

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### CONSTITUTION AND PROCEEDINGS OF SCOTTISH NATURAL HERITAGE

##### *Incorporation and status*

1 SNH shall be a body corporate and shall have a common seal.

##### **Commencement Information**

**I1** Sch. 1 para. 1 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

2 (1) SNH shall not—

- (a) be regarded as a servant or agent of the Crown;
- (b) have any status, immunity or privilege of the Crown;
- (c) be exempt from any tax, duty, rate, levy or other charge whatsoever whether general or local,

and its property shall not be regarded as property of, or held on behalf of, the Crown.

(2) Sub-paragraph (1) above shall have effect subject to paragraph 19 below.

##### **Commencement Information**

**I2** Sch. 1 para. 2 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

##### *Membership*

3 The members of SNH shall be not less than eight, nor more than twelve, persons appointed by the Secretary of State.

##### **Commencement Information**

**I3** Sch. 1 para. 3 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

4 In making appointments under paragraph 3 above, the Secretary of State shall have regard to the desirability of ensuring that the membership of SNH contains at any time, so far as is practicable, persons of knowledge or experience relevant to the principal areas of activity of SNH.

##### **Commencement Information**

**I4** Sch. 1 para. 4 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 5 The Secretary of State shall satisfy himself—
- (a) before he appoints a person to be a member that the person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member: and
  - (b) from time to time that each person so appointed continues, and has continued, to have no such interest.

**Commencement Information**

**I5** Sch. 1 para. 5 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 6 A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in paragraph 5 above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of fulfilling that requirement.

**Commencement Information**

**I6** Sch. 1 para. 6 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 7 Subject to this paragraph and paragraphs 9 and 10 below, each member of SNH—
- (a) shall hold and vacate office in accordance with the terms of his appointment;
  - (b) may, by notice in writing to the Secretary of State, resign his membership; and
  - (c) after ceasing to hold office shall be eligible for reappointment as a member.

**Commencement Information**

**I7** Sch. 1 para. 7 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 8 The Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, amend paragraph 3 above so as to substitute for the numbers for the time being specified as, respectively, the minimum and maximum membership of SNH such other numbers as he thinks fit.

**Commencement Information**

**I8** Sch. 1 para. 8 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 9 The Secretary of State may remove a member from office if he is satisfied that the member—
- (a) has been adjudged bankrupt, has made an arrangement with his creditors, has had his estate sequestrated or has granted a trust deed for his creditors or a composition contract;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of SNH for a period longer than three months without the permission of SNH; or

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (d) is otherwise unable or unfit to discharge his functions as a member or is unsuitable to continue as a member.

**Commencement Information**

**I9** Sch. 1 para. 9 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

*Chairman and Deputy Chairman*

- 10 (1) The Secretary of State shall appoint one of the members of SNH to be chairman and, after consulting the chairman, shall appoint one of the members to be deputy chairman.
- (2) The chairman and deputy chairman shall hold and vacate office in terms of their appointment.
- (3) A member of SNH who is chairman or deputy chairman may resign his office by notice in writing to the Secretary of State; but if the chairman or deputy chairman ceases to be a member of SNH (whether or not on giving notice under paragraph 7(b) above) he shall cease to be its chairman or, as the case may be, deputy chairman.

**Commencement Information**

**I10** Sch. 1 para. 10 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

*Remuneration and allowances*

- 11 (1) SNH shall—
- (a) pay to its members such remuneration and allowances (if any); and
- (b) as regards any member or former member in whose case the Secretary of State may so determine, pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity,
- as the Secretary of State may, with the approval of the Treasury, determine.
- (2) If a person ceases to be a member of SNH, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may require SNH to pay to that person a sum of such amount as the Secretary of State may, with the approval of the Treasury, determine.

**Commencement Information**

**I11** Sch. 1 para. 11 wholly in force at 27.11.1991 see S.I. 1991/2633, art. 3, Sch.

*Staff*

- 12 (1) There shall be a chief officer of SNH.
- (2) The Secretary of State shall, after consultation with the chairman or person designated to be chairman (if there is a person holding or designated to hold that

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

office), make the first appointment of the chief officer of SNH on such terms and conditions as he may, with the consent of the Treasury, determine; and thereafter SNH may, with the approval of the Secretary of State, make subsequent appointments to that office on such terms and conditions as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

**Commencement Information**

**I12** Sch. 1 para. 12 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 13 Subject to paragraph 3 of Schedule 4 to this Act, SNH may appoint on such terms and conditions as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine such other employees as it thinks fit.

