
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 113

The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 2

DETERMINING WHETHER EIA IS REQUIRED

Screening opinions – time period for decision

13.—(1) Where the Commissioners receive a request for a screening opinion under regulation 12(1), they must, unless a screening direction is made by the Scottish Ministers, adopt a screening opinion on or before—

- (a) the expiry of the period of 28 days beginning with the date of receipt of the request;
- (b) the expiry of such longer period, not exceeding the period of 90 days beginning with the date of receipt of the request, as may be agreed in writing between the Commissioners and the applicant; or
- (c) where notice is given under paragraph (2), the date specified in the notice as the date by which the Commissioners are to adopt a screening opinion.

(2) Where the Commissioners consider that due to exceptional circumstances relating to the nature, complexity, location or size of the forestry project proposed that it is not practicable for them to adopt a screening opinion within the period of 90 days beginning with the date of receipt of the request, the Commissioners may extend that period by notice in writing given to the applicant.

(3) Notice under paragraph (2) must state the Commissioners' justification for the extension and specify the date by which the Commissioners are to adopt a screening opinion pursuant to the request.

(4) The Commissioners must, if they consider that they have not been provided with sufficient information to adopt a screening opinion, notify the applicant in writing of the points on which they require further information.

(5) Where the Commissioners—

- (a) fail to adopt a screening opinion within the relevant period mentioned in paragraph (1); or
- (b) adopt an opinion to the effect that the forestry project is an EIA forestry project,

the applicant may request the Scottish Ministers to make a screening direction.

(6) The applicant may make a request pursuant to paragraph (5) even if the Commissioners have not received the information which they have sought under paragraph (4).

(7) For the purposes of paragraphs (1) and (2), the date on which a request for a screening opinion under regulation 12(1) is to be taken to have been received is the date on which the last of the items or information required to be contained in or accompany a request for a screening opinion in accordance with regulation 12(2) is received by the Commissioners.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. [View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations power to amend or revoke conferred by [2023 c. 55 s. 164\(3\)Sch. 14 Pt. 2](#)
- reg. 13(1) words omitted by [S.S.I. 2021/44 reg. 10\(11\)\(a\)\(ii\)](#)
- reg. 13(1) words substituted by [S.S.I. 2021/44 reg. 10\(11\)\(a\)\(i\)](#)
- reg. 13(2) words substituted by [S.S.I. 2021/44 reg. 10\(11\)\(b\)](#)
- reg. 13(3) word substituted by [S.S.I. 2021/44 reg. 10\(11\)\(c\)\(ii\)](#)
- reg. 13(3) words substituted by [S.S.I. 2021/44 reg. 10\(11\)\(c\)\(i\)](#)
- reg. 13(4) words substituted by [S.S.I. 2021/44 reg. 10\(11\)\(b\)](#)
- reg. 13(5)(6) omitted by [S.S.I. 2021/44 reg. 10\(11\)\(d\)](#)
- reg. 13(7) words substituted by [S.S.I. 2021/44 reg. 10\(11\)\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 41(4)(5) inserted by [S.S.I. 2021/44 reg. 10\(34\)](#)