



FORESTRY DEVOLUTION IN SCOTLAND

Forestry and Land Management (Scotland) Bill – As Introduced

The Bill contains:

Policy aims of the Bill:

FORESTRY FUNCTIONS

- Duty to promote sustainable forest management (SFM)
- Duty to prepare, publish and have regard to a Scottish Forestry Strategy (SFS)

TREE HEALTH & SILVICULTURAL MATERIAL TESTING FUNCTIONS

- Transferred to Scottish Ministers from Forestry Commissioners

LAND MANAGEMENT FUNCTIONS

- Duty to manage forestry land in a way that promotes SFM and use it for economic, environmental and social purposes; duty to publish description of forestry land (i.e. land managed for purpose of SFM)
- Flexibility to manage forestry land for wider purpose of furthering the achievement of sustainable development (provided regard is made to the SFS in doing so)
- Wider land management role: duty to manage specified land for purposes of furthering the achievement of sustainable development
- Power to enter into arrangements with other persons to manage land on their behalf or to provide a land management advice service
- Power to dispose of land and acquire land by agreement and by compulsory purchase
- Power to delegate the exercise of land management functions to community bodies

FELLING

- New statutory framework for regulation of felling and restocking – applies to state and non-state sectors
- Unless exempt or carried out under direction or notice from Scottish Ministers, felling of trees must be carried out in accordance with permission from Scottish Ministers
- Powers to determine applications (with or without conditions); issue felling and restocking directions
- Powers to support compliance with the felling regime, including powers of entry and a step in power
- Provision for appeals and compensation
- Powers to make further provision about regulatory regime via secondary legislation

GENERAL POWERS

- Power to conduct research and enquiries, collect and publish data and statistics, and provide education and training
- Power to form companies
- Power to provide financial assistance
- Power to charge

IMPROVED ACCOUNTABILITY, TRANSPARENCY AND POLICY ALIGNMENT

- Forestry fully accountable to Scottish Ministers and Scottish Parliament
- Simpler and more transparent governance arrangements
- Parity between state and non-state sector in terms of regulation
- Alignment of forestry policy with other relevant areas, aiding delivery of wider economic, social and environmental outcomes.
- All plant health responsibilities to sit with Scottish Ministers

MODERNISATION

- New legislative framework to support, regulate and develop forestry
- Forestry Act 1967 repealed
- Duty to promote sustainable forest management (SFM)
- Flexible, enabling and reflects 21st century delivery landscape; simplification of offences regime and more transparent appeals process
- Regulatory system supported by secondary legislation

MORE EFFECTIVE USE OF SCOTLAND'S PUBLICLY OWNED LAND

- Management of National Forest Estate by Scottish Ministers, for multiple purposes (not just forestry)
- Commitment to SFM where land is used for forestry
- Ability to delegate land management functions to community bodies
- Ability for Scottish Ministers to enter into arrangements to manage other people's land (including public bodies), fulfilling commitment to establish a Land Agency for Scotland

All duties are placed on Scottish Ministers and powers held in their name.