



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 protected area.
- (2) An area of land is a protected area if—
 - (a) it has been designated under section 6(2) of the Natural Heritage (Scotland) Act 1991 (c. 28) (“the 1991 Act”) as a Natural Heritage Area,
 - (b) it is an area in respect of which notification has been given by SNH under section 28(1) (areas of special scientific interest) of the Wildlife and Countryside Act 1981 (c. 69), or
 - (c) it is a European site within the meaning of Regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I.1994/2716).
- (3) Where SNH has given notice under subsection (1) in respect of an area of land and—
 - (a) in the case of an area mentioned in subsection (2)(a), the designation referred to in that subsection is cancelled or varied under section 6(7) of the 1991 Act,
 - (b) in the case of an area mentioned in subsection (2)(b), the notification ceases to have effect,
 - (c) in the case of an area mentioned in subsection (2)(c), 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 protected area) 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 was designated as a Natural Heritage Area or notified as an area of special scientific interest or, as the case may be, is a European site.

Status: This is the original version (as it was originally enacted).

- (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.