

Forestry and Land Management (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Purpose

14

Sustainable forest management code of practice

118, 119

Forestry strategy: content

120, 1, 7, 8, 116, 117

Forestry strategy: preparation, revision and reporting

9, 15, 121, 122, 4, 123, 124, 125, 126, 127, 128, 16, 17, 10, 130

Notes on amendments in this group

Amendment 9 pre-empts amendment 15

Land managed by the Scottish Ministers

18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 38, 111, 112, 115

Notes on amendments in this group

Amendment 38 pre-empts amendment 39 in group “Disposals of land and compulsory purchase of land”

Disposals of land and compulsory purchase of land

2, 39, 6, 40, 3, 41, 42, 12, 12A

Notes on amendments in this group

Amendment 39 is pre-empted by amendment 38 in group “Land managed by the Scottish Ministers”

Amendment 41 pre-empts amendment 42

Delegation to community bodies

23, 43, 132, 44, 45, 110

Involvement of persons with an interest in forestry

129

Co-ordination and co-operation in plant health responsibilities

131

Deer management

11

Scottish Ministers' duty to publish maps

36, 36A, 37

Offence of unauthorised felling

46, 133, 134, 135

Remedial notices

47, 48, 52, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 75A, 76, 77, 78, 78A, 79, 80, 81, 81A, 82, 83, 84, 84A, 85, 85A, 86, 86A, 87, 87A, 88, 89, 89A, 90, 91, 92, 97, 97A, 98, 99, 100, 100A, 101, 106, 114

Continuing conditions on felling permissions

49, 50

Felling of trees subject to tree preservation orders

51, 53, 54

Definition of "owner"

56, 109, 113

Powers of entry and step-in power

93, 94, 95, 96

Information, research and education etc.

13

Organisational structures

102, 103, 104, 105, 107, 108, 136

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Amendments in debating order

Purpose

Rhoda Grant

14 After section 1, insert—

<Purpose of Act

The purpose of this Act is to promote sustainable management of forest resources in Scotland with a view to the promotion of the local and national social, economic and environmental impacts of forestry in Scotland.>

Sustainable forest management code of practice

Gail Ross

118 In section 2, page 1, line 19, at end insert—

<() In this Act, “duty to promote” refers to a duty on the Scottish Ministers to—

- (a) act in accordance with, and
- (b) encourage other persons with an interest in sustainable forest management to act in accordance with,

a code of practice on sustainable forest management drawn up or adopted under section (*Sustainable forest management code of practice*).>

Gail Ross

119 After section 2, insert—

<Sustainable forest management code of practice

- (1) The Scottish Ministers may draw up or adopt a code of practice for the purpose of providing practical guidance in respect of the duty to promote sustainable forest management.
- (2) The code of practice may, in particular—
 - (a) recommend best practice (where permitted) for the purposes of sustainable forest management and sustainable development, and
 - (b) make provision about collaboration between Scottish Natural Heritage, the Scottish Environment Protection Agency, the Scottish Ministers and any other relevant bodies in relation to functions regarding sustainable forest management.
- (3) The Scottish Ministers may revoke, replace or revise the code of practice.
- (4) Before drawing up, replacing or revising the code, the Scottish Ministers must consult—
 - (a) Scottish Natural Heritage, and
 - (b) any other person appearing to them to have an interest in the code.
- (5) The first code of practice, and any replacement code of practice—
 - (a) must be laid before, and approved by resolution of, the Scottish Parliament, and

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- (b) comes into effect on such date after approval under paragraph (a) as is specified in the code.
- (6) Any revision or revocation (which is not being replaced) of the code of practice must—
 - (a) be laid before the Scottish Parliament, and
 - (b) specify the date on which it is to come into effect (such date to be at least 40 days after it is so laid, disregarding any period during which the Parliament is dissolved or in recess).
- (7) The Scottish Parliament may, before such revision comes into effect, resolve that it is not to come into effect.
- (8) The Scottish Ministers must publish a code of practice (or any replacement or revision) no later than the day before the code (or replacement or revision) is to come into effect.
- (9) A person's failure to comply with the code of practice does not of itself render the person liable to proceedings of any sort, but may be taken into account in determining any question in any such proceedings.>

