



# Forestry and Land Management (Scotland) Act 2018

2018 asp 8

## PART 3

### MANAGEMENT OF LAND BY SCOTTISH MINISTERS

#### *Management of forested land*

#### **11 Management of forested land**

- (1) The Scottish Ministers must manage forested land in a way that promotes sustainable forest management.
- (2) The duty in subsection (1) includes, in particular, the use of forested land for—
  - (a) the economic development of forestry,
  - (b) the conservation and enhancement of the environment by means of sustainable forest management,
  - (c) the realisation of the social benefits of forestry.
- (3) This section is subject to section 17(4).

#### **Commencement Information**

**II** S. 11 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

#### **12 Meaning of “forested land”**

- (1) In this Act, “forested land” means—
  - (a) land in the national forest estate that is forested, and
  - (b) other forested land that is—
    - (i) owned by the Scottish Ministers, or
    - (ii) managed by the Scottish Ministers on behalf of another person.

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*Changes to legislation: There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, PART 3. (See end of Document for details)*

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(2) In this Act, “forested” includes undergoing afforestation.

**Commencement Information**

**I2** S. 12 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

**13 Meaning of “national forest estate”**

In this Act, the “national forest estate” means land in Scotland—

- (a) that was at the disposal of the Forestry Commissioners under the Forestry Act 1967 immediately before the date on which this section comes into force, and
- (b) that is, for the time being, owned by the Scottish Ministers.

**Commencement Information**

**I3** S. 13 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

*Forestry information*

**14 Duty to publish information on forestry**

- (1) The Scottish Ministers must gather and publish in such manner as they consider appropriate information on forest holdings in Scotland that do not fall within forested land as defined in section 12.
- (2) The information to be gathered must include in particular information on the—
  - (a) area, and
  - (b) proprietorship,
 of such forest holdings.
- (3) The Scottish Ministers may by regulations make further provision about the information to be gathered for the purposes of this section.
- (4) Regulations under subsection (3) may in particular make provision about whether the information is to be in the form of a statistically representative sample of, or comprehensive information on, all such forest holdings.
- (5) Information under this section must be—
  - (a) first published no later than 3 years after the day of Royal Assent,
  - (b) subsequently published no later than 5 years after the date of the previous such publication.

**Commencement Information**

**I4** S. 14 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

*Changes to legislation: There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, PART 3. (See end of Document for details)*

*Management of land to further sustainable development*

**15 Management of land to further sustainable development**

- (1) The Scottish Ministers must manage land mentioned in subsection (2) for the purpose of furthering the achievement of sustainable development.
- (2) The land referred to in subsection (1) is—
  - (a) land in the national forest estate that is not forested, and
  - (b) other land that is not forested that is—
    - (i) owned by the Scottish Ministers having been acquired under section 18(1) or 19(1),
    - (ii) managed by the Scottish Ministers having been acquired under section 18(1) or 19(1), or
    - (iii) managed by the Scottish Ministers by virtue of an agreement under section 17(1).
- (3) This section is subject to section 17(4).

**Commencement Information**

**15** S. 15 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

*Duty to publish map of land managed by Scottish Ministers*

**16 Duty to publish map of land managed by Scottish Ministers**

The Scottish Ministers must publish a map setting out the areas of land that are, for the time being—

- (a) forested land,
- (b) land within the meaning of section 15(2).

**Commencement Information**

**16** S. 16 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

*Power to enter into arrangements*

**17 Power to enter into arrangements**

- (1) The Scottish Ministers may, for the purposes of managing land under section 11 or 15, enter into arrangements with any person for the management by the Scottish Ministers of land that the person has the right to manage.
- (2) The Scottish Ministers may enter into arrangements with any person to provide advice or assistance in relation to the management of land that the person has the right to manage.
- (3) An arrangement under subsection (1) or (2) may be on such terms as the Scottish Ministers may agree with that person.

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- (4) Sections 11 and 15 apply in relation to land that the Scottish Ministers manage under subsection (1) subject to such terms as the Scottish Ministers may agree with that person.

**Commencement Information**

**I7** S. 17 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

*Acquisition and disposal of land*

**18 Power to acquire land by agreement**

- (1) The Scottish Ministers may, if they consider it appropriate to do so, acquire by agreement land for the purpose of exercising their functions under—
- (a) section 11,
  - (b) section 15.
- (2) The power in subsection (1) includes, in particular, the power—
- (a) to purchase, or enter into a lease for, land,
  - (b) to accept land as a gift,
  - (c) to acquire any right or interest in or over land.

**Commencement Information**

**I8** S. 18 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

**19 Compulsory purchase of land**

- (1) The Scottish Ministers may compulsorily acquire land that they require for the purpose of exercising their functions under section 11.
- (2) But the Scottish Ministers may not compulsorily acquire land if—
- (a) the land is subject to an arrangement under section 17(1),
  - (b) the land is—
    - (i) subject to a forestry dedication agreement, and
    - (ii) being managed in accordance with a plan of operations that has been approved by the Scottish Ministers, or
  - (c) the land is held or used by a Minister of the Crown or a department of the Government of the United Kingdom.
- (3) The power in subsection (1) includes, in particular, the power—
- (a) to acquire any right or interest in or over land,
  - (b) to acquire a servitude or other right in or over land by the creation of a new right.

**Commencement Information**

**I9** S. 19 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

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## **20 Power to dispose of land**

- (1) The Scottish Ministers may, if they consider it appropriate to do so, dispose of land mentioned in subsection (2).
- (2) The land is—
  - (a) land in the national forest estate,
  - (b) land within the meaning of section 12(1)(b)(i),
  - (c) land within the meaning of section 15(2)(b)(i).
- (3) The Scottish Ministers must ensure that any funds received by them as a result of the disposal of land under subsection (1) are—
  - (a) separately recorded, and
  - (b) used by them solely for the purposes of or in connection with the carrying out of their functions under this Act.
- (4) In subsection (1), “dispose of land” includes—
  - (a) the sale, gift or lease of the land,
  - (b) the grant of any right or interest in or over the land.

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### **Commencement Information**

**110** S. 20 in force at 1.4.2019 by S.S.I. 2019/47, **reg. 2** (with regs. 3-22)

**Changes to legislation:**

There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, PART 3.