
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under section 89 of the Scotland Act 1998 (“the 1998 Act”), amends statutory provisions relating to the Forestry Commissioners, who are a cross-border public authority for the purposes of that Act. The Order makes further amendments to provisions which govern the funding of forestry functions, following the abolition of the Forestry Fund on the coming into force of the 1998 Act in July 1999. It supersedes certain amendments made by the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747) (“the 1999 Order”). This Order comes into force on the day after the day on which it is made.

Article 2 of the Order gives effect to the amendments contained in the Schedule. The principal provision is paragraph 5, which amends the Forestry Act 1967. Paragraphs 5(2) to (5) amend section 41 of the Forestry Act 1967, the provisions on funding, which was amended by the 1999 Order. Except in relation to Scotland, the expenses of the Commissioners, and forestry expenses of the Minister (the Minister of Agriculture, Fisheries and Food or the Secretary of State), are to be met out of money provided by Parliament only if they cannot be met out of receipts held by the Commissioners. The Commissioners are empowered to hold sums received to meet such expenditure, unless the Minister (with the consent of the Treasury) directs that the receipts should be paid into the Consolidated Fund. As regards Scotland, the provisions made by the 1999 Order are preserved (with minor drafting amendments), under which the expenses of the Commissioners as regards Scotland, and the Scottish Ministers' forestry expenses, are met out of the Scottish Consolidated Fund, and their respective receipts paid into that Fund, subject to any Act of the Scottish Parliament. The Minister and the Scottish Ministers are also given power to determine by agreement questions relating to whether or not particular expenses or receipts fall within the provisions of section 41 relating to Scotland.

Paragraph 5(6) amends the duty under the Forestry Act 1967 (amended by the 1999 Order) on the Commissioners to lay an annual report before Parliament by removing redundant references to laying accounts (for which provision is already made under section 5 of the Exchequer and Audit Departments Act 1921).

The amended provisions of the Forestry Act 1967 also have effect in relation to the Commissioners' functions under other legislation. The other provisions of the Schedule make consequential amendments to these other statutes for this purpose.