



Nature Conservation (Scotland) Act 2004

2004 asp 6

PART 2

CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

CHAPTER 4

GENERAL AND SUPPLEMENTARY

44 Powers of entry: authorised persons

- (1) Any person authorised in writing by SNH may, at any reasonable time, enter any land for any of the following purposes—
- (a) to determine whether to give or confirm an SSSI notification or a notification under section 5(1), 6(5), 7(3), 8(1) or 9(1) in relation to the land,
 - (b) to assess the condition of any protected natural feature of the land,
 - (c) to determine whether or not to offer to enter into a management agreement in relation to the land or to ascertain the terms on which it should offer to enter into such an agreement,
 - (d) to ascertain whether a management agreement is being, or has been, complied with,
 - (e) to determine whether or not to formulate a proposal under section 29(2) for a land management order,
 - (f) to ascertain whether an offence under section 19(1) or (3), 27(1) or 36(1) or (2) or under byelaws made by virtue of section 20 is being, or has been, committed on or in relation to the land,
 - (g) to ascertain whether an operation required to be carried out by a land management order or an order under section 40(1) has been carried out in accordance with the order,
 - (h) to carry out operations in pursuance of section 37 or 40(5),
 - (i) to determine any question in relation to the acquisition of the land by agreement or compulsorily,

Status: This is the original version (as it was originally enacted).

- (j) to determine any question in relation to compensation under section 20(3) of the National Parks and Access to the Countryside Act 1949 (c. 97) as it applies in relation to byelaws made under section 20 of this Act,
 - (k) to put up, maintain or remove signs, or to do anything else, for the purposes of section 41,
 - (l) where SNH is not aware of the name or address of an owner or occupier of the land, to affix a notice to a conspicuous object on the land for the purposes of section 48(10).
- (2) Any person authorised in writing by the Scottish Ministers may, at any reasonable time, enter any land for any of the following purposes—
- (a) to determine whether a nature conservation order, or an amending order or revoking order, should be made in relation to the land,
 - (b) to determine whether a land management order, or an order under section 32(3) amending or revoking such an order, should be made in relation to the land,
 - (c) where the Scottish Ministers are not aware of the name or address of an owner or occupier of the land, to affix a notice to a conspicuous object on the land for the purposes of section 48(10).
- (3) The powers conferred by subsections (1) and (2) to enter land for any purpose mentioned in those subsections include power to enter for the same purpose any land other than that referred to in the subsection in question.
- (4) Nothing in this section authorises any person to enter a dwelling or lockfast premises.
- (5) Any person who intentionally obstructs a person acting in the exercise of any power conferred by this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) Schedule 4 makes further provision about the exercise of the powers conferred by this section; and references in this section and that schedule to a power conferred by this section include references to such a power exercisable by virtue of a warrant under that schedule.