



# Natural Heritage (Scotland) Act 1991

## 1991 CHAPTER 28

### PART I

#### SCOTTISH NATURAL HERITAGE

##### *Functions of SNH*

#### **4 Nature conservation functions.**

- (1) Except as regards the joint committee within the meaning of Part VII of the Environmental Protection Act 1990 and subject to the following provisions of this section, Part VII of that Act shall not extend to Scotland.
- (2) Sections 128(4), 128(5) (in so far as it relates to Schedule 7) and 132(3) of that Act shall continue to extend to Scotland and any reference in those sections to “the Councils” shall include a reference to SNH.
- (3) Section 131 of that Act, in so far as it relates to the joint committee mentioned in subsection (1) above, shall continue to extend to Scotland.
- (4) Section 133 of that Act shall continue to extend to Scotland and—
  - (a) the references to “the Councils” shall include a reference to SNH; and
  - (b) in subsection (3) after the words “section 132 above” there shall be inserted the words “ or, as the case may be, the nature conservation functions of Scottish Natural Heritage ”,and in discharging its nature conservation functions, SNH shall have regard to any advice given to it by the joint committee under the said subsection (3).
- (5) The amendments made by Schedule 9 to that Act to enactments extending to Scotland shall continue to extend to Scotland.
- (6) SNH shall have the functions previously discharged by the Nature Conservancy Council for Scotland under the enactments amended by Schedule 2 to this Act in accordance with those enactments as so amended.

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*Changes to legislation: There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, Section 4. (See end of Document for details)*

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- (7) SNH shall be responsible for the establishment, maintenance and management of nature reserves (within the meaning of section 15 of the National Parks and Access to the <sup>M1</sup>Countryside Act 1949) in Scotland.
- (8) Paragraph 12 of Schedule 11 to the said Act of 1990 shall continue to extend to Scotland; and references to a new council shall, as regards the exercise of functions in part of a nature reserve or area of scientific interest in Scotland, be construed as references to SNH.
- (9) In this section “nature conservation” means the conservation of flora, fauna or geological or physiographical features.
- (10) Subject to anything in this section and Schedules 2 and 10 to this Act, for any reference in any enactment (including an enactment contained in a local or private Act and any order, regulation or other instrument having effect by virtue of an Act) to the Nature Conservancy Council for Scotland there shall be substituted a reference to Scottish Natural Heritage.

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**Extent Information**

**E1** [S. 4\(2\)\(4\)](#) and (10) extend also to England and Wales.

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**Commencement Information**

**I1** [S. 4](#) wholly in force at 1.4.1992 see [s. 28\(2\)](#) and [S.I. 1991/2633](#), [art. 4](#)

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**Marginal Citations**

**M1** [1949 c. 97](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, Section 4.