



Nature Conservation (Scotland) Act 2004

2004 asp 6

PART 2

CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

CHAPTER 2

NATURE CONSERVATION ORDERS

23 Nature conservation orders

- (1) Where the Scottish Ministers consider that, for either or both of the purposes specified in subsection (2), the carrying out of an operation on land of a description specified in subsection (3) should be wholly or partly prohibited, they may make an order (a “nature conservation order”)—
 - (a) specifying the operation,
 - (b) specifying the circumstances (if any) in which the carrying out of the operation is not prohibited, and
 - (c) prohibiting any person from carrying it out on such land other than in those circumstances.
- (2) The purposes referred to in subsection (1) are—
 - (a) the conservation of any natural feature by reason of which land (whether or not the land in question) is a site of special scientific interest or, as the case may be, is otherwise considered by the Scottish Ministers to be of special interest,
 - (b) compliance with an international obligation.
- (3) The land referred to in subsection (1) is—
 - (a) land which is, or forms part of, a site of special scientific interest,
 - (b) land which is not, or does not form part of, a site of special scientific interest but is, in the opinion of the Scottish Ministers, of special interest by reason of any of its natural features,
 - (c) land which is contiguous to, or which the Scottish Ministers consider to be otherwise associated with, land of the type described in paragraph (a) or (b), or
 - (d) any combination of land of the types described in paragraphs (a) to (c).

Status: This is the original version (as it was originally enacted).

- (4) The circumstances which may be specified in a nature conservation order by virtue of subsection (1)(b) include, for example, the carrying out of an operation—
 - (a) at a particular time,
 - (b) in a particular manner, or
 - (c) in accordance with particular conditions.
- (5) Each operation specified in a nature conservation order is, so far as prohibited by the order in relation to the land to which the order relates, referred to in this Act as a “prohibited operation”.
- (6) A nature conservation order has effect on being made.
- (7) A nature conservation order ceases to have effect—
 - (a) on the date on which a decision not to confirm it is made under paragraph 5 of schedule 2,
 - (b) if no decision is made under that paragraph within the period mentioned in sub-paragraph (a) of that paragraph or that period as extended under paragraph 12 of that schedule, at the end of that period, or
 - (c) on the date on which an order under section 24(1) revoking it is made.