Forestry strategy: content

Rhoda Grant

- 120** In section 3, page 2, line 8, at end insert <and in particular of communities dependant on forestry,>

Mike Rumbles

- 1** In section 3, page 2, line 11, at end insert—
<() the acquisition and disposal of land under sections 15 to 17.>

Peter Chapman

- 7** In section 3, page 2, line 11, at end insert—
<() targets for the area of forest planting to be achieved over the period of 10 years beginning with the date of publication of the strategy (or, as the case may be, a revision of it).>

John Finnie

- 8** In section 3, page 2, line 11, at end insert—
<() increasing the percentage of forest land that is native woodland.>

Richard Lyle

- 116** In section 3, page 2, line 11, at end insert—
<() the development of afforestation.>

Richard Lyle

- 117** In section 3, page 2, line 11, at end insert—
<() the production and supply of timber and other forest products.>

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Forestry strategy: preparation, revision and reporting

Peter Chapman

- 9 In section 3, page 2, line 13, leave out from <keep> to the end of line 14 and insert <—
() within 5 years after the last publication under section 5 of the strategy or a revision of it, review the strategy, and
() within 10 years after the last such publication, revise the strategy.>

Rhoda Grant

- 15 In section 3, page 2, leave out line 14 and insert—
<() within 5 years after publishing the strategy (including each revision of it) under section 5, the Scottish Ministers must either—
(i) revise the strategy, or
(ii) publish an explanation of why they have decided not to revise it.>

Fulton MacGregor

- 121 In section 4, page 2, line 17, leave out <such persons as they consider appropriate> and insert <with such bodies as they consider appropriate and also with the general public>

Claudia Beamish

- 122 In section 4, page 2, line 17, at end insert—
<() consult, in particular, persons with experience or knowledge of—
(i) social and economic development in Scotland,
(ii) ecological and environmental sustainability,
(iii) the interests of owners and occupiers of land,
(iv) the interests of communities,
(v) the needs of agriculture,
(vi) the needs of conservation sites of archaeological or historical interest,>

Claudia Beamish

- 4 In section 4, page 2, line 22, at end insert—
<() the Scottish Biodiversity Strategy (prepared under section 2 of the Nature Conservation (Scotland) Act 2004).>

Claudia Beamish

- 123 In section 4, page 2, line 22, at end insert—
<() the code of practice on deer management (drawn up under section 5A of the Deer (Scotland) Act 1996).>

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Rhoda Grant

- 124 In section 4, page 2, line 22, at end insert—
- <() Article 2 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.>

Rhoda Grant

- 125 In section 4, page 2, line 22, at end insert—
- <() the United Nations Convention on Biological Diversity (in particular Articles 3 and 6).>

Rhoda Grant

- 126 In section 4, page 2, line 22, at end insert—
- <() the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage (in particular Article 2).>

Rhoda Grant

- 127 In section 4, page 2, line 22, at end insert—
- <() the desirability of using the development of forestry to repopulate rural Scotland including the potential resettlement of land.>

Rhoda Grant

- 128 In section 4, page 2, line 22, at end insert—
- <() have specific regard to—
- (i) the needs of crofting communities,
 - (ii) the needs of persons with other forms of agricultural tenancies,
 - (iii) the needs of agriculture,
 - (iv) the desirability of the creation of forest crofts.>

Rhoda Grant

- 16 After section 4, insert—
- <Proposals for forestry strategy: parliamentary consideration**
- (1) After complying with section 4, the Scottish Ministers—
 - (a) are to lay the proposed forestry strategy (or as proposed to be revised) before the Scottish Parliament, and
 - (b) are not to complete their preparation or revision of the strategy until the period for parliamentary consideration has expired.
 - (2) In this section, the “period for parliamentary consideration” means the period of 60 days beginning on the day on which the draft is so laid, and in reckoning that period no account is to be taken of any time during which the Scottish Parliament—
 - (a) is dissolved, or
 - (b) is in recess for more than 4 days.

