



# Nature Conservation (Scotland) Act 2004

## 2004 asp 6

### NATURE CONSERVATION (SCOTLAND) ACT 2004

#### PART 1

##### BIODIVERSITY

- 1 Duty to further the conservation of biodiversity
- 2 Scottish Biodiversity Strategy

#### PART 2

##### CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

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- 9 Denotification of sites of special scientific interest
- 10 Notifications relating to sites of special scientific interest: procedure
- 11 Effect of SSSI notification

###### *Exercise of functions in relation to sites of special scientific interest*

- 12 Exercise of functions by public bodies etc.

###### *Operations affecting sites of special scientific interest*

- 13 Operations by public bodies etc.

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- 18 Appeals in connection with operations requiring consent

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- 19 Offences in relation to sites of special scientific interest
- 20 Byelaws

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#### SCHEDULE 1 — Notifications relating to sites of special scientific interest: procedure

- 1 Application of schedule
- 2 Publication
- 3 Content of notification
- 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 Referral to Advisory Committee
- 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withdrawn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 Application of schedule
- 2 Consultation
- 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 Recording or registration of orders

#### 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 Withdrawal of proposal
- 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 Recording or registration of orders

#### SCHEDULE 4 — Powers of entry of authorised persons: further provision

- 1 Notice of entry to occupied land
- 2 Warrant for entry
- 3 Evidence of authority
- 4 Supplementary powers
- 5 Duty to secure land
- 6 Compensation

#### SCHEDULE 5 — Part 2: transitional arrangements

- 1 Interpretation
- 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 Orders under section 29 of the 1981 Act
- 12 Registers of notifications: transitory provisions
- 13 Any notification, plan or notice which, immediately before the relevant...

#### SCHEDULE 6 — Protection of wildlife

- 1 Wildlife and Countryside Act 1981 (c. 69)
- 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 Protection of plants: offences
- 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  
“three”,...
- 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 Protection of Badgers Act 1992 (c. 51)

#### SCHEDULE 7 — Minor and consequential amendments and repeals

- 1 Harbours Act 1964 (c. 40)
- 2 Forestry Act 1967 (c. 10)
- 3 Conservation of Seals Act 1970 (c. 30)
- 4 Wildlife and Countryside Act 1981 (c. 69)
- 5 Road Traffic Regulation Act 1984 (c. 27)
- 6 Channel Tunnel Act 1987 (c. 53)
- 7 Environmental Protection Act 1990 (c. 43)
- 8 Natural Heritage (Scotland) Act 1991 (c. 28)
- 9 Scottish Land Court Act 1993 (c. 45)
- 10 Environment Act 1995 (c. 25)
- 11 Deer (Scotland) Act 1996 (c. 58)
- 12 Town and Country Planning (Scotland) Act 1997 (c. 8)
- 13 Water Industry (Scotland) Act 2002 (asp 3)