



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

Environmental protection

73 Duty of new authorities as respects Natural Heritage Area or area of special interest.

- (1) Where an area of land (“the relevant land”)—
- (a) has been designated under section 6(2) of the ^{M1}Natural Heritage (Scotland) Act 1991 (“the 1991 Act”) as a Natural Heritage Area; or
 - (b) is, in the opinion of Scottish Natural Heritage (“the environmental authority”), of special interest by reason of its flora, fauna or geological or physiographical features,
- and the environmental authority consider that it may at any time be affected by schemes, works, operations or activities of a new water and sewerage authority (“the relevant authority”), the environmental authority shall by written notice advise the relevant authority that they so consider; but they shall forthwith notify the relevant authority of any cancellation or variation, under section 6(7) of the 1991 Act, of the designation or if they cease to be of the opinion mentioned in paragraph (b) above.
- (2) Where the relevant authority intend to carry out any scheme, work, operation or activity which appears to them likely to, as the case may be—
- (a) prejudice significantly the value of the relevant land, or any part of it, as a Natural Heritage Area (the designation mentioned in subsection (1)(a) above not having been cancelled or so varied as no longer to apply to the part in question); or

Status: Point in time view as at 17/07/1995.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: Environmental protection. (See end of Document for details)

- (b) destroy or damage any of the flora, fauna or features, by reference to which the environmental authority formulated their opinion under subsection (1)(b) above as respects the special interest of the relevant land (notification of their ceasing to be of that opinion not having been given),
- the relevant authority shall consult with the environmental authority before commencing the scheme, work, operation or activity.
- (3) Subsection (2) above shall not apply in relation to anything done by the relevant authority in an emergency if particulars of what is done and of the emergency are notified by them to the environmental authority as soon as is practicable after the thing is done.
- (4) Any expression not defined in this Act but used both in this section and in the 1991 Act, shall be construed in accordance with that Act.

Marginal Citations

M1 [1991 c. 28.](#)

Status:

Point in time view as at 17/07/1995.

Changes to legislation:

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: Environmental protection.