

# NATURE CONSERVATION (SCOTLAND) ACT 2004

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## EXPLANATORY NOTES

### RELATED INITIATIVES AND SUPPORTING INFORMATION

#### Part 1 Biodiversity

9. [Part 1](#) of the Act deals with biodiversity.
10. Whilst the conservation of habitats (see the measures in Part 2) or of species (see Part 3) is relevant to the conservation of biodiversity, Part 1 of the Act, for the first time, makes specific provision for action to conserve biodiversity in its own right.
11. In essence, the Act requires attention not only to be given to the *means* (such as establishing protected sites or preventing the killing of wildlife) but also to the *ends* – that is, to the long-term objectives underlying nature conservation legislation. The Act requires public bodies to do more than simply to adhere to prescriptive rules defining what may or may not be done in any given situation. It requires, and empowers, them at a general level to take appropriate positive action, within the context of their core functions, to further the conservation of the overall diversity, richness and extent of the natural world.
12. Public bodies operating in Scotland will, as a result, be obliged to give proper consideration to, and account for, the impacts which their activities and policies have on the overall balance and health of the natural biological environment, at a local, regional, national and international level. They will be required to act, in ways which are consistent with the exercise of their other statutory functions, in order to ensure that the conservation of that naturally-occurring biological diversity is encouraged and advanced.
13. In order to support and inform compliance with the new biodiversity duty, the Act invokes principles and strategies which are external to it – by establishing the 1992 Rio Convention on biodiversity and the new Scottish Biodiversity Strategy as the key points of reference to which all public bodies must have regard when acting to further the conservation of biodiversity. Copies of the Scottish Biodiversity Strategy, which was launched on 25 May 2004 and which will, in due course, be formally designated in terms of section 2 of the Act, may be obtained from: The Scottish Executive, Wildlife and Habitats Division, Victoria Quay, Edinburgh, EH6 6QQ (E-mail: [biodiversity@scotland.gov.uk](mailto:biodiversity@scotland.gov.uk)) or via the Scottish Executive website ([www.scotland.gov.uk/biodiversity](http://www.scotland.gov.uk/biodiversity)).