



The Scottish Parliament
Pàrlamaid na h-Alba

Published 23 January 2018
SP Paper 264
3rd Report, 2018 (Session 5)

Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Forestry and Land Management (Scotland) Bill as amended at Stage 2



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 23 January 2018, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Forestry and Land Management (Scotland) Bill as amended at Stage 2 ("the Bill").ⁱ The Committee submits this report to the Parliament under Rule 9.7.9 of the Standing Orders.
2. The Bill was introduced by the Cabinet Secretary for the Rural Economy and Connectivity, Fergus Ewing MSP, on 10 May 2017. The Bill completed Stage 2 on 13 December 2017.
3. The Bill aims to deal with the duties and functions of the Scottish Ministers in relation to forestry, and with tree health and testing; the management of forest land by the Scottish Ministers, and introduces a new regulatory regime for felling trees.
4. Various changes have been made to the Bill following Stage 2, including a requirement for the Scottish Ministers to prepare a report on forestry strategy; changes to the proposed felling regulatory regime as regards continuing conditions on felling applications and remedial notices; and a requirement for the Scottish Ministers to appoint an officer to be known as the Chief Forester.
5. The Bill was amended at Stage 2 to revise one existing delegated power in section 27 and to provide two new regulations-making powers in section 48 and section 64A.
6. The Scottish Government has provided the Parliament with a supplementary memorandum ("SDPM") on the delegated powers provisions in the Bill.ⁱⁱ
7. The Committee previously reported on the delegated powers provision in this Bill at Stage 1 in its 34th Report of 2017.ⁱⁱⁱ

ⁱ The Bill as amended at Stage 2 is available [here](#).

ⁱⁱ The Supplementary Delegated Powers Memorandum is available [here](#).

ⁱⁱⁱ Delegated Powers and Law Reform Committee, 34th Report, 2017 is available [here](#).

Delegated Powers Provisions

8. The Committee considered each of the new delegated powers provisions in the Bill after Stage 2.
9. The Committee determined that it did not need to draw the Parliament's attention to the delegated powers in the following provisions:
 - Section 27: Decisions on applications
 - Section 48: Remedial notices
 - Section 64A: Chief Forester

Recommendation

10. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill as amended at Stage 2.

