



# Nature Conservation (Scotland) Act 2004

## 2004 asp 6

### PART 1

#### BIODIVERSITY

#### **1 Duty to further the conservation of biodiversity**

- (1) It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.
- (2) In complying with the duty imposed by subsection (1) a body or office-holder must have regard to—
  - (a) any strategy designated under section 2(1), and
  - (b) the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or any United Nations Convention replacing that Convention).

#### **2 Scottish Biodiversity Strategy**

- (1) The Scottish Ministers must designate as the Scottish Biodiversity Strategy one or more strategies for the conservation of biodiversity (whether prepared by them or by one or more other persons).
- (2) The Scottish Ministers must publish any strategy so designated in such manner (including on the internet or by other electronic means) as they think fit.
- (3) A strategy so designated may include different provision for different cases or types of case.
- (4) Within one year of a strategy being so designated, the Scottish Ministers must publish, in such manner (including on the internet or by other electronic means) as they think fit, lists of—
  - (a) species of flora and fauna, and
  - (b) habitats,considered by the Scottish Ministers to be of principal importance for the purpose mentioned in section 1(1).

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*Status: This is the original version (as it was originally enacted).*

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- (5) The Scottish Ministers may from time to time review any lists published under subsection (4).
- (6) Where, following such a review, the Scottish Ministers consider that any such lists should be revised they must publish revised lists under that subsection.
- (7) The Scottish Ministers must, within 3 years of the date on which—
  - (a) they first designate a Scottish Biodiversity Strategy, or
  - (b) a report was last laid under this subsection,lay a report before the Scottish Parliament regarding the implementation of the strategy.