

Workshop 2

A new policy for non-timber forest products in Scotland

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To provide policy direction for decisions on encouraging and supporting the sustainable development of the non-timber forest products (NTFP) sector in Scotland.

Non-timber forest products are products of biological origin other than wood derived from forests, other wooded land and trees outside forests.

In this policy, the definition does not include venison, game, and eco-tourism, which are already adequately covered by existing policies.

- To identify rights and responsibilities
- To state how FCS will manage NTFPs on the national forest estate
- To define sustainable management and use of NTFPs in Scotland.
- To support and encourage the sustainable development of the NTFP sector
- To raise the profile and encourage the integration of NTFP issues with contemporary forestry practice
- To raise awareness of NTFP issues within the private land-ownership and land management sectors

- There is a strong presumption in favour of protecting, improving, and expanding Scotland's woodland resources.
- NTFP gathering should be carried out in a responsible and environmentally sustainable way.
- The sustainable development of the sector is dependent on mutual respect, and well-defined relationships, between the landowner and gatherer.

- Under Scots common law the produce of the land is the property of the landowner, thus, gathering NTFPs without the permission of the landowner, for whatever purpose, is common law theft



Wide range of statutory legislation applies

- UK byelaws no longer apply
- Support for sustainable and responsible harvesting (UKWAS)
- Use of existing guidelines
- Guidance through the ABC
- Requirement for permissions based on Deer (Scotland) Act
- Discretion for FDMs
- Improved guidance from Estates
- Support for the development of a trade association
- Commitment to review within 5 years

'Persons who require to acquire a permit or permission in respect of NTFPs are those intending to or carrying out the following, and that whether or not for profit or commercial gain, and whether or not in the course of a profession, trade or business:

(a) the sale, or offering or exposing for sale, or (b) the possession, transportation or causing to be transported for the sale at any premises, of any NTFPs.

"Sale" shall include barter, exchange and any transaction in which NTFPs are or may be disposed of for value, and also any transaction in which NTFPs are used or are to be used but not disposed of to obtain money, goods, services or other consideration. '

- General principles - UKFS
- Certification
- Avoiding damage to:
 - Resource
 - Property
 - Relations
- Options open to landowners
- Responsibility of harvesters / collectors

UK Biodiversity Action Plan

- For all uses and activities, it should be an aim of policy to minimise further losses of biodiversity due to human activity and, where possible, to increase biodiversity. The context for the chapter is provided by Article 10 of the UN Convention on Biological Diversity.

Scottish Outdoor Access Code

- You should be familiar with the three principles of the Scottish outdoor access code (SOAC) which guide people taking responsible access into the forest.
 - Take responsibility for your own actions: The outdoors cannot be made risk-free for people exercising access rights; land managers should act with care for people's safety.
 - Respect the interests of other people: Be considerate, respect privacy and livelihoods, and the needs of those enjoying the outdoors.
 - Care for the Environment: Look after the places you visit and enjoy. Care for wildlife and historic sites.

The Nature Conservation (Scotland) Act 2004. Conservation of biodiversity

Anti Social Behaviour Scotland Act 2004. Vandalism

The Land Reform (Scotland) Act 2003. Commercial harvesting

The Wildlife and Countryside Act (Amendment) 1995. Balance between forestry and nature conservation

Criminal Law (consolidation) Scotland Act 1995 Section 52. Theft

Criminal Justice and Public Order Act 1994 (Section 61 and 62). Collective trespass.

Criminal Justice and Public Order Act 1994 (Section 68). Aggravated Trespass.

The EC Habitats Directive (1992). Habitat and species protection

Environmental Protection Act 1990 (Section 87). Dropping of litter.

Road Traffic Act 1988 (Section 22). Driving a vehicle off road and parking

Civic Government (Scotland) Act 1982 (Section 56). Laying or lighting a fire in a public place

The Wildlife and Countryside Act 1981 and The Conservation (Natural Habitats etc) Regulations 1994. Damage to plants or animals.

Criminal Justice (Scotland) Act 1980 (Section 78). Vandalism and Criminal damage and Graffiti.

The Forestry Act 1967 (as amended). Balance between forestry and nature conservation

Occupiers Liability (Scotland) Act 1960 (see section 12). Duty of care

Trespass (Scotland) Act 1865 (Section 3). Lighting fires and as part of vandalism. **The Land Reform Scotland Act 2003** amends the act & allows fires to be lit in controlled circumstances.

Health and Safety at Work Act 1974. Safe working practises for employees and public.

The Gangmasters (Licensing) Act 2004 includes a number of criminal offences.

- How do you view the new policy?
- Is it / will it be helpful?
- Best way to disseminate it?
- Other comments