

FORESTRY DEVOLUTION IN SCOTLAND

New Felling Regime: Registration

From 1 April 2019, anyone wishing to fell trees in Scotland will require a **felling permission** from Scottish Forestry, unless an exemption applies or another form of felling approval such as a felling licence (including a long term forest plan) or felling direction has been issued. A permission to fell trees issued under the new regime will be called a **felling permission** rather than a felling licence.

Scottish Ministers will be able to register a **notice to comply** which relates to conditions on a felling permission with Registers of Scotland – either on the Land Register or the General Register of Sasines (depending on where the title is currently recorded).

The purpose of registering a notice to comply is to allow any prospective new owner of land to assess any associated obligations, and to ensure that any sustainable forestry management obligations pass automatically to future owners.

These new powers will support the effective enforcement of conditions associated with felling permissions. Failure to comply with a registered notice is an offence. They are not a requirement and therefore registration will not be carried out in every case, Scottish Forestry will determine whether to register on a case by case basis.

Conditions on permissions may be used to ensure that Scottish Ministers have all of the information required to make a decision on registration. This could include conditions which state that Scottish Ministers must be informed where there is an intended change of ownership. We will **not** ask you to disclose any sensitive information such as who the prospective new owner may be, value of exchange of land, etc.

Other information that Scottish Ministers may register

Notices to comply with directions: where felling or restocking directions have been served.

Notices of variation and discharge: where a variation to conditions has been agreed or where the conditions have been met.

Remedial notices: where Scottish Ministers have served a remedial notice (following a failure to comply with original conditions).

Notice of liability for expenses: where a remedial notice has been served, there has been a failure to comply with the new conditions, and Scottish Ministers have used their 'step-in power' to carry out works themselves, incurring expenses. Expenses can be recovered from the owner of the land and liability for those expenses can be registered.