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- (3) In preparing or revising the strategy, the Scottish Ministers are to have regard to any resolution or report of, or of any committee of, the Scottish Parliament, during the period for parliamentary consideration, as regards the proposed strategy (or as the case may be the strategy as proposed to be revised).>

Rhoda Grant

17 In section 5, page 2, line 26, at end insert—

- <() Together with any copy laid under subsection (2), the Scottish Ministers are to lay an explanatory document before the Scottish Parliament, giving details of—
- (a) the consultation undertaken under section 4,
 - (b) any representations received as a result of the consultation,
 - (c) the changes (if any) made to the strategy as a result of those representations.>

Peter Chapman

10 After section 6, insert—

<Annual report on forestry strategy

- (1) The Scottish Ministers must, as soon as practicable after the end of each financial year, prepare and publish a report setting out progress made in that financial year in respect of the objectives, priorities and policies included in the forestry strategy.
- (2) The Scottish Ministers must lay a copy of each report prepared and published under this section before the Scottish Parliament.>

John Finnie

130 After section 6, insert—

<Report on forestry strategy

- (1) The Scottish Ministers must, as soon as practicable after the end of each reporting period, prepare and publish a report setting out—
 - (a) progress made in the reporting period in respect of the objectives, priorities and policies included in the forestry strategy,
 - (b) an assessment of the extent to which funding and support provided by them has assisted in achieving such progress.
- (2) The Scottish Ministers must lay a copy of each report prepared and published under this section before the Scottish Parliament.
- (3) In this section, "reporting period" means—
 - (a) for the first report under this section, the period of 3 years beginning with the day the Bill for this Act receives Royal Assent,
 - (b) for each subsequent report, the period of 3 years from the end of the previous reporting period.>

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Land managed by the Scottish Ministers

Fergus Ewing

18 In section 6, page 2, line 33, leave out <forestry> and insert <forested>

Fergus Ewing

19 In section 6, page 2, line 34, leave out from <that> to <estate>

Fergus Ewing

20 In section 6, page 2, line 35, leave out <15(1)(a) or 16(1)(a)> and insert <15(1) or 16(1)>

Fergus Ewing

21 In section 6, page 2, line 36, leave out <land in the national forest estate> and insert <forested land>

Fergus Ewing

22 In section 6, page 2, line 36, at end insert <or (b)>

Fergus Ewing

24 In section 9, page 3, line 29, leave out <forestry> and insert <forested>

Fergus Ewing

25 In section 9, page 3, line 31, leave out <forestry> and insert <forested>

Fergus Ewing

26 In section 9, page 4, line 2, leave out subsection (3)

Fergus Ewing

27 In section 10, page 4, line 7, leave out <forestry> and insert <forested>

Fergus Ewing

28 In section 10, page 4, line 8, at beginning insert <land in>

Fergus Ewing

29 In section 10, page 4, line 8, after <estate> insert <that is forested>

Fergus Ewing

30 In section 10, page 4, line 9, after <other> insert <forested>

Fergus Ewing

31 In section 10, page 4, line 9, leave out from first <the> to end of line 10 and insert <is—
(i) owned by the Scottish Ministers, or
(ii) managed by the Scottish Ministers on behalf of another person.
(2) In this Act, “forested” includes undergoing afforestation.>

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Fergus Ewing

- 32 In section 11, page 4, line 12, after <means> insert <land in Scotland>

Fergus Ewing

- 33 In section 11, page 4, line 13, leave out <land in Scotland>

Fergus Ewing

- 34 In section 11, page 4, line 13, leave out <is> insert <was>

Fergus Ewing

- 35 In section 11, page 4, leave out line 16 and insert—
<() that is, for the time being, owned by the Scottish Ministers.>

