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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 475**

**The Conservation (Natural Habitats, &c.)  
Amendment (Scotland) Regulations 2004**

*Amendments to Part V*

**18.** After regulation 101 insert—

**“Application of sections 19ZC and 19ZD of the Wildlife and Countryside Act 1981**

**101A.**—(1) Subject to paragraphs (2) to (4), sections 19ZC (wildlife inspectors: Scotland) and 19ZD (power to take samples: Scotland) of the Wildlife and Countryside Act 1981 <sup>M1</sup> apply, for the purposes of these Regulations.

(2) For the purposes of these Regulations, any reference in section 19ZC or 19ZD of the Wildlife and Countryside Act 1981 to that Act or any part thereof, shall be construed as a reference to these Regulations.

(3) The provisions of section 19ZC of the Wildlife and Countryside Act 1981 apply for the purposes of these Regulations as if—

(a) in subsection (3)—

(i) in paragraph (a), the reference to “section 6, 9(5) or 13(2)” was a reference to regulation 39(2) or 43(2) of these Regulations;

(ii) paragraphs (b) to (d) were omitted; and

(iii) in paragraph (e)(i) and (ii), “registration or” was omitted;

(b) in subsection (4)—

(i) in paragraph (a), for “paragraphs (a) to (c) do” there was substituted “paragraph (a) does”;

(ii) in paragraph (a)(i) and (ii) “registration or” was omitted; and

(iii) paragraph (b) was omitted;

(c) in subsection (5), for the words from “section 6” to “14A” there was substituted a reference to regulation 39(2) or 43(2) of these Regulations;

(d) in subsection (6), “bird or other” was omitted in each place where it occurs;

(e) for subsection (9) there was substituted—

“(9) In this section—

“relevant licence” means a licence under regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994 <sup>M2</sup> which authorises anything which would otherwise be an offence under regulation 39(2) or 43(2) of those Regulations;

“specimen” means any animal or plant or any part of, or anything derived from, an animal or plant.”; and

(f) after subsection (9) there was inserted—

“(10) A person guilty of an offence under this section is liable on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.”.

(4) the provisions of section 19ZD of the Wildlife and Countryside Act 1981 apply for the purposes of these Regulations as if–

- (a) in subsection (1)–
  - (i) the reference to “section 19” was a reference to regulation 101 of these Regulations; and
  - (ii) the reference to “this Part” was a reference to Part III of these Regulations;
- (b) in subsection (2), the reference to “this Part” was a reference to Part III of these Regulations;
- (c) in subsection (3)–
  - (i) for the words from “section 6” to “14A” there was substituted a reference to regulation 39(2) or 43(2) of these Regulations; and
  - (ii) “to (d)” was omitted;
- (d) in subsection (4), for the words from “section 6” to “14A” there was substituted a reference to regulation 39(2) or 43(2) of these Regulations;
- (e) in subsection (5), “bird, other” was omitted;
- (f) in subsections (6) and (7), “bird or other” was omitted;
- (g) in subsection (8), the reference to “section 19(2)” was a reference to regulation 101(2) of these Regulations;
- (h) in subsection (10)(b)–
  - (i) for “a bird, other” there was substituted “an ”; and
  - (ii) “bird, other” was omitted; and
- (i) after subsection (10) there was inserted–

“(11) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.”.

#### Marginal Citations

- M1** Sections 19ZC and 19ZD of that Act were inserted by the [Nature Conservation \(Scotland\) Act 2004](#) (asp 6), [section 50](#) and schedule 6, paragraph 17.
- M2** [S.I. 1994/2716](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004, Section 18.