
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 47

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

Transitional: felling licences granted under the 1967 Act after the appointed day – to be treated as felling permissions

5.—(1) A felling licence granted by the Scottish Ministers in determining an application in the circumstances referred to in regulation 3(2) after the appointed day is, on and after the date on which it is granted, to be treated as if it were a felling permission granted under section 27 of the 2018 Act.

(2) Paragraph (1) does not apply for the purposes of making, considering or determining a request for a review of the Scottish Ministers' decision—

- (a) to refuse to grant a felling licence, or
- (b) to grant a felling licence subject to conditions,

which the applicant would have been entitled to make in terms of section 16 of the 1967 Act⁽¹⁾ and regulation 8 of the 1979 Regulations (as applied and modified by regulation 6), but has not requested before the expiry of the period referred to in regulation 8 of the 1979 Regulations.

(3) A condition attached to a felling licence referred to in paragraph (1) is to be treated as if it were a condition applied to a felling permission under section 27(4) of the 2018 Act.

(4) The provision made in—

- (a) section 27(7) (variation and revocation of conditions),
- (b) section 38 (registration of notices to comply),
- (c) section 39 (registered notices to comply: offence),
- (d) section 40 (registration of notices of variation),
- (e) section 41 (registration of notices of discharge from compliance),
- (f) section 42 (meaning of “register”),
- (g) section 43 (descriptions of land),
- (h) section 44 (receipt of notices by Keeper),
- (i) section 56 (registration of remedial notices), and
- (j) section 57 (registered remedial notices: offence),

of the 2018 Act does not apply to a condition referred to in paragraph (3) or to any restocking direction issued under section 36 of the 2018 Act in relation to such a condition.

(1) Section 16 was amended by the 1999 Order, schedule 12(II), paragraph 4(12)(a),(b) and (c).