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EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Nature Conservation (Scotland) Act 2004 (“the 2004 Act”) on 1st October 2004.

Article 2 brings into force on that date—

- (a) section 15(2) of the 2004 Act (consent by certain regulatory authorities) to enable the Scottish Ministers to make an order designating which persons are to be a relevant regulatory authority for the purposes of the 2004 Act;
- (b) section 50 and schedule 6 (protection of wildlife), which make amendments to provisions in Part I of the Wildlife and Countryside Act 1981 (c. 69) for the protection of certain birds, animals and plants and to provisions in the Protection of Badgers Act 1992 (c. 51) to bring offences and enforcement provisions in that Act into line with the Wildlife and Countryside Act 1981 as amended by the 2004 Act;
- (c) section 51 (Scottish Marine Wildlife Watching Code), which sets out a duty for SNH to prepare the Scottish Marine Wildlife Watching Code; and
- (d) section 54 (guidance) which enables the Scottish Ministers to issue or approve guidance in respect of the biodiversity duty in Part 1 of the 2004 Act and SNH’s functions in Part 2 of the 2004 Act.