

EXPLANATORY NOTE

(This note is not part of the Order)

Section 81 of the Forestry and Land Management Scotland Act 2018 (“the 2018 Act”) 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.

This Order is made under section 104, and other sections, of the Scotland Act 1998 (“the 1998 Act”) and makes provision in consequence of the 2018 Act.

Article 3 makes provision in relation to cross-border arrangements between the Scottish Ministers and other persons and bodies. Article 3 provides that the Scottish Ministers may enter into such arrangements with the persons and bodies listed in Article 3(2), for the purposes of carrying out the functions of the Scottish Ministers listed in Article 3(3). Article 4 makes provision for cross-border arrangements between the Forestry Commissioners and the Scottish Ministers, for the purposes of carrying out the functions of the Forestry Commissioners listed in Article 4(2).

Article 5 makes provision to allow Scottish Ministers to construct renewable energy installations and to generate, transmit, distribute, supply and use electricity produced from renewable sources for the purposes of the carrying out of the Scottish Ministers’ functions listed in Article 5(2). Article 5 reflects the powers previously held by the Forestry Commissioners in relation to Scotland under section 7AA of the Forestry Act 1967.

Article 6 and the Schedule make modifications to primary and secondary legislation in consequence of the 2018 Act.

A full regulatory impact assessment for this Order has not been produced as no impact on the private or voluntary sectors is foreseen.