



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 4

SITES OF SPECIAL SCIENTIFIC INTEREST

55 Offences in connection with SSSIs

- (1) Amend section 28P of the Wildlife and Countryside Act 1981 (c. 69) (offences) as follows.
- (2) After subsection (5) insert—

“(5A) A section 28G authority which, in the exercise of its functions, permits the carrying out of an operation which damages any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest—

 - (a) without first complying with section 28I(2), or
 - (b) where relevant, without first complying with section 28I(4) or (6),

is, unless there was a reasonable excuse for permitting the carrying out of the operation without complying, guilty of an offence and is liable on summary conviction to a fine not exceeding £20,000 or on conviction on indictment to a fine.

(5B) For the purposes of subsection (5A), it is a reasonable excuse in any event for a section 28G authority to permit the carrying out of an operation without first complying with section 28I(2), (4) or (6) if the operation in question was an emergency operation particulars of which (including details of the emergency) were notified to Natural England as soon as practicable after the permission was given.”
- (3) After subsection (6) insert—

Status: This is the original version (as it was originally enacted).

“(6A) A person (other than a section 28G authority acting in the exercise of its functions) who without reasonable excuse—

(a) intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical features by reason of which a site of special scientific interest is of special interest, or

(b) intentionally or recklessly disturbs any of those fauna,

is guilty of an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

(4) In subsection (7), after “(6)” (in both places) insert “or (6A)”.

(5) In section 31 of the 1981 Act (restoration following offence under section 28P), in subsection (1)(b), after “28P(6)” insert “or (6A)”.