



# Natural Environment and Rural Communities Act 2006

## 2006 CHAPTER 16

### PART 4

#### SITES OF SPECIAL SCIENTIFIC INTEREST

#### 55 Offences in connection with SSSIs

(1) Amend section 28P of the Wildlife and Countryside Act 1981 (c. 69) (offences) as follows.

(2) After subsection (5) insert—

“(5A) A section 28G authority which, in the exercise of its functions, permits the carrying out of an operation which damages any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest—

(a) without first complying with section 28I(2), or

(b) where relevant, without first complying with section 28I(4) or (6),

is, unless there was a reasonable excuse for permitting the carrying out of the operation without complying, guilty of an offence and is liable on summary conviction to a fine not exceeding £20,000 or on conviction on indictment to a fine.

(5B) For the purposes of subsection (5A), it is a reasonable excuse in any event for a section 28G authority to permit the carrying out of an operation without first complying with section 28I(2), (4) or (6) if the operation in question was an emergency operation particulars of which (including details of the emergency) were notified to Natural England as soon as practicable after the permission was given.”

(3) After subsection (6) insert—

“(6A) A person (other than a section 28G authority acting in the exercise of its functions) who without reasonable excuse—

(a) intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical features by reason of which a site of special scientific interest is of special interest, or

(b) intentionally or recklessly disturbs any of those fauna,

is guilty of an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

(4) In subsection (7), after “(6)” (in both places) insert “or (6A)”.

(5) In section 31 of the 1981 Act (restoration following offence under section 28P), in subsection (1)(b), after “28P(6)” insert “or (6A)”.

## 56 Denotification

In section 28D of the 1981 Act (denotification), in subsection (1), for “no longer” substitute “not”.

## 57 Effect of failure to serve certain notices in connection with SSSIs

After section 70A of the 1981 Act insert—

### “70B Effect of failure to serve certain notices

(1) This section applies where the relevant conservation body—

(a) has (whether before or after the commencement of this section) taken all reasonable steps to ensure that, under any provision listed in subsection (2), notice is served on every owner and occupier of any land to which the notice relates, but

(b) has failed to do so.

(2) The provisions are—

(a) section 28(1) (notification of SSSI);

(b) section 28(5) (confirmation or withdrawal of notification of SSSI);

(c) section 28A(3) (notice varying notification under section 28);

(d) section 28A(5) (notice confirming or withdrawing variation of notification);

(e) section 28B(2) (notification of additional land to be included in SSSI);

(f) section 28B(7) (confirmation or withdrawal of notification);

(g) section 28C(2) (notification of enlargement of SSSI);

(h) section 28C(3) (confirmation or withdrawal of notification of enlargement);

(i) section 28D(2) (denotification);

(j) section 28D(5) (withdrawal or confirmation of denotification);

(k) section 28J(3) (notice of proposed management scheme);

(l) section 28J(8) (withdrawal or confirmation of management scheme).

(3) The validity of the notice is not affected by the failure to serve it on every owner and occupier of the land.

- (4) For the purposes of sections 28 to 28Q, the time when the notice is to be treated as having been served is the time when the relevant conservation body took the last of the steps referred to in subsection (1)(a).
- (5) If the relevant conservation body becomes aware of its failure to serve a notice on an owner or occupier, it must serve a copy of the notice on that owner or occupier.
- (6) Nothing in subsection (3) or (4) renders the owner or occupier liable—
  - (a) in relation to anything done or omitted to be done before the commencement of this section, or
  - (b) under section 28P(1) or 28Q(4) in relation to anything done or omitted to be done before the copy of the notice is served under subsection (5).
- (7) “The relevant conservation body” means—
  - (a) in relation to land in an area in England—
    - (i) subject to sub-paragraph (ii), Natural England;
    - (ii) in relation to any time before the commencement of section 27AA, English Nature;
  - (b) in relation to land in an area in Wales, the Countryside Council for Wales.”

## **58 Notices and signs relating to SSSIs**

- (1) After section 28R of the 1981 Act insert—

### **“28S Notices and signs relating to SSSIs**

- (1) Natural England may, on any land included in a site of special scientific interest, put up and maintain notices or signs relating to the site.
  - (2) Natural England may remove any notice or sign put up under subsection (1).
  - (3) Any other person who intentionally or recklessly and without reasonable excuse takes down, damages, destroys or obscures a notice or sign put up under subsection (1) is guilty of an offence.
  - (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”
- (2) In section 51 of the 1981 Act (powers of entry), in subsection (1), after paragraph (k) insert—
    - “(ka) for the purposes of putting up, maintaining or removing notices or signs under section 28S;”.
  - (3) In subsection (2) of that section, for “paragraphs (a) to (k)” substitute “paragraphs (a) to (ka)”.