

*Changes to legislation: There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 **S**

Section 1.

#### CONSTITUTION AND PROCEEDINGS OF SCOTTISH NATURAL HERITAGE

##### *Incorporation and status*

1 SNH shall be a body corporate and shall have a common seal.

##### **Commencement Information**

**I1** Sch. 1 para. 1 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 2 (1) SNH shall not—
- (a) be regarded as a servant or agent of the Crown;
  - (b) have any status, immunity or privilege of the Crown;
  - (c) be exempt from any tax, duty, rate, levy or other charge whatsoever whether general or local,
- and its property shall not be regarded as property of, or held on behalf of, the Crown.
- (2) Sub-paragraph (1) above shall have effect subject to paragraph 19 below.

##### **Commencement Information**

**I2** Sch. 1 para. 2 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

##### *Membership*

3 The members of SNH shall be not less than eight, nor more than twelve, persons appointed by the Secretary of State.

##### **Commencement Information**

**I3** Sch. 1 para. 3 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

4 In making appointments under paragraph 3 above, the Secretary of State shall have regard to the desirability of ensuring that the membership of SNH contains at any time, so far as is practicable, persons of knowledge or experience relevant to the principal areas of activity of SNH.

##### **Commencement Information**

**I4** Sch. 1 para. 4 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

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- 5 The Secretary of State shall satisfy himself—
- (a) before he appoints a person to be a member that the person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member: and
  - (b) from time to time that each person so appointed continues, and has continued, to have no such interest.

**Commencement Information**

**I5** Sch. 1 para. 5 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 6 A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in paragraph 5 above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of fulfilling that requirement.

**Commencement Information**

**I6** Sch. 1 para. 6 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 7 Subject to this paragraph and paragraphs 9 and 10 below, each member of SNH—
- (a) shall hold and vacate office in accordance with the terms of his appointment;
  - (b) may, by notice in writing to the Secretary of State, resign his membership; and
  - (c) after ceasing to hold office shall be eligible for reappointment as a member.

**Commencement Information**

**I7** Sch. 1 para. 7 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 8 The Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, amend paragraph 3 above so as to substitute for the numbers for the time being specified as, respectively, the minimum and maximum membership of SNH such other numbers as he thinks fit.

**Commencement Information**

**I8** Sch. 1 para. 8 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 9 The Secretary of State may remove a member from office if he is satisfied that the member—
- (a) has been adjudged bankrupt, has made an arrangement with his creditors, has had his estate sequestrated or has granted a trust deed for his creditors or a composition contract;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of SNH for a period longer than three months without the permission of SNH; or

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- (d) is otherwise unable or unfit to discharge his functions as a member or is unsuitable to continue as a member.

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**Commencement Information**

**I9** Sch. 1 para. 9 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

*Chairman and Deputy Chairman*

- 10 (1) The Secretary of State shall appoint one of the members of SNH to be chairman and, after consulting the chairman, shall appoint one of the members to be deputy chairman.
- (2) The chairman and deputy chairman shall hold and vacate office in terms of their appointment.
- (3) A member of SNH who is chairman or deputy chairman may resign his office by notice in writing to the Secretary of State; but if the chairman or deputy chairman ceases to be a member of SNH (whether or not on giving notice under paragraph 7(b) above) he shall cease to be its chairman or, as the case may be, deputy chairman.

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**Commencement Information**

**I10** Sch. 1 para. 10 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

*Remuneration and allowances*

- 11 (1) SNH shall—
- (a) pay to its members such remuneration and allowances (if any); and
- (b) as regards any member or former member in whose case the Secretary of State may so determine, pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity,
- as the Secretary of State may, with the approval of the Treasury, determine.
- (2) If a person ceases to be a member of SNH, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may require SNH to pay to that person a sum of such amount as the Secretary of State may, with the approval of the Treasury, determine.

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**Commencement Information**

**I11** Sch. 1 para. 11 wholly in force at 27.11.1991 see S.I. 1991/2633, art. 3, Sch.

*Staff*

- 12 (1) There shall be a chief officer of SNH.
- (2) The Secretary of State shall, after consultation with the chairman or person designated to be chairman (if there is a person holding or designated to hold that

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office), make the first appointment of the chief officer of SNH on such terms and conditions as he may, with the consent of the Treasury, determine; and thereafter SNH may, with the approval of the Secretary of State, make subsequent appointments to that office on such terms and conditions as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

**Commencement Information**

**I12** Sch. 1 para. 12 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 13 Subject to paragraph 3 of Schedule 4 to this Act, SNH may appoint on such terms and conditions as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine such other employees as it thinks fit.

**Commencement Information**

**I13** Sch. 1 para. 13 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 14 (1) SNH shall, in the case of such of its employees or former employees as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine—
- (a) pay such pensions, allowances or gratuities to or in respect of those employees;
  - (b) make such payments towards provision of such pensions, allowances or gratuities; or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions allowances or gratuities,
- as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- (2) The reference in sub-paragraph (1) above to pensions, allowances or gratuities in respect of employees of SNH includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such employee who suffers loss of office or employment.
- (3) If an employee of SNH becomes a member of SNH and was by reference to his employment by SNH a participant in a pension scheme established and administered by it for the benefit of its employees—
- (a) SNH may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of SNH whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 11 above; but
  - (b) if SNH determines as aforesaid, any discretion as to the benefits payable to or in respect of him which the scheme confers on SNH shall be exercised only with the consent of the Secretary of State given with the approval of the Treasury.

**Commencement Information**

**I14** Sch. 1 para. 14 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

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### *Proceedings*

- 15 (1) SNH may regulate its own procedure (including making provision in relation to the quorum for its meetings and the meetings of any committee appointed by it).
- (2) The proceedings of SNH and of any committee appointed by it shall not be invalidated by any vacancy amongst its members or the members of such committee or by any defect in the appointment of such member.

#### **Commencement Information**

**I15** Sch. 1 para. 15 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

### *Committees*

- 16 (1) SNH may appoint persons who are not members of it to be members of any committee established by it:
- Provided that no such committee shall consist entirely of persons who are not members of SNH.
- (2) SNH shall pay to a person so appointed such remuneration and allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.
- (3) SNH may regulate the procedure of any committee established by it and any such committee shall comply with any directions given to them by it.

#### **Commencement Information**

**I16** Sch. 1 para. 16 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

### *Delegation of powers*

- 17 (1) Anything authorised or required by or under any enactment to be done by SNH may be done by any of its committees which, or by any of its members or employees who, is authorised (generally or specifically) for the purpose by SNH.
- (2) Nothing in sub-paragraph (1) above shall prevent SNH from doing anything that a committee, member or employee has been authorised to do.
- [<sup>F1</sup>(3) In sub-paragraph (1) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.]

#### **Textual Amendments**

**F1** Sch. 1 para. 17(3) added (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 41(3); S.S.I. 2014/160, art. 2(1)(2), Sch.

#### **Commencement Information**

**I17** Sch. 1 para. 17 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

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### *Documents*

<sup>F2</sup>18 .....

#### **Textual Amendments**

**F2** Sch. 1 para. 18 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3))

### *Land*

19 (1) For the purposes of the application of any enactment or rule of law to land [<sup>F3</sup>which or] an interest in which belongs to SNH, and which is managed as a nature reserve, SNH shall be deemed to be a Government department; and any other land occupied by it shall be deemed, for the purpose of any rate on property, to be property occupied by or on behalf of the Crown for public purposes.

[<sup>F4</sup>(2) In sub-paragraph (1) above—

“ interest ” includes any right over the land, whether exercisable by virtue of ownership or by virtue of a licence or agreement and, without prejudice to that generality, includes sporting rights; and

“ land ” includes—

- (i) land covered by water; and
- (ii) salmon fishings.]

#### **Textual Amendments**

**F3** Words in Sch. 1 para. 19(1) inserted (28.11.2004) by 2000 asp 5, s. 76(1), 77, **Sch. 12 Pt. I para. 53(3)(a)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

**F4** Sch. 1 para. 19(2) substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77, **Sch. 12 Pt. I para. 53(3)(b)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

#### **Commencement Information**

**I18** Sch. 1 para. 19 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, **art. 3, Sch.**

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