

**2012 No. 2855 (S. 1)**

**CONSTITUTIONAL LAW**

**DEVOLUTION, SCOTLAND**

**FORESTRY**

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

*Made - - - - 7th November 2012*

*Coming into force in accordance with article 1(2)*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(2), (4), (5) and (7) of the Scotland Act 1998(a).

In accordance with section 88(2) of that Act, the Secretary of State has consulted the Scottish Ministers.

In accordance with section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, that Act, a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Forestry Commissioners (Climate Change Functions) (Scotland) Order 2012 (Consequential Modifications) Order 2012.

(2) This Order comes into force on the day after the day on which it is made.

(3) This Order extends to Scotland only.

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

**2.** The Forestry Act 1967(b) is amended as follows—

(a) after section 7A(c) (incidental powers of Commissioners) insert—

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(a) 1998 c.46.

(b) 1967 c.10.

(c) Section 7A was inserted by the Regulatory Reform (Forestry) Order 2006 (S.I. 2006/780), article 2 and amended by the Public Services Reform (Scotland) Act 2010 (asp 8), section 12(1).

**“7AA Renewable energy installations**

(1) The Commissioners may, for the purpose of complying with their general duty under section 1(2A)(a)—

- (a) promote, develop, construct and operate installations for or in connection with the generation, transmission, distribution and supply of electricity produced from renewable sources, and
- (b) use electricity produced by virtue of the powers conferred by paragraph (a).

(2) In subsection (1), “renewable sources” means sources other than—

- (a) fossil fuel,
- (b) energy derived from fossil fuel, and
- (c) nuclear fuel.

(3) In subsection (2), “fossil fuel” means—

- (a) coal,
- (b) lignite,
- (c) peat,
- (d) natural gas (within the meaning of the Energy Act 1976(b)),
- (e) crude liquid petroleum,
- (f) petroleum products (within the meaning of that Act),
- (g) any substance produced directly or indirectly from a substance mentioned in paragraphs (a) to (f).

(4) Nothing in this section is to be construed as exempting the Forestry Commissioners from the requirements of Part 1 of the Electricity Act 1989(c).”; and

- (b) in section 7B(1)(d) (delegation of functions of Commissioners: Scotland), after “(3)” insert “and section 7AA”.

Signed by authority of the Secretary of State

*David Mundell*  
Parliamentary Under Secretary of State  
Scotland Office

Dover House,  
London  
7th November 2012

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(a) Subsection (2A) was inserted by the Forestry Commissioners (Climate Change Functions) (Scotland) Order 2012 (S.S.I. 2012/77), article 2.

(b) 1976 c.76.

(c) 1989 c.29.

(d) Section 7B was inserted by the Public Services Reform (Scotland) Act 2010 (asp 8), section 11.

## **EXPLANATORY NOTE**

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

This Order modifies the Forestry Act 1967 in consequence of provision made by the Forestry Commissioners (Climate Change Functions) (Scotland) Order 2012 (S.S.I. 2012/77) (“the 2012 Order”).

The 2012 Order (which was made under section 59 of the Climate Change (Scotland) Act 2009 (asp 12)) modified the functions of the Forestry Commissioners so that they can use land at their disposal in Scotland to help the Scottish Ministers in achieving their climate change targets.

This Order modifies the functions of the Commissioners further to allow them to generate, transmit, distribute, supply and use electricity produced from renewable sources where that helps achieve those targets.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

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