

**Changes to legislation:** There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, SCHEDULE 1. (See end of Document for details)

## SCHEDULE 1

(introduced by section 10)

### NOTIFICATIONS RELATING TO SITES OF SPECIAL SCIENTIFIC INTEREST: PROCEDURE

1 This schedule applies to notifications given under sections 3(1), 5(1) and 9(1).

#### Commencement Information

**I1** Sch. 1 para. 1 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

2 SNH must give notice describing the general effect of a notification to which this schedule applies—

- (a) in at least one local newspaper circulating in the area in which the land to which the notification relates is situated, and
- (b) in such other manner (including on the internet or by other electronic means) as SNH thinks fit.

#### Commencement Information

**I2** Sch. 1 para. 2 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

3 A notification to which this schedule applies and the related notice under paragraph 2 must—

- (a) name a place where a copy of the notification and each document and map which, by virtue of section 3(4) or 9(4), accompanies it may be inspected free of charge at all reasonable hours,
- (b) provide details of how to obtain, on payment of such reasonable charge (if any) as may be imposed by SNH, a copy of the notification or any such document or map, and
- (c) specify the period (not being less than 3 months from the date on which the notification is given) during which, and the manner in which, representations with respect to the notification may be made.

#### Commencement Information

**I3** Sch. 1 para. 3 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

### Confirmation or withdrawal of notification

4 SNH must, within—

- (a) the period of one year beginning with the date on which a notification to which this schedule applies was given, or
- (b) if that period is extended under paragraph 12, the period as so extended, after considering any representations made within the period specified in the notification, decide to confirm or withdraw the notification.

#### Commencement Information

**I4** Sch. 1 para. 4 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

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- 5 If SNH does not give notice under paragraph 10 within the period mentioned in paragraph 4(a) or that period as extended, it is to be treated as having withdrawn the notification and as having given notice of that fact on the day on which the period expired.

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

*Modification of notification*

- 6 SNH may confirm a notification to which this schedule applies with or without modifications; and the notice under paragraph 10 must specify the modifications (if any) which it has made.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 7 Such modifications must not have the effect of—
- (a) adding to the operations requiring consent specified in an SSSI notification, or
  - (b) extending the area of a site of special scientific interest.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 8 Paragraph 7(a) does not prevent SNH from amending an SSSI notification by notification under section 7(3) before it gives notice under paragraph 10 in relation to the SSSI notification.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 9 Where—
- (a) SNH has received a representation made within the period specified in the notification by virtue of paragraph 3(c), and
  - (b) it is required by subsection (8) of section 21 to <sup>[F1]</sup>consider the matter,
- SNH must not confirm the notification unless it has complied with <sup>[F2]</sup>paragraph (a) ] of that subsection.

**Textual Amendments**

- F1** Words in Sch. 1 para. 9(b) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 2\(3\)\(e\)\(i\)](#), 134(7); S.S.I. 2010/221, art. 3(2), Sch.
- F2** Words in Sch. 1 para. 9 substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 2\(3\)\(e\)\(ii\)](#), 134(7); S.S.I. 2010/221, art. 3(2), Sch.

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**Commencement Information**

**I9** Sch. 1 para. 9 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

*Notice of decision to confirm or withdraw*

- 10 SNH must, as soon as practicable after making a decision under paragraph 4 give notice of it—
- (a) to the interested parties, and
  - (b) in accordance with paragraph 2(a) and (b).

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

<sup>F3</sup>11 .....

**Textual Amendments**

**F3** Sch. 1 para. 11 repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 2\(3\)\(e\)\(iv\)](#), 134(7); [S.S.I. 2010/221](#), [art. 3\(2\)](#), Sch.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

*Extension of period during which notification is to be confirmed or withdrawn*

- 12 SNH may extend or further extend the period mentioned in paragraph 4(a) by such period—
- (a) in a case where [<sup>F4</sup>SNH is required by subsection (8) of section 21 to consider a matter ], as it thinks fit,
  - (b) in any other case, as may be agreed with every owner and occupier of land within the site of special scientific interest.

**Textual Amendments**

**F4** Words in Sch. 1 para. 12(a) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 2\(3\)\(e\)\(v\)](#), 134(7); [S.S.I. 2010/221](#), [art. 3\(2\)](#), Sch.

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

- 13 The period mentioned in paragraph 4(a) may not be extended under paragraph 12(a) beyond the date which is 18 months after the date on which a notification to which this schedule applies was given.

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

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- 14 Agreement is obtained for the purposes of paragraph 12(b) if SNH, not less than 28 days before the expiry of the period to be extended or further extended, gives notice of the proposed extension or further extension to every owner and occupier of land within the site of special scientific interest and—
- (a) every such person consents to the extension, or
  - (b) no reasonable objection by any such person to the extension is received by SNH within 28 days of the date on which the notice was given.

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**Commencement Information**

**I14** Sch. 1 para. 14 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 15 Where SNH extends or further extends the period mentioned in paragraph 4(a) it must give notice of the extension, or further extension, to the interested parties.

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**Commencement Information**

**I15** Sch. 1 para. 15 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

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