

These notes relate to the Nature Conservation (Scotland) Act 2004 (asp 6) which received Royal Assent on 11 June 2004

NATURE CONSERVATION (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Conservation and Enhancement of Natural Features

Chapter 4 - General and Supplementary

Section 38 Ramsar Sites

250. [Section 38](#) makes provision in relation to wetland sites designated as being of international importance in relation to the objectives of the Ramsar Convention.
251. Subsection (1) requires the Scottish Ministers to give SNH notice of any wetland designated in Scotland.
252. Subsection (2) requires SNH, on receipt of such a notice from the Scottish Ministers, to notify the owners and occupiers of the site, the relevant planning authority, any relevant National Park Authority, every relevant statutory undertaker and any relevant regulatory body.
253. Subsection (3) provides a full reference to the Ramsar Convention, including subsequent amendments, and provides that the terms of section 38 are also to apply in relation to any successor convention which replaces Ramsar.
254. It should be noted that the principal legal protection given to Ramsar sites in Scotland is provided by means of the SSSI and Natura 2000 systems. The provisions of this Act and the Conservation (Natural Habitats &c.) Regulations 1994 should therefore be consulted in relation to any activities or operations which might impact upon wetlands designated under the Ramsar Convention. Consideration should also be given to relevant provisions in the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#).