



# Nature Conservation (Scotland) Act 2004

## 2004 asp 6

### PART 2

#### CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

### CHAPTER 4

#### GENERAL AND SUPPLEMENTARY

#### 46 Offences: penalties and time limits

- (1) The court must, in determining the amount of any fine to be imposed on a person convicted of an offence under this Part, have regard in particular to any financial benefit which has accrued or is likely to accrue to the person in consequence of the offence.
- (2) Summary proceedings for an offence under this Part may, subject to subsection (3), be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (3) No such proceedings may be brought more than 3 years—
  - (a) after the commission of the offence, or
  - (b) in the case of a continuous contravention, after the last date on which the offence was committed.
- (4) A certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

#### Modifications etc. (not altering text)

- C1** S. 46 applied (with modifications) by S.I. 1994/2716, regs. 19, 22 (as substituted (29.11.2004) by [Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/475\)](#), regs. 1(1), 9 (with [regs. 20-21](#)))

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***Changes to legislation:*** *There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 46. (See end of Document for details)*

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#### **Commencement Information**

**II** S. 46 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, Section 46.