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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 80**

The Conservation (Natural Habitats, &c.)  
Amendment (Scotland) Regulations 2007

PART II

AMENDMENTS TO THE CONSERVATION  
(NATURAL HABITATS, &c.) REGULATIONS 1994

17. After regulation 46 (false statements made for obtaining licence) insert—

**“Offence of breaching licence condition**

**46A.**—(1) It is an offence for any person authorised by virtue of a licence granted under regulation 44 on or after 15th May 2007 to contravene, or fail to comply with, any condition imposed on the grant of a licence.

(2) A person shall not be guilty of an offence under paragraph (1) if that person shows that—

- (a) that person took all reasonable precautions and exercised all due diligence to avoid commission of the offence; or
- (b) the commission of the offence was otherwise due to matters beyond that person’s control.

(3) A person guilty of an offence under paragraph (1) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or to both.”.