



# Natural Heritage (Scotland) Act 1991

## 1991 CHAPTER 28

### PART I

#### SCOTTISH NATURAL HERITAGE

##### *Miscellaneous*

#### 10 Reports, accounts etc

(1) SNH shall—

- (a) furnish the Secretary of State with such returns, accounts and other information with respect to its property and activities or proposed activities as he may, from time to time, require;
- (b) afford to the Secretary of State facilities for the verification of information so furnished; and
- (c) for the purpose of such verification, permit any person authorised in that behalf by the Secretary of State to inspect and make copies of the accounts, books, documents or papers of SNH and to give that person such explanation of anything he is entitled to inspect as he may reasonably require.

(2) SNH shall—

- (a) as soon as possible after the 31st March following the date upon which section 1 of this Act comes into force make to the Secretary of State a report on the exercise and performance of its functions to that date; and
- (b) make a similar report to him as to each period of twelve months thereafter as soon as possible after the end of such period,

and a copy of every such report shall be laid before each House of Parliament by the Secretary of State:

Provided that if the date upon which the said section 1 comes into force falls on a day after 30th September and before 31st March, the first report of SNH under this section shall be for the period ending with the next succeeding 31st March.

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- (3) SNH shall keep proper accounts and other records, and shall prepare for each financial year a statement of account in such form as the Secretary of State with the approval of the Treasury may direct and shall submit those statements of account to the Secretary of State at such time as he may with the approval of the Treasury direct.
- (4) The Secretary of State shall, on or before the 30th November in any year, transmit to the Comptroller and Auditor General the statement of account of SNH for the financial year last ended.
- (5) The Comptroller and Auditor General shall examine and certify the statements of account transmitted to him under subsection (4) above, and shall lay copies of them together with his report thereon before each House of Parliament.
- (6) In this section “financial year” means the period beginning with the date upon which section 1 of this Act comes into force and ending with the 31st March following that date and each period of twelve months thereafter:

Provided that if the date upon which the said section 1 comes into force falls on a day after 30th September and before 31st March, the first financial year of SNH shall end with the next succeeding 31st March.

## **11 Directions by Secretary of State**

- (1) Subject to subsection (3) below, the Secretary of State may give SNH directions of a general or specific character with regard to the discharge of its functions; and it shall be the duty of SNH to comply with any such directions.
- (2) A direction given under this section may be varied or revoked by a subsequent direction so given.
- (3) The Secretary of State shall not give directions under this section in respect of functions conferred on SNH by virtue of section 4(6) of this Act.

## **12 Advisory Committee on SSSIs**

- (1) The Secretary of State shall appoint a committee (in this section referred to as “the Committee”) which shall have the function of giving advice to SNH on such matters concerning areas of special scientific interest as are specified in this section.
- (2) The chairman and members of the Committee shall be appointed by the Secretary of State from among persons who are not members of SNH or of any committee appointed by it having scientific qualifications and experience in relation to flora or fauna or the geological or physiographical features of land.
- (3) The chairman and members of the Committee shall be appointed upon such terms and for such periods as the Secretary of State may determine and they shall be paid by SNH such remuneration and allowances as the Secretary of State may, with the consent of the Treasury, determine.
- (4) The Secretary of State may, from time to time, give directions to the Committee as to its procedure.
- (5) Where SNH has given notification to the owner or occupier of any land under subsection (1) of section 28 of the Wildlife and Countryside Act 1981 (areas of special scientific interest) that the land is or forms part of an area of special interest and

has received from the owner or occupier of the land, within the time specified in subsection (2) of that section, representations or objections relating to any reason specified in the notification in pursuance of subsection (4)(a) of that section and the owner or occupier does not agree to withdraw such representations or objections, it shall refer the matter to the Committee.

(6) Where, as regards any land in respect of which a notification has been given under subsection (1) of the said section 28 before the commencement of this section, SNH receives representations from the owner or occupier of the land that any reason specified in the notification in pursuance of the said subsection (4)(a) has ceased to be valid and, within six months of such representations having been made, they have not been withdrawn—

- (a) in the case of a notification given since the commencement of section 2 of the Wildlife and Countryside (Amendment) Act 1985 or in the case of a notice of proposed notification given before such commencement, where objections or representations were duly made in pursuance of subsection (2) of the said section 28 at the time the notification or, as the case may be, notice was given; and
- (b) in any other case, where not less than 10 years have elapsed since the date the notification or, as the case may be, notice was given,

it shall refer the matter to the Committee.

(7) SNH shall not confirm a notification to which subsection (5) above applies or come to a decision on representations to which subsection (6) above applies without having received and considered the advice of the Committee on the matter; and in any case where a matter has been referred to the Committee SNH shall send a copy of the Committee's advice to any owner or occupier who has made objections or representations at the time when it notifies the owner or occupier of the confirmation of a notification or, as the case may be, its decision on the matter.

(8) Where representations are made to SNH in respect of a notification relating to any land in circumstances other than those mentioned in subsection (5) or (6) above, SNH shall refer the representations to the Committee where not less than 10 years have elapsed from whichever is the later of the date of the notification or the date of any earlier representations made in respect of the notification.

### **13 Access to open country**

Part II of the Countryside (Scotland) Act 1967 shall be amended in accordance with Schedule 3 to this Act to enable SNH to enter into access agreements or to make access orders under that Part of that Act.

### **14 Dissolution of bodies**

(1) On a date to be appointed by the Secretary of State—

- (a) the Nature Conservancy Council for Scotland; and
- (b) the Countryside Commission for Scotland,

shall each be dissolved.

(2) On the date appointed for the purposes of subsection (1) above, all heritable or moveable property wherever situated held by each of the Nature Conservancy Council for Scotland and the Countryside Commission for Scotland immediately before that date shall be transferred to and vest in SNH and all rights, liabilities and obligations of

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both the Nature Conservancy Council for Scotland and the Countryside Commission for Scotland to which either of them were entitled or subject immediately before that date shall, on that date, be transferred to SNH.

- (3) In the Countryside (Scotland) Act 1967 for the words “the Commission” where they occur there shall be substituted the words “Scottish Natural Heritage”.
- (4) Subject to anything in this section and Schedule 10 to this Act, for any reference in any enactment (including an enactment contained in a local or private Act and any order, regulation or other instrument having effect by virtue of an Act) to the Countryside Commission for Scotland there shall be substituted a reference to Scottish Natural Heritage.
- (5) Schedule 4 to this Act shall have effect for the purpose of making transitional provisions and savings in consequence of the dissolution of the Nature Conservancy Council for Scotland and the Countryside Commission for Scotland under subsection (1) above.