Fergus Ewing

- 38 In section 13, page 4, leave out lines 24 to 26 and insert—
<(a) land in the national forest estate that is not forested, and
(b) other land that is not forested that is—
(i) owned by the Scottish Ministers having been acquired under section 15(1) or 16(1),
(ii) managed by the Scottish Ministers having been acquired under section 15(1) or 16(1), or
(iii) managed by the Scottish Ministers by virtue of an agreement under section 14(1).>

Fergus Ewing

- 111 In schedule 3, page 28, line 21, leave out <Forestry> and insert <Forested>

Fergus Ewing

- 112 In schedule 3, page 28, line 21, leave out <10> and insert <10(1)>

Fergus Ewing

- 115 In the long title, page 1, line 3, leave out <forestry> and insert <forested>

Disposals of land and compulsory purchase of land

Mike Rumbles

- 2 In section 6, page 2, line 36, leave out <17(1)(a)> and insert <17(1)>

Peter Chapman

- 39 In section 13, page 4, line 24, leave out <or 16(1)(b)>

Peter Chapman

- 6 In section 16, page 5, leave out line 20

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Fergus Ewing

- 40 In section 16, page 5, line 28, at end insert—
- <() The power in subsection (1) includes, in particular, the power—
- (a) to acquire any right or interest in or over land,
 - (b) to acquire a servitude or other right in or over land by the creation of a new right.>

Mike Rumbles

- 3 In section 17, page 5, line 30, leave out <dispose of> and insert <, if they consider it appropriate to do so, dispose of land mentioned in subsection (1A) for the purpose of exercising their functions under—
- (a) section 9,
 - (b) section 13.
- (1A) The land is—>

Fergus Ewing

- 41 In section 17, page 5, leave out line 32 and insert—
- <(b) land within the meaning of section 10(1)(b)(i),
 - (c) land within the meaning of section 13(2)(b)(i).>

Peter Chapman

- 42 In section 17, page 5, line 32, leave out <or 16(1)(b)>

John Finnie

- 12 In section 17, page 5, line 32, at end insert—
- <() The Scottish Ministers must ensure that any funds received by them as a result of the disposal of land under subsection (1) are—
- (a) separately recorded, and
 - (b) used by them solely for the purposes of or in connection with the carrying out of their functions under this Act.>

Jamie Greene

- 12A As an amendment to amendment 12, line 5, leave out from <or> to end of line 6 and insert <the acquisition of land under section 15(1)(a).>

Delegation to community bodies

Richard Lyle

- 23 In section 6, page 3, leave out lines 1 and 2

Richard Lyle

- 43 Leave out section 18

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Jamie Greene

- 132** In section 19, page 6, line 13, leave out from <is> to end of line 36 and insert <has the same meaning as the meaning of “community-controlled body” given by section 19 of the Community Empowerment (Scotland) Act 2015.>

Richard Lyle

- 44** Leave out section 19

Richard Lyle

- 45** Leave out section 20

Richard Lyle

- 110** In schedule 3, page 28, leave out line 14

Involvement of persons with an interest in forestry

Claudia Beamish

- 129** After section 6, insert—

<Involvement of persons with an interest in forestry

The Scottish Ministers must, in making arrangements for the purpose of or in connection with the discharge of their functions under this Act, take steps to ensure that such arrangements involve—

- (a) persons with experience in or knowledge of—
 - (i) securing sustainable economic benefits from forest land,
 - (ii) sustainable forest management,
 - (iii) tree health and silviculture,
 - (iv) land management,
 - (v) environmental issues,
 - (vi) biodiversity issues,
- (b) consultation with persons, and organisations representing persons, who have an interest in forestry and sustainable forest management.>

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Co-ordination and co-operation in plant health responsibilities

Jamie Greene

131 After section 8, insert—

<Co-ordination and co-operation in plant health responsibilities

- (1) The Scottish Ministers must take all reasonable steps to ensure that they agree a memorandum of understanding with the Secretary of State and the Welsh Ministers to ensure consistency and co-operation in the delivery of their functions under the Plant Health Act 1967 across the United Kingdom.
- (2) The Scottish Ministers must lay before the Scottish Parliament a report setting out—
 - (a) the steps they have taken under subsection (1), and
 - (b) any arrangements or agreements reached as a result of such steps.>

