



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 9

STATUTORY NUISANCES

109 Insect nuisance

- (1) Section 79 (statutory nuisances and inspections) of the Environmental Protection Act 1990 (c. 43) (the “1990 Act”) is amended as follows.
- (2) In subsection (1), after paragraph (fa), insert—
- “(faa) any insects emanating from premises and being prejudicial to health or a nuisance;”.
- (3) After subsection (5A), insert—
- “(5AA) Subsection (1)(faa) above does not apply to insects that are wild animals included in Schedule 5 to the Wildlife and Countryside Act 1981 (c. 69).
- (5AB) For the purposes of subsection (1)(faa) above, “premises” does not include—
- a site of special scientific interest (within the meaning of section 3(6) of the Nature Conservation (Scotland) Act 2004 (asp 6));
 - such other place (or type of place) as may be prescribed in regulations made by the Scottish Ministers.
- (5AC) Before making regulations under subsection (5AB)(b) above, the Scottish Ministers must consult, in so far as it is reasonably practicable to do so, the persons mentioned in subsection (5AD) below.
- (5AD) Those persons are—
- such associations of local authorities; and
 - such other persons,
- as the Scottish Ministers consider appropriate.”.
- (4) In subsection (7), in the definition of “premises”, after “land” insert “ (subject to subsection (5AB) above) ”.

Status: Point in time view as at 26/01/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 109. (See end of Document for details)

Commencement Information

II S. 109 in force at 26.1.2009 by S.S.I. 2009/9, art. 2(a), **Sch. 1**

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