
EXPLANATORY NOTE

(This note is not part of the Order)

Section 81 of the Forestry and Land Management Scotland Act 2018 provides that the functions of the Forestry Commissioners which are exercisable in or as regards Scotland immediately before the date on which that section comes into force are no longer exercisable in or as regards Scotland.

Section 90 of the Scotland Act 1998 provides that where the Scottish Parliament legislates to remove the devolved functions of a cross-border public authority, an Order may be made to transfer property and liabilities held by the cross-border public authority.

This Order provides for the transfer of certain property and liabilities held by the Forestry Commissioners to the Scottish Ministers, subject to certain excepted property. The Order also specifies particular functions exercisable by the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. Section 93(1) provides that the Scottish Ministers may make arrangements for their specified functions to be exercised by a Minister of the Crown on their behalf.

Article 4 specifies the property and liabilities which will transfer under the Order.

Articles 5 and 6 make supplementary, consequential, transitional and saving provision.

The Schedule sets out excepted property which is not subject to transfer under article 4.

An impact assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen.