



Environment Act 1995

1995 CHAPTER 25

PART I

THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

CHAPTER II

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

General powers and duties

32 General environmental and recreational duties.

[^{F1}(1) It shall be the duty of the Secretary of State and of SEPA, in formulating or considering any proposals relating to any functions of SEPA—

- (a) to have regard to the desirability of conserving and enhancing the natural heritage of Scotland;
- (b) to have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural, engineering or historic interest;
- (c) to take into account any effect which the proposals would have on the natural heritage of Scotland or on any such buildings, sites or objects; and
- (d) to have regard to the social and economic needs of any area or description of area of Scotland and, in particular, to such needs of rural areas.

(2) Subject to subsection (1) above, it shall be the duty of the Secretary of State and of SEPA, in formulating or considering any proposals relating to any functions of SEPA—

- (a) to have regard to the desirability of preserving for the public any freedom of access (including access for recreational purposes) to areas of forest, woodland, mountains, moor, bog, cliff, foreshore, loch or reservoir and other places of natural beauty;

Changes to legislation: Environment Act 1995, Section 32 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) to have regard to the desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural, engineering or historic interest; and
- (c) to take into account any effect which the proposals would have on any such freedom of access or on the availability of any such facility.

(3) In this section—

“building” includes structure; and

“the natural heritage of Scotland” has the same meaning as in section 1(3) of the ^{M1}Natural Heritage (Scotland) Act 1991.]

Textual Amendments

F1 S. 32 repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **sch. 3 para. 14(4)**; S.S.I. 2014/160, art. 2(1)(2)

Marginal Citations

M1 1991 c. 28.

Changes to legislation:

Environment Act 1995, Section 32 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 80(8) inserted by [2024 asc 2 s. 12\(1\)](#)
- s. 80(9)(10) inserted by [2024 asc 2 s. 13](#)
- s. 81B inserted by [2024 asc 2 s. 14\(1\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- s. 87(2)(o)(i) words in s. 87(2)(o) renumbered as s. 87(2)(o)(i) by [2024 asc 2 s. 24\(2\)\(a\)\(i\)](#)
- s. 87(2)(o)(ii) and word inserted by [2024 asc 2 s. 24\(2\)\(a\)\(ii\)](#)
- s. 87(2B) inserted by [2024 asc 2 s. 24\(2\)\(b\)](#)
- s. 87(7A)(7B) inserted by [2024 asc 2 s. 15](#)
- s. 87(9A) inserted by [2024 asc 2 s. 12\(2\)](#)
- s. 88(4)(5) inserted by [2024 asc 2 s. 14\(3\)\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)