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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2012 No.**

**FORESTRY**

**CLIMATE CHANGE**

**The Forestry Commissioners (Climate Change Functions)  
(Scotland) Order 2012**

*Made - - - -*

*Coming into force in accordance with article 1*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 59(1), 96(2) and (3) of the Climate Change (Scotland) Act 2009<sup>(a)</sup> and all other powers enabling them to do so.

In accordance with section 59(2) of that Act, the Scottish Ministers consider it expedient to make this Order in order to comply with their duties under sections 1, 2(1) and 3(1)(b) of that Act.

In accordance with section 96(4) of that Act<sup>(b)</sup>, a draft of the Order has been laid before, and approved by resolution of, the Scottish Parliament.

**Citation and commencement**

1. This Order may be cited as the Forestry Commissioners (Climate Change Functions) (Scotland) Order 2012 and comes into force on the day after the day on which it is made.

**Modification of functions of the Forestry Commissioners in relation to land in Scotland**

2. Section 1 of the Forestry Act 1967<sup>(c)</sup> (general duty of the Forestry Commissioners etc.) is amended as follows—

(a) after subsection (2) insert—

“(2A) The Commissioners also have the general duty of using land in Scotland placed at their disposal by the Scottish Ministers under this Act in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of the Climate Change (Scotland) Act 2009 (asp 12) (“the climate change targets”).”;

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(a) 2009 asp 12.

(b) Section 96(4) has been modified by paragraph 5 of Schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(c) 1967 c.10.

- (b) in subsection (3), after “duty” insert “under subsection (2)”; and
- (c) in subsection (3A), in paragraph (a), for “and the production and supply of timber” substitute “, the production and supply of timber and, in Scotland, the delivery of the climate change targets”.

St Andrew’s House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Section 59 of the Climate Change (Scotland) Act 2009 (“the 2009 Act”) allows for the modification of the functions of the Forestry Commissioners in or as regards Scotland in relation to climate change.

Article 2 modifies the functions of the Forestry Commissioners to enable them to use land in Scotland placed at their disposal in the way best calculated to contribute (in line with other public bodies in Scotland acting in accordance with section 44(1)(a) of the 2009 Act) to the delivery of the climate change targets which are set in or under the 2009 Act.

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*Draft Order laid before the Scottish Parliament under section 96(4) of the Climate Change (Scotland) Act 2009, for approval by resolution of the Scottish Parliament.*

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