
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 47

**The Forestry and Land Management (Scotland)
Act 2018 (Commencement, Transitional
and Saving Provisions) Regulations 2019**

Transitional: applications for a felling licence made but not determined before the appointed day – cases which are to be treated as applications for felling permission

3.—(1) An application for a felling licence under section 10 of the 1967 Act ^{M1} which was made, but not determined, before the appointed day is, on and after that day, to be treated as if it were an application for a felling permission under section 25 of the 2018 Act.

(2) Paragraph (1) does not apply to an application for a felling licence—

- (a) which was postponed before the appointed day by a notice served on the applicant under section 13(2) of the 1967 Act,
- (b) which was postponed under section 13(2) of the 1967 Act, but is under consideration again having satisfied the requirement set out in the notice of postponement before the appointed day,
- (c) which was made before the appointed day in response to a notice served on the applicant under section 10(5) of the 1967 Act,
- (d) which was made before the appointed day and which relates to the felling of trees in accordance with a plan of operations or other working plan approved by the Forestry Commissioners as described in section 14(1) of the 1967 Act,
- (e) in which the Forestry Commissioners have indicated to the applicant during consultation under section 12(1) of the 1967 Act ^{M2}, in writing before the appointed day, that they are minded to grant a licence under section 10(2) of the 1967 Act subject to specified conditions.

(3) A person who has made an application of the type referred to in paragraph (1) is to be treated for all purposes as if they were a person entitled to make such an application under section 25 of the 2018 Act.

(4) For the purposes of this regulation, “determined” means that the application has been disposed of by the Forestry Commissioners by way of—

- (a) a decision to grant a felling licence (with or without conditions), under section 10(2) and, as applicable, 12(1) of the 1967 Act,
- (b) a decision to refuse to grant a felling licence under section 10(2), or a deemed refusal to grant a licence under section 13(1), of the 1967 Act, or
- (c) a decision to refer an application relating to trees to which a tree preservation order relates to the authority that made the order or to the Scottish Ministers, as the case may be, in terms of section 15(1)(b) or by a referral required under section 15(2)(a) of the 1967 Act.

Changes to legislation: There are currently no known outstanding effects for the The Forestry and Land Management (Scotland) Act 2018 (Commencement, Transitional and Saving Provisions) Regulations 2019, Section 3. (See end of Document for details)

Commencement Information

I1 [Reg. 3](#) in force at 1.4.2019, see [reg. 1\(1\)](#)

Marginal Citations

M1 [Section 10](#) was amended by the [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#) (“the 2004 Act”), schedule 7, paragraph 2(2).

M2 [Section 12\(1\)](#) was amended by the 2004 Act, schedule 7, paragraph 2(3).

Changes to legislation:

There are currently no known outstanding effects for the The Forestry and Land Management (Scotland) Act 2018 (Commencement, Transitional and Saving Provisions) Regulations 2019, Section 3.