

**Changes to legislation:** There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, SCHEDULE 7. (See end of Document for details)

## SCHEDULE 7

(introduced by section 57)

### MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

- 1 In Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders), in paragraph 1 (interpretation)—
- (a) for paragraphs (a) and (b) of the definition of “sensitive area” substitute—
    - “(a) land within a site of special scientific interest;
    - (b) land in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect;”,
  - (b) in paragraph (k) of that definition, the words “as a natural heritage area under section 6(2) of the Natural Heritage (Scotland) Act 1991 or” are repealed.

#### Commencement Information

**I1** Sch. 7 para. 1 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 2 (1) The Forestry Act 1967 is amended as follows.
- (2) In section 10(2) (decisions of Forestry Commissioners on felling licences)—
- (a) the word “or” at the end of paragraph (a) is repealed,
  - (b) after paragraph (b) insert “; or
  - (c) for the purpose of conserving or enhancing the flora, fauna or geological or physiographical features, or the natural beauty or amenity, of any land.”
- (3) In section 12 (conditions attached to felling licences)—
- (a) in subsection (1), for “10(2)” substitute “ 10(2)(a) or (b) ”,
  - (b) in subsection (2), after “imposed” insert “ under section 10(2)(a) or (b) above ”.

#### Commencement Information

**I2** Sch. 7 para. 2 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 3 In section 10 of the Conservation of Seals Act 1970 (power to grant licences to kill or take seals), in subsection (4)—
- (a) for paragraphs (b) and (c) substitute—
    - “(b) is a site of special scientific interest;
    - (c) is an area in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect; or”,
  - (b) in paragraph (d), for “that Act” substitute “ the Wildlife and Countryside Act 1981 ”.

#### Commencement Information

**I3** Sch. 7 para. 3 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

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- 4 Sections 28 to 34, 41, 50, 51 and 74(5A) of, and Schedule 11 to, the 1981 Act are repealed.

**Commencement Information**

**I4** Sch. 7 para. 4 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 5 In section 22(1)(b) (traffic regulation for special areas in the countryside) of the Road Traffic Regulation Act 1984, sub-paragraph (iii) is repealed.

**Commencement Information**

**I5** Sch. 7 para. 5 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 6 Section 9(7) of the Channel Tunnel Act 1987 is repealed.

**Commencement Information**

**I6** Sch. 7 para. 6 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 7 In section 36(7) (requirement to consult SNH before issuing waste management licence) of the Environmental Protection Act 1990, for the words from “land”, where it second occurs, to “areas)” substitute “ within a site of special scientific interest or any area in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect ”.

**Commencement Information**

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

- 8 Sections 6 (Natural Heritage Areas) and 12 (Advisory Committee on SIs) of the Natural Heritage (Scotland) Act 1991 are repealed.

**Commencement Information**

**I8** Sch. 7 para. 8 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 9 In section 1(7) (determination by Court of Session of point of law) of the Scottish Land Court Act 1993, after “enactment” there is inserted “ , or under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6), ”.

**Commencement Information**

**I9** Sch. 7 para. 9 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

- 10 (1) Section 35 (duties of SEPA in relation to Natural Heritage Areas and sites of special interest) of the Environment Act 1995 is repealed.
- (2) In section 36 (codes of practice) of that Act—
- (a) in subsection (1)(a), for “, 34(2) and 35” substitute “ and 34(2) ”,

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(b) in subsection (2), for “, 34(2) or 35” substitute “ or 34(2) ”.

**Commencement Information**

**I10** Sch. 7 para. 10 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

11 In schedule 3 (penalties for offences relating to deer) to the Deer (Scotland) Act 1996, after the entry for section 17(2) insert—

“17(3)	Killing or injuring deer otherwise than by shooting	a fine of level 4 on the standard scale for each deer in respect of which the offence is committed or 3 months imprisonment or both	”.
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**Commencement Information**

**I11** Sch. 7 para. 11 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

12 (1) In section 54(1) (land which may not be included in simplified planning zone) of the Town and Country Planning (Scotland) Act 1997, for paragraph (d) substitute—

- “(d) land in a site of special scientific interest;
- (e) land in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect;”.

(2) Section 264 (Natural Heritage Areas) is repealed.

**Commencement Information**

**I12** Sch. 7 para. 12 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

13 In section 54 (protection of natural heritage) of the Water Industry (Scotland) Act 2002—

- (a) in subsection (1), for “protected area” substitute “ European site within the meaning of Regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716) ”,
- (b) subsection (2) is repealed,
- (c) in subsection (3)—
  - (i) paragraphs (a) and (b), and
  - (ii) the words “in the case of an area mentioned in subsection (2)(c),” in paragraph (c),are repealed,
- (d) in subsection (4)—
  - (i) for “protected area” substitute “ European site ”,

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(ii) the words from “was” to “be,” are repealed.

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**I13** Sch. 7 para. 13 in force at 29.11.2004 by S.S.I. 2004/495, art. 2

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