



Nature Conservation (Scotland) Act 2004

2004 asp 6

PART 2 **S**

CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

CHAPTER 1 **S**

SITES OF SPECIAL SCIENTIFIC INTEREST

Offences and byelaws

19 Offences in relation to sites of special scientific interest **S**

- (1) Any person who intentionally or recklessly damages any natural feature specified in an SSSI notification is, subject to subsection (2), guilty of an offence.
- (2) Any person who does anything which would, but for this subsection, amount to an offence under subsection (1) is not guilty of the offence if it is shown that—
 - (a) the act was the incidental result of a lawful operation,
 - (b) the person who carried out the lawful operation—
 - (i) took reasonable precautions for the purpose of avoiding carrying out the act, or
 - (ii) did not foresee, and could not reasonably have foreseen, that the act would be an incidental result of the carrying out of the lawful operation, and
 - (c) that person took such steps as were reasonably practicable in all the circumstances to minimise the damage caused.
- (3) Any person who, without reasonable excuse—
 - (a) contravenes section 13(1) or 16(1), or
 - (b) fails to comply with section 14(5)(b) or 17(3)(b),is guilty of an offence.
- (4) Any person guilty of an offence under subsection (1) or (3) is liable—
 - (a) on summary conviction, to a fine not exceeding £40,000,

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Cross Heading: Offences and byelaws. (See end of Document for details)

- (b) on conviction on indictment, to a fine.
- (5) It is not a defence in proceedings for an offence under subsection (3) of contravening section 13(1) or 16(1) that the carrying out of the operation did not damage any natural feature specified in an SSSI notification.

Commencement Information

I1 S. 19 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

20 **Byelaws** **S**

- (1) SNH may make byelaws for the protection of a site of special scientific interest.
- (2) The following provisions of the National Parks and Access to the Countryside Act 1949 (c. 97) apply in relation to byelaws under subsection (1) as they apply in relation to byelaws under section 20 of that Act—
- (a) subsections (2) and (3) of section 20 (reading references in those subsections to nature reserves as references to sites of special scientific interest), and
 - (b) sections 106 and 107.

Commencement Information

I2 S. 20 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

Changes to legislation:

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