**Commencement Information**

**I13** Sch. 1 para. 13 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 14 (1) SNH shall, in the case of such of its employees or former employees as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine—
- (a) pay such pensions, allowances or gratuities to or in respect of those employees;
  - (b) make such payments towards provision of such pensions, allowances or gratuities; or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions allowances or gratuities,
- as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- (2) The reference in sub-paragraph (1) above to pensions, allowances or gratuities in respect of employees of SNH includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such employee who suffers loss of office or employment.
- (3) If an employee of SNH becomes a member of SNH and was by reference to his employment by SNH a participant in a pension scheme established and administered by it for the benefit of its employees—
- (a) SNH may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of SNH whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 11 above; but
  - (b) if SNH determines as aforesaid, any discretion as to the benefits payable to or in respect of him which the scheme confers on SNH shall be exercised only with the consent of the Secretary of State given with the approval of the Treasury.

**Commencement Information**

**I14** Sch. 1 para. 14 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Proceedings*

- 15 (1) SNH may regulate its own procedure (including making provision in relation to the quorum for its meetings and the meetings of any committee appointed by it).
- (2) The proceedings of SNH and of any committee appointed by it shall not be invalidated by any vacancy amongst its members or the members of such committee or by any defect in the appointment of such member.

#### **Commencement Information**

**I15** Sch. 1 para. 15 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

### *Committees*

- 16 (1) SNH may appoint persons who are not members of it to be members of any committee established by it:
- Provided that no such committee shall consist entirely of persons who are not members of SNH.
- (2) SNH shall pay to a person so appointed such remuneration and allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.
- (3) SNH may regulate the procedure of any committee established by it and any such committee shall comply with any directions given to them by it.

#### **Commencement Information**

**I16** Sch. 1 para. 16 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

### *Delegation of powers*

- 17 (1) Anything authorised or required by or under any enactment to be done by SNH may be done by any of its committees which, or by any of its members or employees who, is authorised (generally or specifically) for the purpose by SNH.
- (2) Nothing in sub-paragraph (1) above shall prevent SNH from doing anything that a committee, member or employee has been authorised to do.

#### **Commencement Information**

**I17** Sch. 1 para. 17 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

### *Documents*

<sup>F1</sup>18 .....

#### **Textual Amendments**

**F1** Sch. 1 para. 18 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Land*

- 19 (1) For the purposes of the application of any enactment or rule of law to land [<sup>F2</sup>which or] an interest in which belongs to SNH, and which is managed as a nature reserve, SNH shall be deemed to be a Government department; and any other land occupied by it shall be deemed, for the purpose of any rate on property, to be property occupied by or on behalf of the Crown for public purposes.

[<sup>F3</sup>(2) In sub-paragraph (1) above—

“ interest ” includes any right over the land, whether exercisable by virtue of ownership or by virtue of a licence or agreement and, without prejudice to that generality, includes sporting rights; and

“ land ” includes—

- (i) land covered by water; and
- (ii) salmon fishings.]

#### **Textual Amendments**

**F2** Words in Sch. 1 para. 19(1) inserted (28.11.2004) by 2000 asp 5, s. 76(1), 77, **Sch. 12 Pt. I para. 53(3)(a)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

**F3** Sch. 1 para. 19(2) substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77, **Sch. 12 Pt. I para. 53(3)(b)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

#### **Commencement Information**

**I18** Sch. 1 para. 19 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, **art. 3, Sch.**

## SCHEDULE 2

Section 4.

### AMENDMENT OF ENACTMENTS CONFERRING NATURE CONSERVATION FUNCTIONS

#### *National Parks and Access to the Countryside Act 1949 (c. 97)*

- 1 (1) The National Parks and Access to the Countryside Act 1949 shall be amended as follows.
- (2) In section 15A (meaning of “Nature Conservancy Council”), in paragraph (b) for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.
- (3) In section 16(5) (agreements in Scotland for establishing nature reserves), in paragraph (c) for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.
- (4) In section 103(2) (procedure as to compulsory acquisition of land), for the words “the Nature Conservancy Council for Scotland” in both places where they occur there shall be substituted the words “ Scottish Natural Heritage ”.

