



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 1

SIMPLIFICATION OF PUBLIC BODIES

Delegation of functions etc.

11 Delegation of certain functions of Forestry Commissioners under Forestry Act 1967

In the Forestry Act 1967 (c. 10), after section 7A insert—

“7B Delegation of functions of Commissioners: Scotland

- (1) The Commissioners may, to such extent and subject to such conditions as they think appropriate, delegate their functions under section 3(1) and (3) of this Act to such community bodies as they consider appropriate.
- (2) A delegation under subsection (1) may only be made in relation to land in Scotland—
 - (a) placed at the disposal of the Commissioners by the Scottish Ministers under this Act, and
 - (b) which is let to the community body to which the delegation is made.
- (3) A delegation under subsection (1) does not affect the ability of the Commissioners to carry out the function delegated.
- (4) A delegation under subsection (1) does not affect the ability of the Scottish Ministers to—
 - (a) determine which land in Scotland is placed at the disposal of the Forestry Commissioners,
 - (b) give directions under section 1 to the Commissioners in relation to the land in question.

Status: This is the original version (as it was originally enacted).

- (5) A delegation under subsection (1) may be varied or revoked at any time.
- (6) In this section, “community body” has the meaning given in section 7C.

7C Delegation of functions under section 7B: community bodies

- (1) A community body is, subject to subsection (3), a company limited by guarantee the articles of association of which include the following—
 - (a) a definition of the community to which the company relates,
 - (b) provision that the company must have not fewer than 20 members,
 - (c) provision that the majority of the members of the company is to consist of members of the community,
 - (d) provision by which the members of the company who consist of members of the community have control of the company,
 - (e) provision ensuring proper arrangements for the financial management of the company and the auditing of its accounts.
- (2) The Commissioners may, if they think it in the public interest to do so, disapply such requirements specified in paragraphs (b) to (d) in subsection (1) in relation to any body they may specify.
- (3) A body is not a community body unless the Commissioners have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of sustainable development.
- (4) Unless the Scottish Ministers otherwise direct, a community—
 - (a) must be defined for the purposes of subsection (1)(a) by reference to a postcode unit or postcode units, and
 - (b) must comprise the persons from time to time—
 - (i) resident in that postcode unit or in one of those postcode units, and
 - (ii) entitled to vote, at a local government election, in a polling district which includes that postcode unit or those postcode units (or part of it or them).
- (5) In subsection (4) above, “postcode unit” means an area in relation to which a single postcode is used to facilitate the identification of postal service delivery points within the area.
- (6) In subsection (1), “company limited by guarantee” has the meaning given by section 3(3) of the Companies Act 2006 (c. 46).”.