Nature Conservation (Scotland) Act 2004

2004 asp 6

NATURE CONSERVATION (SCOTLAND) ACT 2004

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SCHEDULE 1 — Notifications relating to sites of special scientific interest: procedure
1 This schedule applies to notifications given under sections 3(1), 5(1)...
2 SNH must give notice describing the general effect of a...
3 A notification to which this schedule applies and the related...
4 Confirmation or withdrawal of notification
5 If SNH does not give notice under paragraph 10 within...
6 Modification of notification
7 Such modifications must not have the effect of—
8 Paragraph 7(a) does not prevent SNH from amending an SSSI...
9 Where— (a) SNH has received a representation made within the...
10 Notice of decision to confirm or withdraw
11 Where a notice is given under paragraph 10(a) to a...
12 Extension of period during which notification is to be confirmed or withdrawn
13 The period mentioned in paragraph 4(a) may not be extended...
14 Agreement is obtained for the purposes of paragraph 12(b) if...
15 Where SNH extends or further extends the period mentioned in...
SCHEDULE 2 — Nature conservation orders and related orders: procedure
1. This schedule applies to nature conservation orders, amending orders and...
2. Before making an order to which this schedule applies the...
3. Notification
4. The notice must— (a) set out the order or describe...
5. Confirmation of nature conservation orders and amending orders
6. The Scottish Ministers may confirm the order with or without...
7. Such modifications must not extend the area of land to...
8. The Scottish Ministers must, as soon as practicable after making...
9. An order which is confirmed with modifications has effect, from...
10. Inquiry or other opportunity to be heard
11. Subsections (4) to (8) (which relate to the giving of...
12. Extension of period
13. Agreement is obtained for the purposes of paragraph 12 if...
14. Where the Scottish Ministers extend or further extend the period...
15. An order to which this schedule applies and a notice...

SCHEDULE 3 — Land management orders and related orders: procedure
1. Notification of proposals for land management order
2. SNH must also arrange for notification of the proposal to...
3. A notification under paragraph 1 or 2 must—
4. Such representations may be made at any time—
5. The Scottish Ministers may, on the application of any person...
6. Power to require disclosure of information
7. Paragraph 6 does not authorise the Scottish Ministers to require...
8. Any person who— (a) refuses or fails, without reasonable excuse,...
9. Any person guilty of an offence under paragraph 8 is...
10. SNH may, at any time before the Scottish Ministers decide...
11. Notification of decision on orders
12. The Scottish Ministers must also give notice of their decision...
13. Such a notice must specify— (a) the Scottish Ministers' reasons...
14. A land management order, and any order under section 32(3)...

SCHEDULE 4 — Powers of entry of authorised persons: further provision
1. (1) A person authorised under section 44 to enter any...
2. (1) If a sheriff or justice of the peace is...
3. A person authorised under section 44 or by a warrant...
4. (1) A person who enters any land in the exercise...
5. A person leaving any land which has been entered in...
6. (1) SNH or, as the case may be, the Scottish...

SCHEDULE 5 — Part 2: transitional arrangements
1. In this schedule “the relevant day” means the day on...
2. Notifications under the 1981 Act
3. Where this paragraph applies in relation to an existing notification—...
4. SNH must, as soon as practicable after paragraph 3 first...
5. SNH may, despite subsection (2) of section 6, carry out...
6. A permission to carry out an operation specified in an...
7. Where paragraph 3 does not, by virtue of paragraph 2(b),...
8. Notifications under the 1949 Act
9. Land in respect of which a 1949 Act notification has...
10. SNH may revoke a 1949 Act notification by giving notice...
11 (1) Each order made under section 29 of the 1981...
12 Registers of notifications: transitory provisions
13 Any notification, plan or notice which, immediately before the relevant...

SCHEDULE 6 — Protection of wildlife
1 The 1981 Act is amended as follows.
2 Protection of birds: offences
3 In section 2 (exceptions to offences against wild birds etc.)—...
4 In section 3 (areas in which wild birds are given...
5 (1) Section 4 (exceptions to offences against wild birds etc.)...
6 In section 5 (prohibition of certain methods of killing or...
7 In section 7(3) (prohibition on possessing certain birds)—
8 Protection of animals: offences
9 In section 10 (exceptions to offences against wild animals)—
10 (1) Section 11 (prohibition of certain methods of killing or...
11 (1) Section 13 (protection of wild plants) is amended as...
12 Non-native species
13 After section 14 insert— Prohibition on sale etc. of certain...
14 Miscellaneous
15 In section 16 (power to grant licences)—
16 In section 19 (enforcement)— (a) in subsection (1)(b)—
17 After section 19ZB (inserted, as respects England and Wales, by...
18 In section 20(2) (summary prosecutions)— (a) for “two” substitute “...
19 In section 21 (penalties etc.)— (a) in subsection (1), for...
20 In section 22 (power to vary Schedules)—
21 In section 26 (procedure for orders)— (a) in each of...
22 After section 26 insert— Enforcement of wildlife legislation
   Regulations under section 2(2) of the European Communities Act 1972...
23 (1) Section 27 (interpretation of Part I) is amended as...
24 Before Schedule 1 insert— Schedule A1 Protected nests and nest...
25 After Schedule 1 insert— Schedule 1A Birds which are protected...
26 (1) The Protection of Badgers Act 1992 is amended as...

SCHEDULE 7 — Minor and consequential amendments and repeals
1 In Schedule 3 to the Harbours Act 1964 (procedure for...
2 (1) The Forestry Act 1967 is amended as follows.
3 In section 10 of the Conservation of Seals Act 1970...
4 Sections 28 to 34, 41, 50, 51 and 74(5A) of,...
5 In section 22(1)(b) (traffic regulation for special areas in the...
6 Section 9(7) of the Channel Tunnel Act 1987 is repealed....
7 In section 36(7) (requirement to consult SNH before issuing waste...
8 Sections 6 (Natural Heritage Areas) and 12 (Advisory Committee on...
9 In section 1(7) (determination by Court of Session of point...
10 (1) Section 35 (duties of SEPA in relation to Natural...
11 In schedule 3 (penalties for offences relating to deer) to...
12 (1) In section 54(1) (land which may not be included...
13 In section 54 (protection of natural heritage) of the Water...
Changes to legislation:
Nature Conservation (Scotland) Act 2004 is up to date with all changes known to be in force on or before 13 June 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to:
- Pt. 2 Ch. 2 amendment to earlier affecting provision S.I. 1994/2716, reg. 20 by S.S.I. 2019/113 reg. 14(2)
- sch. 1 para. 9 title substituted by 2010 asp 8 s. 2(3)(e)(iii)