

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, SCHEDULE 7. (See end of Document for details)

SCHEDULE 7 **S**

(introduced by section 57)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

- 1 In Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders), in paragraph 1 (interpretation)—
- (a) for paragraphs (a) and (b) of the definition of “sensitive area” substitute—
 - “(a) land within a site of special scientific interest;
 - (b) land in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect;”,
 - (b) in paragraph (k) of that definition, the words “as a natural heritage area under section 6(2) of the Natural Heritage (Scotland) Act 1991 or” are repealed.

Commencement Information

I1 Sch. 7 para. 1 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 2 (1) The Forestry Act 1967 is amended as follows.
- (2) In section 10(2) (decisions of Forestry Commissioners on felling licences)—
- (a) the word “or” at the end of paragraph (a) is repealed,
 - (b) after paragraph (b) insert “; or
 - (c) for the purpose of conserving or enhancing the flora, fauna or geological or physiographical features, or the natural beauty or amenity, of any land.”
- (3) In section 12 (conditions attached to felling licences)—
- (a) in subsection (1), for “10(2)” substitute “ 10(2)(a) or (b) ”,
 - (b) in subsection (2), after “imposed” insert “ under section 10(2)(a) or (b) above ”.

Commencement Information

I2 Sch. 7 para. 2 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 3 In section 10 of the Conservation of Seals Act 1970 (power to grant licences to kill or take seals), in subsection (4)—
- (a) for paragraphs (b) and (c) substitute—
 - “(b) is a site of special scientific interest;
 - (c) is an area in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect; or”,
 - (b) in paragraph (d), for “that Act” substitute “ the Wildlife and Countryside Act 1981 ”.

Commencement Information

I3 Sch. 7 para. 3 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, SCHEDULE 7. (See end of Document for details)

- 4 Sections 28 to 34, 41, 50, 51 and 74(5A) of, and Schedule 11 to, the 1981 Act are repealed.

Commencement Information

I4 Sch. 7 para. 4 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 5 In section 22(1)(b) (traffic regulation for special areas in the countryside) of the Road Traffic Regulation Act 1984, sub-paragraph (iii) is repealed.

Commencement Information

I5 Sch. 7 para. 5 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 6 Section 9(7) of the Channel Tunnel Act 1987 is repealed.

Commencement Information

I6 Sch. 7 para. 6 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 7 In section 36(7) (requirement to consult SNH before issuing waste management licence) of the Environmental Protection Act 1990, for the words from “land”, where it second occurs, to “areas)” substitute “ within a site of special scientific interest or any area in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect ”.

Commencement Information

I7 Sch. 7 para. 7 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 8 Sections 6 (Natural Heritage Areas) and 12 (Advisory Committee on SIs) of the Natural Heritage (Scotland) Act 1991 are repealed.

Commencement Information

I8 Sch. 7 para. 8 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 9 In section 1(7) (determination by Court of Session of point of law) of the Scottish Land Court Act 1993, after “enactment” there is inserted “ , or under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6), ”.

Commencement Information

I9 Sch. 7 para. 9 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 10 (1) Section 35 (duties of SEPA in relation to Natural Heritage Areas and sites of special interest) of the Environment Act 1995 is repealed.
- (2) In section 36 (codes of practice) of that Act—
- (a) in subsection (1)(a), for “, 34(2) and 35” substitute “ and 34(2) ”,

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, SCHEDULE 7. (See end of Document for details)

(b) in subsection (2), for “, 34(2) or 35” substitute “ or 34(2) ”.

Commencement Information

I10 Sch. 7 para. 10 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

11 In schedule 3 (penalties for offences relating to deer) to the Deer (Scotland) Act 1996, after the entry for section 17(2) insert—

“17(3)	Killing or injuring deer otherwise than by shooting	a fine of level 4 on the standard scale for each deer in respect of which the offence is committed or 3 months imprisonment or both	”.
--------	-----------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------	----

Commencement Information

I11 Sch. 7 para. 11 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

12 (1) In section 54(1) (land which may not be included in simplified planning zone) of the Town and Country Planning (Scotland) Act 1997, for paragraph (d) substitute—

- “(d) land in a site of special scientific interest;
- (e) land in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect;”.

(2) Section 264 (Natural Heritage Areas) is repealed.

Commencement Information

I12 Sch. 7 para. 12 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

13 In section 54 (protection of natural heritage) of the Water Industry (Scotland) Act 2002—

- (a) in subsection (1), for “protected area” substitute “ European site within the meaning of Regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716) ”,
- (b) subsection (2) is repealed,
- (c) in subsection (3)—
 - (i) paragraphs (a) and (b), and
 - (ii) the words “in the case of an area mentioned in subsection (2)(c),” in paragraph (c),are repealed,
- (d) in subsection (4)—
 - (i) for “protected area” substitute “ European site ”,

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, SCHEDULE 7. (See end of Document for details)

(ii) the words from “was” to “be,” are repealed.

Commencement Information

I13 Sch. 7 para. 13 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, SCHEDULE 7.