

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, SCHEDULE 3. (See end of Document for details)

SCHEDULE 3

(introduced by section 33)

LAND MANAGEMENT ORDERS AND RELATED ORDERS: PROCEDURE

Modifications etc. (not altering text)

- C1** Sch. 3 applied (with modifications) by SI 1994/2716 reg. 19 (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))

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.

Commencement Information

- I1** Sch. 3 para. 1 in force at 29.11.2004 by [S.S.I. 2004/495](#), art. 2

- 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.

Commencement Information

- I2** Sch. 3 para. 2 in force at 29.11.2004 by [S.S.I. 2004/495](#), art. 2

- 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.

Commencement Information

- I3** Sch. 3 para. 3 in force at 29.11.2004 by [S.S.I. 2004/495](#), art. 2

- 4 Such representations may be made at any time—

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- (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.

Commencement Information

I4 Sch. 3 para. 4 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 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).

Commencement Information

I5 Sch. 3 para. 5 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

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.

Commencement Information

I6 Sch. 3 para. 6 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 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.

Commencement Information

I7 Sch. 3 para. 7 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 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.

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I8 Sch. 3 para. 8 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 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.

Commencement Information

I9 Sch. 3 para. 9 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 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).

Commencement Information

I10 Sch. 3 para. 10 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

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.

Commencement Information

I11 Sch. 3 para. 11 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 12 The Scottish Ministers must also give notice of their decision to the interested parties.

Commencement Information

I12 Sch. 3 para. 12 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 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.

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I13 [Sch. 3 para. 13](#) in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

- 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.

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I14 [Sch. 3 para. 14](#) in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

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