



# 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) a site of special scientific interest (within the meaning of section 3(6) of the Nature Conservation (Scotland) Act 2004 (asp 6));
    - (b) 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—
    - (a) such associations of local authorities; and
    - (b) 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)”.