



2011 CHAPTER 15

Areas of special scientific interest

Offences in connection with ASSI

31.—(1) Article 46 of the Environment Order (offences) is amended as set out in subsections (2) to (4).

(2) After paragraph (5) insert—

“(5A) A public body 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 an ASSI is of special interest—

(a) without first complying with Article 40(2), or

(b) where relevant, without first complying with Article 40(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 paragraph (5A), it is a reasonable excuse in any event for a public body to permit the carrying out of an operation without first complying with Article 40(2), (4) or (6) if the operation in question was an emergency operation particulars of which (including details of the emergency) were notified to the Department as soon as practicable after the permission was given.”.

(3) After paragraph (6) insert—

“(6A) A person (other than a public body 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 land is of special scientific 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 paragraph (7) after “(6)” insert “or (6A)”;
 - (5) In Article 47 of the Environment Order (restoration following offence under Article 46), in paragraph (1)(b), after “46(6)” insert “or (6A)”.