
STATUTORY INSTRUMENTS

1994 No. 2716

The Conservation (Natural Habitats, &c.) Regulations 1994

PART V

SUPPLEMENTARY PROVISIONS

General supplementary provisions

Powers of drainage authorities

105.—(1) Where the appropriate nature conservation body or any other person enter into an agreement with a drainage authority for the doing by that authority of any work on land in a European site, no limitation imposed by law on the capacity of the drainage authority by virtue of its constitution shall operate so as to prevent the authority carrying out the agreement.

(2) In paragraph (1) “drainage authority” means the National Rivers Authority or an internal drainage board.

Offences by bodies corporate, &c.

106.—(1) Where an offence under these Regulations committed by a body corporate is proved to have committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

For this purpose “director”, in relation to a body corporate whose affairs are managed by its members, means any member of the body.

(2) Where an offence under these Regulations committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a partner, he (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.

Local inquiries

107.—(1) The Secretary of State may cause a local inquiry to be held for the purposes of the exercise of any of his functions under these Regulations.

(2) The provisions of section 250(2) to (5) of the Local Government Act 1972⁽¹⁾ or section 210(4) to (8) of the Local Government (Scotland) Act 1973⁽²⁾ (local inquiries: evidence and costs) apply in relation to an inquiry held under this regulation.

(1) 1972 c. 70.

(2) 1973 c. 65.

Service of notices

108.—(1) Section 329 of the Town and Country Planning Act 1990⁽³⁾ or section 269 of the Town and Country Planning (Scotland) Act 1972⁽⁴⁾ (service of notices) apply to notices and other documents required or authorised to be served under these Regulations.

(2) Paragraph (1) does not apply to the service of any notice required or authorised to be served under the Acquisition of Land Act 1981⁽⁵⁾ or the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947⁽⁶⁾, as applied by these Regulations.

(3) 1990 c. 8.
(4) 1972 c. 52.
(5) 1981 c. 67.
(6) 1947 c. 42.