Deer management

John Finnie

11* After section 8, insert—

<PART

DUTY OF DEER MANAGEMENT TO ENSURE SUSTAINABLE FOREST MANAGEMENT

Duty of deer management to ensure sustainable forest management

- (1) The Deer (Scotland) Act 1996 is amended as follows.
- (2) After section 5B (code of practice on deer management) insert—

Duty of deer management

“5C Duty of deer management to ensure sustainable forest management

- (1) The Scottish Ministers must by regulations make provision requiring owners and occupiers of forest land to take such steps as may be specified in the regulations to manage deer for the purpose of ensuring the sustainable management of the forest land.
- (2) Regulations under subsection (1) may include such measures (including provision for penalties for non-compliance) as the Scottish Ministers consider appropriate to enforce compliance with the duties of owners and occupiers of forest land.
- (3) In this section, “forest land” has the meaning prescribed in regulations under subsection (1).
- (4) Regulations under subsection (1) are subject to the affirmative procedure.
- (5) The Scottish Ministers must, before the end of the period of 12 months beginning with the day this section comes into force, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under subsection (1).”>

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Scottish Ministers' duty to publish maps

Fergus Ewing

- 36** In section 12, page 4, line 18, leave out from <description> to end of line and insert <map setting out the areas of land that are, for the time being—
- (a) forested land,
 - (b) land within the meaning of section 13(2).>

Andy Wightman

- 36A** As an amendment to amendment 36, line 4, at end insert—
- <(c) other forest land.
 - (2) The map must include a description of—
 - (a) the characteristics of forests on the land covered by the map,
 - (b) the ownership of the land covered by the map.
 - (3) The map must be published within 2 years from the day on which the Bill for this Act receives Royal Assent.
 - (4) The Scottish Ministers must—
 - (a) keep the accuracy of the map under review, and
 - (b) from time to time publish a revised version of the map.
 - (5) A revised version of the map must be published no later than 2 years after the date on which the map (or, as the case may be, the previous revised version) is published.>

Fergus Ewing

- 37** Move section 12 to after section 13

Offence of unauthorised felling

Fergus Ewing

- 46** In section 22, page 7, line 28, leave out <means> and insert <includes>

Peter Chapman

- 133** In section 23, page 8, line 5, at end insert—
- <() the felling consists solely of the topping or lopping of trees or the trimming or laying of hedges, or>

Peter Chapman

- 134** In section 23, page 8, line 5, at end insert—
- <() the felling is of a tree having a diameter not exceeding 10 centimetres and the felling is carried out in order to improve the growth of other trees, or>

THIS IS NOT THE MARSHALLED LIST

Peter Chapman

- 135 In section 23, page 8, line 5, at end insert—
<() the aggregate cubic content of the trees felled by the person does not exceed 5 cubic metres in any period of 3 months, or>

Remedial notices

Fergus Ewing

- 47 In section 22, page 7, line 31, at end insert—
<“registered remedial notice” means a notice registered under section (*Registration of remedial notices*),
“remedial notice” means a notice given under section 48,>

Fergus Ewing

- 48 In section 23, page 8, line 11, at end insert <, or
() a registered remedial notice.>

Fergus Ewing

- 52 In section 30, page 10, line 29, at end insert <, or
() a registered remedial notice.>

Fergus Ewing

- 55 In section 33, page 11, line 36, leave out <or a> and insert <, a remedial notice or a registered>

Fergus Ewing

- 57 In section 37, page 13, line 29, leave out first <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 58 In section 37, page 13, line 29, leave out second <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 59 In section 37, page 13, line 30, at end insert—
<() In this section and section 38, a “relevant registered notice” means—
(a) a registered notice to comply,
(b) a registered remedial notice.>

Fergus Ewing

- 60 In section 37, page 13, line 33, leave out <registered notice to comply> and insert <relevant registered notice>

