



Nature Conservation (Scotland) Act 2004

2004 asp 6

PART 2

CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

CHAPTER 4

GENERAL AND SUPPLEMENTARY

45 SNH: power to enforce

- (1) Compliance with sections 12(2) and 15 is enforceable by civil proceedings brought by SNH for interdict or for any other appropriate remedy.
- (2) Where, on an application by SNH, the court is satisfied that any operation being, or proposed to be, carried out is damaging or is likely to damage—
 - (a) any protected natural feature, or
 - (b) any other natural feature of Scotland which is of national importance,the court may make such order (whether for interdict or otherwise) as it considers appropriate.
- (3) An application under subsection (2) may be made whether or not civil proceedings under subsection (1) would be competent.
- (4) Subsections (1) and (2) do not prevent any other person who has a right to bring proceedings for compliance with the provisions specified in subsection (1) or, as the case may be, in relation to the matters referred to in subsection (2), from doing so.
- (5) In this section “the court” means the Court of Session or the sheriff.