

SCHEDULE 3

(introduced by section 33)

LAND MANAGEMENT ORDERS AND RELATED ORDERS: PROCEDURE

Notification of proposals for land management order

- 1 SNH must—
 - (a) give a copy of a proposal under section 29(2) for a land management order and the map accompanying it to every owner and occupier of land to which the proposal relates,
 - (b) give notice explaining the general effect of the proposed land management order to each of the other interested parties, and
 - (c) provide the Scottish Ministers with—
 - (i) the name and address of each of the interested parties, and
 - (ii) such other information as SNH thinks fit in relation to the proposal.
- 2 SNH must also arrange for notification of the proposal to be published—
 - (a) in at least one local newspaper circulating in the area in which the land to which the proposal relates is situated, and
 - (b) in such other manner (including on the internet or by other electronic means) as SNH thinks fit.
- 3 A notification under paragraph 1 or 2 must—
 - (a) name a place where a copy of the proposal and the map which accompanies it may be inspected free of charge at all reasonable hours,
 - (b) provide details of how to obtain, on payment of such reasonable charge (if any) as may be imposed by SNH, a copy of the proposal or map,
 - (c) specify the manner in which representations with respect to the proposal may be made to the Scottish Ministers.
- 4 Such representations may be made at any time—
 - (a) during the period of three months beginning on the date on which the notice under paragraph 1(b) is given, or
 - (b) if that period is extended under paragraph 5, during that period as extended.
- 5 The Scottish Ministers may, on the application of any person or of their own accord, extend the period mentioned in paragraph 4(a) by such further period of up to 3 months as they think fit by giving notice of the extension, at any time before the expiry of the period so mentioned, to the persons to whom a copy proposal or a notice was given under paragraph 1(a) or (b).

Power to require disclosure of information

- 6 The Scottish Ministers may give notice to—
 - (a) SNH, or
 - (b) any person to whom SNH has given a copy proposal or a notice under paragraph 1(a) or (b),requiring SNH or the person to provide the Scottish Ministers, at a time and place and in the form and manner specified in the notice, with such document or other information relating to the proposal as may be specified in the notice.

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

- 7 Paragraph 6 does not authorise the Scottish Ministers to require the disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.
- 8 Any person who—
- (a) refuses or fails, without reasonable excuse, to do anything required of the person by a notice given under paragraph 6, or
 - (b) intentionally alters, suppresses or destroys a document containing any information which that person has been required by such a notice to produce,
- is guilty of an offence.
- 9 Any person guilty of an offence under paragraph 8 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Withdrawal of proposal

- 10 SNH may, at any time before the Scottish Ministers decide whether to make a land management order on a proposal under section 29(2), withdraw the proposal by giving notice to each person to whom it gave a copy proposal or a notice under paragraph 1(a) or (b).

Notification of decision on orders

- 11 The Scottish Ministers must publish a decision under section 30(1) or 32(3)—
- (a) in at least one local newspaper circulating in the area in which the land to which the order relates is situated, and
 - (b) in such other manner (including on the internet or by other electronic means) as they think fit.
- 12 The Scottish Ministers must also give notice of their decision to the interested parties.
- 13 Such a notice must specify—
- (a) the Scottish Ministers' reasons for making their decision,
 - (b) if they have decided to make a land management order other than in the manner proposed by SNH, the manner in which the order made differs from the order proposed,
 - (c) if they have decided to amend the order, the amendments to be made to the land management order, and
 - (d) the circumstances in which an appeal may be made under section 34(1) against their decision.

Recording or registration of orders

- 14 A land management order, and any order under section 32(3) amending or revoking a land management order, must be recorded in the General Register of Sasines or registered in the Land Register of Scotland as appropriate.