FORESTRY DEVOLUTION IN SCOTLAND
New Felling Regime: Unauthorised Felling

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. Felling which is carried out on trees which are not covered by an exemption, permission or other form of felling approval is an offence.

What happens if we suspect an offence has been committed

If it is suspected that an offence is being or has been committed there will be an investigation and details of the incident may be sent to the Procurator Fiscal. If convicted a person is liable of a fine of up to £5,000 per tree felled.

To enable investigations to take place safely and to prevent additional damage, The Forestry and Land Management (Scotland) Act 2018 gives **powers of entry** to Scottish Ministers and introduces a power to serve **Temporary Stop Notices**.

Temporary Stop Notices will require felling to stop on any site where they believe unauthorised felling is taking place, allowing Scottish Forestry staff to investigate the felling offence safely. Compensation claims to be made in relation to losses incurred as a result of a Temporary Stop Notice which is served in error.

Actions to require restocking

Where unauthorised felling has taken place, a **Restocking Direction** can be given specifying how restocking must be carried out and can be given without securing a conviction in respect of an unauthorised felling offence.

Other Offences

In addition to the offence of unauthorised felling, failure to comply with a Temporary Stop Notice or a Restocking Direction is also an offence. It is the person taking the action who is committing the offence. For example a contractor or individual who fells on behalf of someone else or who fails to comply with a Temporary Stop Notice or a Restocking Direction could be committing an offence.