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Fergus Ewing

- 61 In section 37, page 13, line 35, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 62 In section 37, page 13, line 36, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 63 In section 37, page 13, line 37, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 64 In section 37, page 14, line 1, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 65 In section 38, page 14, line 5, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 66 In section 38, page 14, line 7, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 67 In section 38, page 14, line 8, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 68 In section 38, page 14, line 11, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 69 In section 38, page 14, line 13, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 70 In section 38, page 14, line 14, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 71 In section 38, page 14, line 15, leave out <registered notice to comply> and insert <relevant registered notice>

Fergus Ewing

- 72 In section 39, page 14, line 26, at end insert—
<() a remedial notice,>

THIS IS NOT THE MARSHALLED LIST

Fergus Ewing

- 73 In section 40, page 14, line 30, after <38(2)(b),> insert <(Registration of remedial notices)(b),>

Fergus Ewing

- 74 In section 41, page 15, line 8, at end insert—
<() a remedial notice,>

Fergus Ewing

- 75 In section 42, page 15, line 21, at end insert <,
() a remedial notice (including any condition imposed on it),
() a registered remedial notice.>

Peter Chapman

- 75A As an amendment to amendment 75, line 2, after <any> insert <reasonable>

Fergus Ewing

- 76 In section 42, page 15, line 27, after <comply> insert <, a remedial notice or a registered remedial notice>

Fergus Ewing

- 77 In section 42, page 15, line 28, leave out <registered>

Fergus Ewing

- 78 In section 44, page 16, line 8, at end insert <,
() a remedial notice (including any condition imposed on it),
() a registered remedial notice.>

Peter Chapman

- 78A As an amendment to amendment 78, line 2, after <any> insert <reasonable>

Fergus Ewing

- 79 In section 44, page 16, line 16, after <comply> insert <, a remedial notice or a registered remedial notice>

Fergus Ewing

- 80 In section 45, page 16, line 27, at end insert <, or
() a registered remedial notice>

Fergus Ewing

- 81 In section 47, page 17, line 11, after <notice> insert <(including any condition imposed on it)>

Peter Chapman

- 81A As an amendment to amendment 81, after <any> insert <reasonable>

THIS IS NOT THE MARSHALLED LIST

Fergus Ewing

- 82** In section 47, page 17, line 11, at end insert <, or
() a registered remedial notice.>

Fergus Ewing

- 83** In section 47, page 17, line 22, leave out <or a> and insert <, a remedial notice or a registered>

Fergus Ewing

- 84** In section 48, page 18, line 11, after <notice> insert <(including any condition imposed on it)>

Peter Chapman

- 84A** As an amendment to amendment 84, after <any> insert <reasonable>

Fergus Ewing

- 85** In section 48, page 18, line 11, at end insert—
<(5A) The Scottish Ministers may by regulations make further provision about remedial notices.
(5B) Regulations under subsection (5A) may, in particular, include provision about the imposition of conditions on a remedial notice (which may include steps that must be taken after the notice is complied with).>

Peter Chapman

- 85A** As an amendment to amendment 85, line 5, after <of> insert <reasonable>

Fergus Ewing

- 86** In section 49, page 18, line 14, after <notice> insert <(including any condition imposed on it)>

Peter Chapman

- 86A** As an amendment to amendment 86, after <any> insert <reasonable>

Fergus Ewing

- 87** After section 49, insert—
<Registration of remedial notices
If a remedial notice (including any condition imposed on it) has been given in respect of land, the Scottish Ministers may apply to register a notice in relation to that land specifying—
(a) the effect of the notice and, if relevant, the date by which it must be complied with,
(b) a description of the land to which the notice relates.>

Peter Chapman

- 87A** As an amendment to amendment 87, line 3, after <any> insert <reasonable>

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Fergus Ewing

88 After section 49, insert—

<Registered remedial notices: offence

- (1) An owner of the land to which a registered remedial notice relates commits an offence if that person fails, without reasonable excuse, to comply with the registered remedial notice.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.>

