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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 43**

**The Environmental Impact Assessment  
(Forestry) (Scotland) Regulations 1999**

**Revocation and transitional provisions**

**25.**—(1) Subject to the following provisions of this regulation, the Environmental Assessment (Forestry) Regulations 1998(1) (in this regulation called “the 1998 Regulations”) are hereby revoked with respect to Scotland.

(2) Paragraph (1) of this regulation shall not affect the continued application of the 1998 Regulations in Scotland in respect of any matter relating to—

- (a) a breach of regulation 3 of those Regulations which occurred before the date of coming into force of these Regulations; or
- (b) an enforcement notice issued under regulation 16 of those Regulations; and these Regulations shall not apply to such a matter.

(3) Where, before the date of coming into force of these Regulations, an application under regulation 4(1) of the 1998 Regulations has been received by the Commissioners in relation to land in Scotland but the Commissioners have not given their opinion in relation to that application—

- (a) the application shall be treated as an application under regulation 5(1) of these Regulations; and
- (b) any notification of the Commissioners under regulation 4(3) of the 1998 Regulations shall be treated as a notification under regulation 5(3) of these Regulations (but without prejudice to their power to make a further notification under the latter regulation).

(4) Where, before the date of coming into force of these Regulations, an application under regulation 6(1) of the 1998 Regulations has been received by the Scottish Ministers in relation to land in Scotland but a direction has not been given in relation to that application—

- (a) the application shall be treated as an application under regulation 7(1) of these Regulations; and
- (b) any notification by the Scottish Ministers under regulation 6(3) of the 1998 Regulations shall be treated as a notification under regulation 7(3) of these Regulations (but without prejudice to the power to make a further notification under the latter regulation).

(5) Where, before the date of coming into force of these Regulations, an application under regulation 7 of the 1998 Regulations has been received by the Commissioners in relation to land in Scotland but the Commissioners have not determined that application—

- (a) the application shall be treated as an application under regulation 10 of these Regulations;
- (b) any notification by the Commissioners under regulation 8 of the 1998 Regulations shall be treated as a notification under regulation 11 of these Regulations (but without prejudice to their power to make a further notification under the latter regulation).

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(1) [S.I.1998/1731](#); the “Minister” is defined in regulation 2(1) as meaning, in relation to Scotland, the Secretary of State; the Secretary of State’s functions were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(6) Where, before the date of coming into force of these Regulations, an appeal under regulation 13 of the 1998 Regulations has been received by the Scottish Ministers but that appeal has not been determined, the appeal shall be treated as an appeal under regulation 17 of these Regulations.

(7) Where—

- (a) a case falls to be treated under these Regulations by virtue of paragraph (3), (4) or (6) above, and
- (b) part or all of a period of time specified in regulation 6(1), 7(4) or (as appropriate) 17(4) or (6) of these Regulations (“the relevant provision”) expired before the date of the coming into force of these Regulations,

the whole of the specified period shall be taken into account for the purposes of these Regulations in the same way as if the relevant provision had been in force on the date specified in the relevant provision as the date on which the period began to run.

(8) A direction of the Scottish Ministers under regulation 6 of the 1998 Regulations that a particular project was not a relevant project for the purpose of those Regulations, or in the absence of such a direction an opinion of the Commissioners under regulation 5 of those Regulations to that effect—

- (a) shall be treated, after the coming into force of these Regulations, as determining that the project specified in the direction or opinion (but only that project) is not a relevant project for the purposes of these Regulations; but
- (b) shall cease to have the effect stated in sub-paragraph (a) (without prejudice to the availability of a further direction or opinion under these Regulations) on the expiry of the period of five years beginning with the date of coming into force of these Regulations if the work relating to the project has not been completed within that period.

(9) Regulations 4 and 20 to 23 of these Regulations apply in relation to any consent given under the 1998 Regulations (including any conditions to which that consent is subject) as they apply to a consent (including such conditions) given under these Regulations.