

*These notes relate to the Nature Conservation (Scotland) Act 2004 (asp 6) which received Royal Assent on 11 June 2004*

# **NATURE CONSERVATION (SCOTLAND) ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 – Conservation and Enhancement of Natural Features**

##### ***Chapter 3 - Land Management Orders***

##### ***Section 36 - Offences in relation to land management orders***

244. Subsection (1) provides that a person who, without reasonable excuse, fails to carry out an operation required by an LMO will be guilty of an offence. The operation must be carried out in the manner prescribed by an LMO.
245. Subsection (2) provides that it is an offence for a person to carry out, or to cause or permit to be carried out, an excluded operation (defined in section 31(2)) unless the person has reasonable excuse for doing so.
246. Subsection (3) provides that a person found guilty of an offence under this section will be liable on summary conviction to a fine of up to £40,000, and on conviction on indictment to a fine (that is, to a fine which can be set at whatever level the Court thinks fit, including in excess of £40,000, having had regard to the facts of the case).