” were references to “the Scottish Ministers”, and
  - (ii) references to “the Minister” were references to “the Scottish Ministers”,
  - (iii) for subsection (2)(a) there were substituted—

- “(a) the Scottish Ministers shall deal with the application and in doing so shall have regard to that objection;”
- (f) section 30 of the 1967 Act is to be read as if the reference in that section to “the appropriate forestry authority” were a reference to “the Scottish Ministers”,
- (g) section 48 of the 1967 Act is to be read as if—
- (i) the references in subsection (1A)(a) to “the Commissioners” were references to “the Scottish Ministers”,
  - (ii) subsection (2) were omitted, and
  - (iii) the reference to “the appropriate forestry authority” in subsection (3) were a reference to “the Scottish Ministers”,
- (h) regulation 6 of the 1979 Regulations is to be read as if—
- (i) the reference to “the Conservator” were a reference to “the Scottish Ministers”, and
  - (ii) the second reference to “the Commissioners” were a reference to “the Scottish Ministers”,
- (i) regulation 7 of the 1979 Regulations is to be read as if the reference to “the Commissioners” in that regulation were a reference to “the Scottish Ministers”,
- (j) Form 3 in schedule 1 of the 1979 Regulations is to be read as if—
- (i) the reference to “the Forestry Commissioners” were a reference to “the Scottish Ministers”, and
  - (ii) the reference to “the Commissioners” were a reference to “the Scottish Ministers”.

#### Commencement Information

**II** [Reg. 4](#) in force at 1.4.2019, see [reg. 1\(1\)](#)

#### Marginal Citations

**M1** [Section 14](#) was relevantly amended by the [Scotland Act 1998 \(Cross-Border Public Authorities\) \(Adaptation of Functions etc.\) Order 1999 \(S.S.I. 1999/1747\)](#) (“the 1999 Order”) paragraph 4(11). [Section 30](#) was relevantly amended by the [Criminal Procedure \(Scotland\) Act 1975 \(c.21\)](#) (“the 1975 Act”), sections 289F and 289G. [Section 34](#) was relevantly amended by the [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#) (“the 2000 Act”), schedule 13(1), paragraph 1 and the 1999 Order, paragraph 4(26)(a) and (b). [Section 35](#) was amended by the [Forestry Act 1986 \(c.30\)](#), [section 1\(c\)](#) and the [Planning \(Consequential Provisions\) \(Scotland\) Act 1998 \(c.11\)](#), [schedule 2](#), paragraph 13(2). [Section 48](#) was amended by the 1975 Act, schedule 7D. [Section 49](#) was amended by the 1999 Order, schedule 12(II), paragraph 4(38) and the 2000.

**Changes to legislation:**

There are currently no known outstanding effects for the The Forestry and Land Management (Scotland) Act 2018 (Commencement, Transitional and Saving Provisions) Regulations 2019, Section 4.