

**2021 No. 408**

**FORESTRY**

**The Forestry (Exemptions) (Scotland) Amendment Regulations  
2021**

*Made* - - - - *9th November 2021*

*Coming into force* - - *10th November 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 24(1) of the Forestry and Land Management (Scotland) Act 2018<sup>(a)</sup> and all other powers enabling them to do so.

In accordance with section 76(2)(a) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Forestry (Exemptions) (Scotland) Amendment Regulations 2021 and come into force on the day after the day on which they are made.

**Amendment of the Forestry (Exemptions) (Scotland) Regulations 2019**

2.—(1) The Forestry (Exemptions) (Scotland) Regulations 2019<sup>(b)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “statutory undertaker”, for “power” substitute “pier”.

(3) After regulation 5 (circumstances where regulation 4(c) does not apply) insert—

**“Circumstances where regulation 4(e) does not apply**

6. The exemption in regulation 4(e) does not apply to the felling of trees carried out on peatland as part of works for the restoration of that peatland.”.

*MAIRI McALLAN*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
9th November 2021

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(a) 2018 asp 8.  
(b) S.S.I. 2019/126.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Forestry (Exemptions) (Scotland) Regulations 2019 (“the Principal Regulations”). Amendments are made to certain exemptions to the offence of unauthorised felling under Part 4 of the Forestry and Land Management (Scotland) Act 2018 (“the 2018 Act”).

Regulation 2(2) makes a minor amendment to the definition of “statutory undertaker” in order to remedy a typographical error.

Regulation 2(3) inserts a new regulation 6 into the Principal Regulations which makes provision about the circumstances in which regulation 4(e) does not apply. Regulation 4(e) provides that the offence of unauthorised felling does not apply where the felling of a tree is immediately required for the purposes of carrying out development authorised by planning permission granted or deemed to be granted under the Town and Country Planning (Scotland) Act 1997. The effect of the insertion of the new regulation 6 is that, despite a grant of planning permission under article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (Class 20A – peatland restoration), a felling permission will still be required before any trees can be lawfully felled as part of the peatland restoration project. Without a felling permission any person who fells trees as part of a peatland restoration project will commit an offence in terms of section 23 of the 2018 Act.

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