STATUTORY INSTRUMENTS

2026 No. 1095

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

FORESTRY

The Scotland Act 1998 (Specification of Functions and Transfer of Property etc.) (Amendment) Order 2026

Made - - - -	*14th October 2026*
Laid before Parliament	*16th October 2026*
Laid before the Scottish Parliament	*16th October 2026*
Coming into force - -	*5th December 2026*

At the Court at Buckingham Palace, the 14th day of October 2026

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the power conferred upon Him by section 93(3) of the Scotland Act 1998(**a**) is pleased, by and with the advice of His Privy Council, to order as follows.

Citation, commencement and extent

1.—(1) This Order may be cited as the Scotland Act 1998 (Specification of Functions and Transfer of Property etc.) (Amendment) Order 2026 and comes into force on 5th December 2026.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

Amendments to the Scotland Act 1998 (Specification of Functions and Transfer of Property etc.) Order 2019

2.—(1) The Scotland Act 1998 (Specification of Functions and Transfer of Property etc.) Order 2019(**b**) is amended in accordance with paragraphs (2) and (3).

(2) In article 2 (interpretation)—

(a) after the definition of "excepted property" insert—

""forestry material" means—

(**a**) 1998 c. 46; section 93 was amended by the Scotland Act 2012 (c. 11), section 23(3).
(**b**) S.I. 2019/183.

(a) wood which retains part or all of its natural round surface, with or without bark;

(b) wood in the form of chips, particles, shavings, sawdust, wood waste or scrap;

(c) trees;

(d) bark which has been removed or become detached from a living, felled or fallen tree or from part of a living, felled or fallen tree;

"forestry professional operator" means a professional operator who carries out one or more of the following activities—

(a) the introduction, movement or import of forestry material into Scotland;

(b) the storage, aggregation or movement of forestry material within Scotland;

(c) the movement or export of forestry material from Scotland;

(d) the treatment and marking of wood packaging material or forestry material or the repair of wood packaging material in Scotland;

(e) the introduction of tree pests into Scotland, the movement of tree pests within Scotland or the holding or multiplication of tree pests in Scotland for testing, scientific or educational purposes, trials, varietal selection or breeding;";

(b) after the definition of "instrument" insert—

""tree" means a living tree or shrub, or a living part of a tree or shrub, at any stage of its growth;

"tree pest" means a plant pest which is injurious to trees or wood;

"wood packaging material" means wood or wood products (excluding paper products) used, or intended to be used, for supporting, protecting or carrying a commodity of any kind, including dunnage;".

(3) In article 3 (specification of functions)—

(a) in paragraph (1) for "paragraph (2)" substitute "paragraphs (2) and (3)";

(b) in paragraph (2)—

(i) omit sub-paragraph (c);

(ii) at the end of sub-paragraph (d) omit "and";

(iii) after sub-paragraph (e) insert—

"(f) the Scottish Ministers' functions under or by virtue of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants(**a**);

(g) the Scottish Ministers' functions under or by virtue of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(**b**); and

(h) the Scottish Ministers' functions under the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(**c**).";

(c) after paragraph (2) insert—

"(3) Any other function of the Scottish Ministers insofar as it relates to—

(a) the monitoring and control of tree pests;

(b) the promotion of tree health;

(c) the movement of forestry material;

(**a**) EUR 2016/2031.
(**b**) EUR 2017/625.
(**c**) S.S.I. 2019/421.

(d) the regulation of forestry professional operators.”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Scotland Act 1998 (Specification of Functions and Transfer of Property etc.) Order 2019 (S.I. 2019/183) ("the 2019 Order") to remove reference to the Scottish Ministers' functions under section 44 of the Climate Change (Scotland) Act 2009 (asp 12), because there are no functions under section 44 that could be exercised by way of arrangements under section 93 of the Scotland Act 1998 (c. 46).

This Order further amends the 2019 Order to specify additional forestry functions of the Scottish Ministers that can be exercised by a Minister of the Crown under arrangements made under section 93.

Associated amendments are also made to the interpretation provision in the 2019 Order.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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