Fergus Ewing

89 In section 51, page 18, line 29, after <notice> insert <(including any condition imposed on it)>

Peter Chapman

89A As an amendment to amendment 89, after <any> insert <reasonable>

Fergus Ewing

90 In section 51, page 18, line 29, after <notice> insert <or a registered remedial notice>

Fergus Ewing

91 In section 51, page 18, line 31, leave out <remedial>

Fergus Ewing

92 In section 51, page 18, line 32, leave out <remedial>

Fergus Ewing

97 In section 55, page 20, line 26, after <notice> insert <(including any condition imposed on it)>

Peter Chapman

97A As an amendment to amendment 97, after <any> insert <reasonable>

Fergus Ewing

98 In section 55, page 20, line 26, after <notice> insert <or (as the case may be) the registered remedial notice>

Fergus Ewing

99 In section 59, page 22, line 3, leave out <or 49> and insert <, 49 or (*Registered remedial notices: offence*)>

Fergus Ewing

100 In section 60, page 22, line 33, after <notice> insert <(including any condition imposed on it)>

Peter Chapman

100A As an amendment to amendment 100, after <any> insert <reasonable>

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Fergus Ewing

- 101 In section 60, page 22, line 34, at end insert <,
() a decision to refuse to agree to the variation or discharge of a registered remedial notice.>

Fergus Ewing

- 106 In section 65, page 24, line 9, at end insert—
<() section 48(5A),>

Fergus Ewing

- 114 In schedule 3, page 28, line 28, at end insert—
<Registered notice to comply Section 22
Registered remedial notice Section 22>

Continuing conditions on felling permissions

Fergus Ewing

- 49 In section 27, page 9, line 20, at end insert—
<() A continuing condition on felling permission may, in particular, require persons to provide information to the Scottish Ministers.>

Fergus Ewing

- 50 In section 27, page 9, line 34, at end insert—
<() the information which continuing conditions may require,>

Felling of trees subject to tree preservation orders

Fergus Ewing

- 51 In section 30, page 10, line 19, leave out from <must> to end of line 22 and insert <may—
(a) after complying with subsection (1A), decide whether to grant permission, or
(b) if consent under the order is required for the felling of the tree, refer the application to the planning authority that made the order.
(1A) The Scottish Ministers must—
(a) consult the planning authority that made the order, and
(b) have regard to any representations made by that planning authority.
(1B) Where an application is referred to a planning authority, the provisions of the order and any provisions of the Town and Country Planning (Scotland) Act 1997 relating to the order apply as if the application were an application to the planning authority for consent to fell the tree under the order.
(1C) Section 23 (offence of unauthorised felling) does not apply to felling where—

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- (a) an application has been referred under subsection (1)(b),
- (b) the planning authority has consented to the felling, and
- (c) the felling is carried out in accordance with the consent.>

Fergus Ewing

- 53 In section 30, page 10, line 30, after <section> insert <and section 31>

Fergus Ewing

- 54 In section 31, page 11, line 13, at end insert—

<() The Scottish Ministers must, before deciding to give a felling direction in relation to a tree that is covered by a tree preservation order—

- (a) consult the planning authority that made the order, and
- (b) have regard to any representations made by that planning authority.>

Definition of “owner”

Fergus Ewing

- 56 In section 37, page 13, line 28, leave out <each> and insert <the>

Fergus Ewing

- 109 In section 67, page 24, line 31, at end insert—

<“owner”, in relation to any land, means a person who has right to the land whether or not that person has completed title; but if, in relation to the land (or, if the land is held *pro indiviso*, in relation to any *pro indiviso* share in it) more than one person comes within that description of owner, then “owner” means such person as most recently acquired such right.>

Fergus Ewing

- 113 In schedule 3, page 28, line 27, at end insert—

<Owner Section 67>

Powers of entry and step-in power

Fergus Ewing

- 93 In section 52, page 18, line 36, leave out <The sheriff> insert <A sheriff, a summary sheriff>

