POLICY NOTE

THE FORESTRY AND LAND MANAGEMENT (SCOTLAND) ACT 2018 (CONSEQUENTIAL AMENDMENTS) REGULATIONS 2019

SSI 2019/

The above instrument was made in exercise of the powers conferred by section 77(1) and (2) of the Forestry and Land Management (Scotland) Act 2018. The instrument is subject to affirmative procedure.

Purpose of the instrument.
The instrument makes the changes to primary legislation that are necessary as a consequence of the Forestry and Land Management (Scotland) Act 2018.

Policy Objectives
The Forestry and Land Management (Scotland) Act 2018 was given Royal Assent in May 2018. The commencement date for the Act, and for all of the instruments that will support its commencement, was set for 1 April 2019.

In this note:
'The 2018 Act' means the Forestry and Land Management (Scotland) Act 2018.
'The 1967 Act' means the Forestry Act 1967.
'The 1979 Regulations' means the Forestry (Felling of trees) Regulations 1979.

The changes that this instrument makes are as follows:

- National Parks and Access to the Countryside Act 1949: maintains the status quo
- Agriculture Act 1967: maintains exceptions made for Forestry Act 1967 regime and adds relevant references to the 2018 Act regime.
- Countryside Act 1968: maintains the status quo
- Roads (Scotland) Act 1984: maintains the status quo
- Agriculture Act 1986: maintains the status quo
- Tribunals and Inquiries Act 1992: removes committees appointed under the 1967 Act from the list of groups to which parts of the Act applies.
- Criminal Procedure (Consequential Provisions) (Scotland) Act 1995: removes the 1967 Act from the list of Acts to which parts of this Act applies.
- Town and Country Planning (Scotland) Act 1997: maintains provisions made for Forestry Act 1967 regime and adds relevant references to the 2018 Act regime.
- The Title Conditions (Scotland) Act 2003: removes a reference to the 1967 Act.

Consultation
No consultation was carried out on the specific provisions in this instrument as the consequential Regulations are largely technical They either:

- preserve the status quo,
- substitute references to the 1967 Act regime with references to the 2018 Act regime or
- supplement references to the 1967 Act regime with references to the 2018 Act regime to preserve their effect.

Impact Assessments

No impact assessments were carried out for this instrument given that the effect of consequential amendments is largely to preserve the current position.

Financial Effects
The Cabinet Secretary for Rural Economy confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Environment and Forestry Directorate

February 2019