



Nature Conservation (Scotland) Act 2004

2004 asp 6

PART 2

CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

CHAPTER 3

LAND MANAGEMENT ORDERS

37 Enforcement of land management orders

- (1) Subsection (2) applies where SNH considers—
 - (a) that any operation required to be carried out by a land management order has not been carried out within the period or by the date specified in it, or
 - (b) that any such operation has been carried out otherwise than in the manner so specified.
- (2) Where this subsection applies SNH—
 - (a) is not required to make any payment (and may recover any payments made) in pursuance of the land management order in relation to the operation in question, and
 - (b) may—
 - (i) carry out the operation, or carry out such further work as is necessary to ensure that it is carried out, in the manner so specified, and
 - (ii) recover from the person whom the land management order required to carry out the operation any additional expenses reasonably incurred by it in doing so.
- (3) The reference in subsection (2) to additional expenses incurred by SNH in carrying out an operation or further works is a reference to expenses incurred by SNH in so doing less the amount which SNH would, if that subsection had not applied, be required to pay in relation to the carrying out of the operation.