
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 47

**The Forestry and Land Management (Scotland)
Act 2018 (Commencement, Transitional
and Saving Provisions) Regulations 2019**

**Saving: refusal or grant of a felling licence subject to conditions before the appointed day -
review** **S**

11.—(1) Where paragraph (2) applies, the provisions referred to in paragraph (3) continue to have effect, subject to the modifications in paragraph (4), on and after the appointed day as they did immediately before that day.

(2) This paragraph applies to a review of—

- (a) a decision to refuse to grant a felling licence under section 10(2) of the 1967 Act in which—
 - (i) a notice requesting a review of such a decision was sent in accordance with section 16 of that Act and regulation 8 of the 1979 Regulations before the appointed day, or
 - (ii) a notice requesting a review of such a decision is sent in accordance with section 16 of that Act and regulation 8 of the 1979 Regulations before the expiry of the period prescribed in regulation 8 of the 1979 Regulations for that purpose,
- (b) a deemed refusal to grant a felling licence in terms of section 13(1) of the 1967 Act in which—
 - (i) a notice requesting a review of such a decision was sent in accordance with regulation 8 of the 1979 Regulations before the appointed day, or
 - (ii) a notice requesting a review of such a decision is sent in accordance with regulation 8 of the 1979 Regulations before the expiry of the period prescribed in regulation 8 of the 1979 Regulations for that purpose, and
- (c) a decision to grant a felling licence subject to conditions under sections 10(2) and 12(1) of the 1967 Act in which—
 - (i) a notice requesting a review of such a decision was sent in accordance with section 16 and regulation 8 of the 1979 Regulations before the appointed day, or
 - (ii) a notice requesting a review of such a decision is sent in accordance with section 16 and regulation 8 of the 1979 Regulations before the expiry of the period prescribed in regulation 8 of the 1979 Regulations for that purpose.

(3) The provisions are—

- (a) sections 10, 12, 13, 16, 27, 30, 35, 48 and 49 of the 1967 Act ^{M1}, and
- (b) regulations 1, 3 and 8 and schedule 1 of the 1979 Regulations.

(4) The modifications are—

- (a) section 16 of the 1967 Act is to be read as if for subsection (3) there were substituted—

“(3) The Scottish Ministers shall after considering the committee's report confirm the decision of the appropriate forestry authority on the application or reverse or modify that decision.”.

- (b) section 27 of the 1967 Act is to be read as if—
- (i) subsection (2)(a) were omitted, and
 - (ii) for subsection (3)(c) there were substituted—
 - “(c) take into consideration any information provided to them by the Scottish Ministers as to the promotion of the establishment and maintenance of adequate reserves of growing trees within the conservancy in which the trees are growing”,
- (c) section 30 of the 1967 Act is to be read as if the reference to “the appropriate forestry authority” were a reference to “the Scottish Ministers”,
- (d) section 48 of the 1967 Act is to be read as if—
- (i) the references in subsection (1A)(a) to “the Commissioners” were references to “the Scottish Ministers”,
 - (ii) subsection (2) were omitted, and
 - (iii) the reference to “the appropriate forestry authority” in subsection (3) were a reference to “the Scottish Ministers”,
- (e) regulation 8 of the 1979 Regulations is to be read as if the reference in paragraph (1) to “the appropriate Minister” were a reference to “the Scottish Ministers”, and
- (f) Form 4, Form 5 and Form 6 in schedule 1 of the 1979 Regulations are to be read as if the references in those forms to “the Secretary of State for Scotland, New St Andrews House, St James Centre, Edinburgh, EH1 3SX” were references to “the Scottish Ministers, St Andrews House, Regent Road, Edinburgh, EH1 3DG”.

Commencement Information

II [Reg. 11](#) in force at 1.4.2019, see [reg. 1\(1\)](#)

Marginal Citations

M1 [Section 27](#) was amended by the 1999 Order ([S.S.I. 1999/1747](#)), schedule 12, paragraph 4(9) and 4(22) (a) to (d).

Changes to legislation:

There are currently no known outstanding effects for the The Forestry and Land Management (Scotland) Act 2018 (Commencement, Transitional and Saving Provisions) Regulations 2019, Section 11.