Fergus Ewing

- 94 In section 52, page 19, line 3, after <sheriff> insert <, summary sheriff>

Fergus Ewing

- 95 In section 54, page 19, line 29, leave out <This section applies> and insert <Subsections (2) to (8) apply>

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Fergus Ewing

- 96 In section 54, page 20, line 22, at end insert—
- <() References in the following provisions to the Scottish Ministers include reference to persons authorised in writing by the Scottish Ministers—
- (a) section 44(1),
 - (b) section 45(2),
 - (c) section 46(2),
 - (d) section 47(2),
 - (e) section 51,
 - (f) subsections (2), (6), (7) and (8).>

Information, research and education etc.

Peter Chapman

- 13 In section 61, page 23, line 11, leave out <may> and insert <must>

Organisational structures

Rhoda Grant

- 102 After section 64, insert—
- <**Chief forester**
- (1) The Scottish Ministers must, for the purposes of assisting and advising them in the carrying out of their functions under this Act, appoint an officer to be known as the chief forester.
 - (2) The Scottish Ministers must by regulations prescribe qualifications to be held by the person appointed as chief forester.>

Rhoda Grant

- 103 After section 64, insert—
- <**Area foresters**
- (1) The Scottish Ministers must, for the purposes of carrying out of their functions under this Act—
 - (a) divide Scotland into administrative areas,
 - (b) appoint for each such area an officer to be known as the area forester.
 - (2) The Scottish Ministers must by regulations prescribe qualifications or experience to be held by a person appointed as an area forester.>

THIS IS NOT THE MARSHALLED LIST

Rhoda Grant

104 After section 64, insert—

<National advisory group

- (1) The Scottish Ministers must, for the purposes of advising them on the carrying out of their functions under this Act, establish a national advisory group.
- (2) The Scottish Ministers must ensure that membership of the group includes persons, or representatives of persons, who appear to them to have an interest in—
 - (a) the economic, environmental and social benefits of forestry,
 - (b) sustainable forest management and the management of land to further sustainable development,
 - (c) local communities in forest areas,
 - (d) such other matters as they consider appropriate.>

Rhoda Grant

105 After section 64, insert—

<Local partnership working groups

- (1) The Scottish Ministers must, for the purposes of assisting and advising them in the carrying out of their functions under this Act—
 - (a) divide Scotland into administrative areas,
 - (b) establish for each such area a local partnership working group.
- (2) The Scottish Ministers must ensure that membership of each group includes persons, or representatives of persons, who appear to them to have an interest in relation to that area in—
 - (a) the economic, environmental and social benefits of forestry,
 - (b) sustainable forest management and the management of land to further sustainable development,
 - (c) local communities in forest areas,
 - (d) such other matters as they consider appropriate.>

Rhoda Grant

107 In section 65, page 24, line 10, at end insert—

<() section (*Chief forester*)(2),>

Rhoda Grant

108 In section 65, page 24, line 10, at end insert—

<() section (*Area foresters*)(2),>

THIS IS NOT THE MARSHALLED LIST

Claudia Beamish

136 In section 74, page 26, line 30, at end insert—

- <(3A) Regulations bringing sections 68 and 70 into force must not be made until the Scottish Ministers have laid before the Scottish Parliament a report setting out the administrative arrangements they intend to make for the carrying out of their functions under this Act.
- (3B) The report under subsection (3A) must set out in particular the arrangements the Scottish Ministers intend to make for—
 - (a) the establishment of any agency or similar body,
 - (b) the governance of any such agency or body,
 - (c) the roles and responsibilities of senior officers of any such agency or body,
 - (d) the financial reporting and accountability of any such agency or body,
 - (e) the establishment of any advisory groups to assist them in carrying out their functions,
 - (f) the exercise of the powers in section 62 (power to form companies etc.).
- (3C) Before making any significant change to the arrangements set out in the report under subsection (3A), the Scottish Ministers must—
 - (a) consult such persons as they consider appropriate,
 - (b) notify the Scottish Parliament of any such change.>

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