



# Nature Conservation (Scotland) Act 2004

## 2004 asp 6

### PART 2

#### CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

### CHAPTER 4

#### GENERAL AND SUPPLEMENTARY

#### **42 Change of owner or occupier**

- (1) This section applies where a person with an interest in land within a site of special scientific interest or to which a nature conservation order or land management order relates—
  - (a) disposes of the interest, or
  - (b) where the person is the owner of the land, becomes aware that it is occupied by an additional or a different occupier.
- (2) The person with an interest in the land must, within the period of 28 days beginning with the date on which the person disposed of the interest or became aware of the change in occupation, send notices to SNH and—
  - (a) in the case of a disposal, to the person to whom the interest is disposed, or
  - (b) in the case of a change in occupation, to the additional or different occupier.
- (3) A notice given under subsection (2) to SNH must specify the land concerned and—
  - (a) in the case of a disposal, specify the date on which the person disposed of the interest in the land and the name and address of the person to whom the person disposed of the interest,
  - (b) in the case of a change in occupation, the date, to the best of the owner's knowledge, on which the change took place and, as far as the owner knows them, the name and address of the additional or different occupier.
- (4) A notice given under subsection (2) to a person to whom the interest is disposed of or to an additional or different occupier must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) specify the land concerned and state that an SSSI notification, nature conservation order or, as the case may be, land management order has effect in relation to the land, and
  - (b) where reasonably practicable, be accompanied by a copy of the relevant—
    - (i) SSSI notification (and any notification under section 5(1), 6(5), 7(3), 8(1) or 9(1), or notice under paragraph 10 of schedule 1, which amends the SSSI notification),
    - (ii) nature conservation order (and any amending order or revoking order which amends or partly revokes the nature conservation order), or
    - (iii) land management order (and any order under section 32(3) which amends or partly revokes the land management order),as the case may be.
- (5) For the purposes of this section, a person is treated as disposing of an interest in land if the person disposes of it by way of sale, exchange or lease, or by way of the creation of any servitude, right or privilege over that interest or by any other way except the grant of a standard security.