
Changes to legislation: *Countryside and Rights of Way Act 2000, Paragraph 9 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 11

TRANSITIONAL PROVISIONS AND SAVINGS RELATING TO SITES OF SPECIAL SCIENTIFIC INTEREST

Modification of operation of section 28E

- 9 (1) Subject to paragraph 10, this paragraph applies where—
- (a) a notice has been given under old section 28(5)(a) before the substitution date;
 - (b) on the substitution date neither of the conditions set out in old section 28(6)(a) and (b) is fulfilled; and
 - (c) on the substitution date four months have expired since the notice under old section 28(5)(a) was given,
- but even if those conditions are fulfilled, this paragraph does not apply in relation to operations specified in a notice under section 29(4)(a) on any land if immediately before the substitution date an order under section 29 was in effect in relation to that land.
- (2) Where this paragraph applies, but subject to sub-paragraph (7), the prohibition in section 28E(1) on carrying out, or causing or permitting to be carried out, an operation does not apply in relation to an operation specified in the notice under old section 28(5)(a).
- (3) Where this paragraph applies, the Nature Conservancy Council may, on or after the substitution date, give a notice (a “stop notice”) to every owner and occupier of the land to which the stop notice is to apply.
- (4) A stop notice is to specify—
- (a) the date on which it is to take effect;
 - (b) the operations to which it applies; and
 - (c) the land to which it applies,
- and must contain a notice of the right of the person to whom the stop notice is given to appeal against it in accordance with paragraph 11, and a notice of the effect of sub-paragraph (8).
- (5) The date on which a stop notice is to take effect may not be sooner than the end of the period of three days beginning with the date the stop notice is given, unless the Council consider that there are special reasons which justify a shorter period, and a statement of those reasons is included with the stop notice.
- (6) The operations to which a stop notice may apply are all or any of the operations specified in the notice under old section 28(5)(a).

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- (7) From the date on which the stop notice takes effect, sub-paragraph (2) of this paragraph ceases to apply in relation to the operations specified in the stop notice on the land to which the stop notice applies.
- (8) Where the Council give a stop notice, they shall make a payment to any owner or occupier of the land who suffers loss because of it.
- (9) The amount of a payment under sub-paragraph (8) is to be determined by the Council in accordance with guidance given and published by the Ministers (within the meaning of section 50).
- (10) Section 50(3) applies to the determination of the amount of a payment under sub-paragraph (8) as it applies to the determination of the amount of payments under that section.
- (11) This paragraph ceases to apply, in relation to any operation specified in the notice referred to in sub-paragraph (1)(a) except an operation to which a stop notice applies, if the operation has not begun before the end of the period of—
 - (a) three years beginning with the substitution date; or
 - (b) in a case falling within paragraph 10(2) or (3), three years beginning immediately after the expiry of the period of one month or longer referred to there.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)