



Water Industry (Scotland) Act 2002

2002 asp 3

PART 3

SCOTTISH WATER

General duties

54 Protection of natural heritage

(1) Scottish Natural Heritage (“SNH”) must by notice in writing notify Scottish Water of any area of land in Scotland which is a [^{F1}European site within the meaning of Regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716)].

^{F2}(2)

(3) Where SNH has given notice under subsection (1) in respect of an area of land and—

^{F3}(a)

^{F3}(b)

(c) ^{F4}... the area ceases to be a European site,

SNH must by notice in writing advise Scottish Water of that fact.

(4) Where Scottish Water has received notice under subsection (1), it must (unless SNH has given notice under subsection (3) to the effect that the area of land in question is no longer a [^{F5}European site]) consult SNH before commencing any scheme, work, operation or activity which is likely to prejudice significantly the qualities by reference to which the area of land ^{F6}... is a European site.

(5) Before commencing any scheme, work, operation or activity which appears to Scottish Water to be likely to affect adversely an area of land designated as a National Park under the National Parks (Scotland) Act 2000 (asp 10), Scottish Water must consult the National Park authority for the National Park.

(6) Subsections (4) and (5) do not apply in relation to anything to be done by Scottish Water in an emergency but particulars of what is done and of the emergency must be notified by Scottish Water to SNH or, as the case may be, the National Park authority as soon as is practicable after the thing is done.

Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 54. (See end of Document for details)

Textual Amendments

- F1** Words in s. 54(1) substituted (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(a)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F2** S. 54(2) repealed (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(b)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F3** S. 54(3)(a)(b) repealed (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(c)(i)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F4** Words in s. 54(3)(c) repealed (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(c)(ii)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F5** Words in s. 54(4) substituted (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(d)(i)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F6** Words in s. 54(4) repealed (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(d)(ii)** (with s. 55(2)); S.S.I. 2004/495, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 54.