
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 475

**The Conservation (Natural Habitats, &c.)
Amendment (Scotland) Regulations 2004**

Transitional Provisions and Revocations

Transitional Provisions

20.—(1) The provisions of this regulation apply to a notification to which regulation 18 of the 1994 Regulations applies, as that notification had effect immediately before the day on which these Regulations come into force.

(2) Such a notification is to be treated as a notification given under section 3(1) of, and confirmed under paragraph 4 of schedule 1 to, the 2004 Act.

(3) Any operation specified in such a notification is to be treated as an operation requiring consent under section 3(7) of the 2004 Act.

(4) Scottish Natural Heritage is to be treated as having given its written consent on an application under section 16(2) of the 2004 Act to the carrying out of an operation which is, by virtue of paragraph (3), to be treated as an operation requiring consent, if Scottish Natural Heritage has, on or before the day before these Regulations come into force, given its consent in writing to the carrying out of the operation.

(5) Paragraph 4 of schedule 5 to the 2004 Act shall apply to such a notification as if it was an existing notification within the meaning given in paragraph 2 of that schedule.

(6) Scottish Natural Heritage may, despite section 6(2) of the 2004 Act, carry out at such time as it thinks fit the first review under section 6(1)(b) of that Act of an operation which is, by virtue of paragraph (3), to be treated as an operation requiring consent.

(7) A permission to carry out an operation specified in such a notification given before these Regulations come into force is not to be treated as having been given in accordance with section 15 of the 2004 Act.

21.—(1) Any special nature conservation order made under regulation 22 of the 1994 Regulations—

- (a) which was made before the day on which these Regulations come into force, and
- (b) in respect of which notice has been given under paragraph 6 of Schedule 1 to the 1994 Regulations of a decision to confirm it,

is to be treated as a nature conservation order made under section 23 and confirmed under paragraph 5 of schedule 2 to the 2004 Act.

(2) Paragraph 11(3) of schedule 5 to the 2004 Act shall apply to an order referred to in paragraph (1) as if it was an order referred to in paragraph 11(3) of that schedule.

Revocations

22. The following provisions of the 1994 Regulations are revoked:—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) regulations 23 to 27;
- (b) regulation 32;
- (c) regulations 87 to 93;
- (d) regulations 98 and 99; and
- (e) Schedule 1.