

SCHEDULE

MODIFICATION OF PROVISIONS RELATING TO THE FORESTRY COMMISSIONERS

Forestry Act 1967 (c. 10)

5.—(1) The Forestry Act 1967 is amended as follows.

(2) In section 41(1), for subsections (2) and (3) there are substituted the following subsections—

“(2) This subsection applies to the following expenses—

- (a) the salaries of the Forestry Commissioners and the salaries or remuneration of the officers and servants of the Commissioners;
- (b) all expenses incurred by the Commissioners (including the cost of any grant or loan made by them) in the exercise of their functions under or by virtue of—
 - (i) this Act (including the payment of allowances to the members of any committee maintained by them under this Act), or
 - (ii) any other enactment;
- (c) any superannuation benefits paid under paragraph 9 of Schedule 1 to this Act or under a scheme made by virtue of paragraph 10 of that Schedule;
- (d) any administrative expenses of the Minister under Part II of this Act (including sums required for the payment of remuneration to the members of any committee appointed by him under section 27);
- (e) all capital payments made by the Minister in acquiring land under section 39 above and any expenses incurred by him in managing such land and any rent or other outgoings payable in respect of such land,

but this subsection does not apply to any expenses to which subsection (4) below applies.

(3) The expenses to which subsection (2) above applies shall be payable out of money provided by Parliament, except in so far as they are met out of money held by the Commissioners in accordance with subsection (6) or (7) below.

(3A) Where, by virtue of subsection (3) above, any expenses incurred by the Minister falling within subsection (2) above are to be met out of money held by the Commissioners, they shall make payments to him for that purpose.”

(3) In section 41(4), the word “and” is omitted from the end of paragraph (a) and the following is inserted at the end of the subsection—

“(c) all grants and loans made by the Commissioners under section 1 of the Forestry Act 1979(2) in relation to land in Scotland; and

(d) all expenditure incurred by the Commissioners in the exercise of their functions under the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999(3).”

(4) Section 41(4A) is repealed.

(5) In section 41, the following subsections are inserted after subsection (5)(4)—

“(6) Subject to subsections (8) and (10) below, all sums received by the Commissioners in respect of—

(1) Subsections (1) to (4A) were substituted by [S.I. 1999/1747](#), Article 3 and Schedule 12, paragraph 4(33).

(2) [1979 c. 21](#); see also paragraph 8 of the present Schedule.

(3) [S.S.I. 1999/43](#).

(4) Subsections (6) and (7) of section 41 were repealed respectively by Article 3 of, and paragraph 4(33)(b) of Schedule 12 to, [S.I. 1999/1747](#) and by section 6(2) of, and the Schedule to, the Forestry Act [1981 \(c. 39\)](#).

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- (a) the sale of timber or any other transactions carried out by them in the exercise of their functions under this Act, or
- (b) any other exercise of their functions under or by virtue of this Act or any other enactment,

shall be held by the Commissioners for the purpose of meeting the expenses to which subsection (2) above applies.

(7) Subject to subsection (8) below, the following sums received by the Minister shall be paid by him to the Commissioners and held by them for the purpose of meeting the expenses to which subsection (2) above applies—

- (a) any capital sum received from the sale, lease or exchange of land acquired by him under section 39 above and all sums received by him from the letting or use of such land, and
 - (b) all sums received under sections 16 to 18 of the New Forest Act 1949.
- (8) The Minister may, with the approval of the Treasury, direct—
- (a) that sums received by the Commissioners falling within subsection (6) above, or by the Minister falling within subsection (7) above, or both, which are specified or of a description specified in the direction, or
 - (b) that all sums received by the Commissioners falling within subsection (6) above, or by the Minister falling within subsection (7) above, or both, as specified in the direction,

shall not be subject to subsection (6) or, as the case may be, (7) but shall instead be paid into the Consolidated Fund.

(9) The power to give a direction under subsection (8) above includes power to vary or revoke a previous direction under that power.

(10) Subject to any provision made by or under an Act of the Scottish Parliament for the disposal of or accounting for sums received, there shall be paid into the Scottish Consolidated Fund—

- (a) all sums received by the Commissioners of a description specified in subsection (6)(a) above as regards Scotland;
- (b) all sums received by the Commissioners in the exercise of their functions under the Countryside (Scotland) Act 1967⁽⁵⁾.

(11) Any question as to whether, for the purposes of this section—

- (a) any expenditure incurred by the Commissioners is incurred, or to be treated as incurred, as regards Scotland, or
- (b) any sum received by them is received, or to be treated as received, in respect of the exercise of their functions as regards Scotland,

may be determined by agreement between the Minister (acting with the agreement of the Treasury) and the Scottish Ministers.”.

(6) In section 45(3)⁽⁶⁾, the words “and accounts”, in both places where they occur, are omitted.

(7) In Schedule 1—

- (a) in paragraph 7(2)⁽⁷⁾, the words “out of money provided by Parliament” are omitted, and
- (b) paragraphs 9(3) and 10(2) are repealed.

⁽⁵⁾ 1967 c. 86.

⁽⁶⁾ Section 45 was substituted by S.I. 1999/1747, Article 3 and Schedule 12, paragraph 4(36).

⁽⁷⁾ Paragraph 7(2) was amended by S.I. 1999/1747, Article 3 and Schedule 12, paragraph 4(39).

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