

*These notes relate to the Nature Conservation (Scotland) Act 2004 (asp 6) which received Royal Assent on 11 June 2004*

# NATURE CONSERVATION (SCOTLAND) ACT 2004

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## EXPLANATORY NOTES

### RELATED INITIATIVES AND SUPPORTING INFORMATION

#### **Part 3 Protection of Wildlife**

19. [Part 3](#) of the Act introduces Schedule 6, which in turn contains a package of amendments to the law on species protection and wildlife crime as set out in Part I of the 1981 Act. It also makes a range of broadly analogous changes to the [Protection of Badgers Act 1992 \(c.51\)](#), as well as significantly increasing penalties for offences involving badger-digging, badger-baiting and other acts of cruelty. In addition, Part 3 obliges SNH to prepare and issue a code covering the watching of cetaceans (whales, dolphins and porpoises), basking sharks and other marine wildlife.
20. The changes effected by these amendments to the 1981 Act build upon the increased sanctions and wider police powers already introduced via the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), which came into force on 26 March 2003. In doing so, Part 3 and Schedule 6 to the Act seek to conserve Scotland's biological natural heritage by protecting birds, and certain animals and plants, *wherever* they occur and not simply within specified protected sites. In this sense, the species protection measures in Part 3 of the Act are intended to complement to the site protection measures in Part 2 and as a contribution to the overall goal of biodiversity conservation set out in Part 1.