



Nature Conservation (Scotland) Act 2004

2004 asp 6

PART 1

BIODIVERSITY

1 Duty to further the conservation of biodiversity

- (1) It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.
- (2) In complying with the duty imposed by subsection (1) a body or office-holder must have regard to—
 - (a) any strategy designated under section 2(1), and
 - (b) the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or any United Nations Convention replacing that Convention).

Modifications etc. (not altering text)

- C1** S. 1 modified (31.10.2009) by [Climate Change \(Scotland\) Act 2009 \(asp 12\)](#), **ss. 59(4)**, 100(2) (with s. 95); [S.S.I. 2009/341](#), art. 2(2)(a)

Commencement Information

- II** S. 1 in force at 29.11.2004 by [S.S.I. 2004/495](#), **art. 2**

2 Scottish Biodiversity Strategy

- (1) The Scottish Ministers must designate as the Scottish Biodiversity Strategy one or more strategies for the conservation of biodiversity (whether prepared by them or by one or more other persons).
- (2) The Scottish Ministers must publish any strategy so designated in such manner (including on the internet or by other electronic means) as they think fit.

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Part 1. (See end of Document for details)

- (3) A strategy so designated may include different provision for different cases or types of case.
- (4) Within one year of a strategy being so designated, the Scottish Ministers must publish, in such manner (including on the internet or by other electronic means) as they think fit, lists of—
 - (a) species of flora and fauna, and
 - (b) habitats,
 considered by the Scottish Ministers to be of principal importance for the purpose mentioned in section 1(1).
- (5) The Scottish Ministers may from time to time review any lists published under subsection (4).
- (6) Where, following such a review, the Scottish Ministers consider that any such lists should be revised they must publish revised lists under that subsection.
- (7) The Scottish Ministers must, within 3 years of the date on which—
 - (a) they first designate a Scottish Biodiversity Strategy, or
 - (b) a report was last laid under this subsection,
 lay a report before the Scottish Parliament regarding the implementation of the strategy.

Commencement Information

I2 S. 2 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

[^{F1}2A Reports on compliance with biodiversity duty

- (1) A public body must prepare and publish a biodiversity report within 3 years of—
 - (a) the base date,
 - (b) the date on which a report was last published by the body under this subsection.
- (2) A biodiversity report is a report on the actions taken by the body in pursuance of its duty under section 1 during the period to which the report relates.
- (3) The base date is—
 - (a) the date on which section 36 of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) comes into force, or
 - (b) where the body is established after that date, the date on which the body is established.
- (4) A report under this section—
 - (a) is to be prepared in such form and published in such manner as the body thinks fit,
 - (b) may be incorporated within another report prepared or published by the body.]

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Part 1. (See end of Document for details)

Textual Amendments

- F1** S. 2A inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 36, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(h)

Changes to legislation:

There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Part 1.