



Fergus Ewing
Cabinet Secretary Rural Economy and Connectivity
St Andrew's House,
Regent Road
Edinburgh
EH1 3DG

23 November 2017

Forestry and Land Management (Scotland) Bill at Stage 1

Dear Fergus

Thank you for your letter of 3 November in which you responded to the recommendations made by the Delegated Powers and Law Reform Committee. The Committee considered your response at its meeting on 21 November and agreed to write to you to ask the Government to reflect further on its decision not to agree to the Committee's recommendations.

The Committee remains of the view that the initial exemptions to the offence of unauthorised felling should be set out on the face of the Bill. The Committee is mindful that the Government is undertaking a consultation exercise to ascertain whether changes are needed to the current exemptions, as set out in the Forestry Act 1967. However, the Committee does not consider that this necessarily precludes setting out the initial exemptions on the face of the Bill, subject to amendment by regulations under the affirmative procedure following the completion of the consultation exercise if this is considered necessary.

The Committee considers that setting out the initial exemptions on the face of the Bill would have the benefit of giving the Parliament the opportunity to scrutinise those exemptions during the passage of the Bill. The Committee remains of the view that it would have been preferable for the consultation exercise in respect of the current exemptions to have been carried out prior to the introduction of the Bill.

Furthermore, the Committee remains concerned that imposing charges by executive action precludes any parliamentary scrutiny. The Committee recognises the commercial element of the forestry estate but would ask the Government to reflect further on whether a charging regime could be set out in subordinate legislation.

It is the Committee's intention to return to these issues at the conclusion of stage 2.

Yours sincerely

A handwritten signature in black ink that reads "Graham Simpson". The signature is written in a cursive style with a horizontal line underneath the name.

Graham Simpson
Convener, Delegated Powers and Law Reform Committee