#### **Commencement Information**

**I19** **Sch. 2 para. 1** wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, **art. 4**

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Deer (Scotland) Act 1959 (c. 40)*

F42 .....

**Textual Amendments**

F4 Sch. 2 para. 2 repealed (18.10.1996) by 1996 c. 44, ss. 13(2), 14(2), Sch. 2

*Countryside Act 1968 (c. 41)*

3 In section 15(6A) of the Countryside Act 1968 (definition of Nature Conservancy Council), for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.

**Commencement Information**

I20 Sch. 2 para. 3 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

*Conservation of Seals Act 1970 (c. 30)*

4 In section 10(5) of the Conservation of Seals Act 1970 (definition of Nature Conservancy Council) for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.

**Commencement Information**

I21 Sch. para. 4 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

*Badgers Act 1973 (c. 57)*

F55 .....

**Textual Amendments**

F5 Sch. 2 para. 5 repealed (16.10.1992) by Protection of Badgers Act 1992 (c. 51), s. 15(2)(3), Sch.

*Import of Live Fish (Scotland) Act 1978 (c. 35)*

6 In section 1(2) of the Import of Live Fish (Scotland) Act 1978 (consultation before making order to limit import) for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.

**Commencement Information**

I22 Sch. 2 para. 6 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

*Animal Health Act 1981 (c. 22)*

7 (1) The Animal Health Act 1981 shall be amended as follows.

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In section 21(9) (destruction of wildlife on infection, definition of “Nature Conservancy Council”) for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.

<sup>F6</sup>(3) .....

**Textual Amendments**

**F6** Sch. 2 para. 7(3) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 12](#); S.I. 2006/2541, art. 2

---

**Commencement Information**

**I23** Sch. 2 para. 7 wholly in force at 1.4.1992 see s. 28(2) and [S.I. 1991/2633](#), [art. 4](#)

*Wildlife and Countryside Act 1981 (c. 69)*

- 8 (1) The Wildlife and Countryside Act 1981 shall be amended as follows.
- (2) In section 27(3A) (interpretation of Part I) for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.
- (3) In section 27A(b) (construction of references to Nature Conservancy Council) for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.
- (4) In section 29(11) (reports to relate to certain areas of special scientific interest) after the word “1990” there shall be inserted the words “ or under section 10(2) of the Natural Heritage (Scotland) Act 1991 ”.

<sup>F7</sup>(5) .....

**Textual Amendments**

**F7** Sch. 2 para. 8(5) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 12](#); S.I. 2006/2541, art. 2

---

**Commencement Information**

**I24** Sch. 2 para. 8 wholly in force at 1.4.1992 see s. 28(2) and [S. I. 1991/2633](#), [art. 4](#)

*Inheritance Tax Act 1984 (c. 51)*

9 In Schedule 3 to the Inheritance Act 1984 (gifts for national purposes) for the words “Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.

**Commencement Information**

**I25** Sch. 2 para. 9 wholly in force at 1.4.1992 see s. 28(2) and [S.I. 1991/2633](#), [art. 4](#)



*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Environmental Protection Act 1990 (c. 43)*

- 10 (1) The Environmental Protection Act 1990 shall be amended as follows.
- (2) In section 36(7) (waste disposal licences for certain protected areas) for the words “the Nature Conservancy Council for Scotland” there shall be substituted the words “ Scottish Natural Heritage ”.
- <sup>F8</sup>(3) . . . . .
- (4) In section 128(1) (establishment of new councils) for the word “three” there shall be substituted the word “ two ”.
- (5) In section 132(3) (cooperation between Nature Conservancy Councils) after the word “section” where it first occurs there shall be inserted the words “ or in the Natural Heritage (Scotland) Act 1991 (in so far as it relates to the nature conservation functions of Scottish Natural Heritage) ”.

**Textual Amendments**

**F8** Sch. 2 para. 10(3) repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxvii)

**Commencement Information**

**I26** Sch. 2 para. 10 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

SCHEDULE 3

Section 13.

ACCESS TO OPEN COUNTRY

- 1 Part II of the <sup>M1</sup>Countryside (Scotland) Act 1967 (access to open country) shall be amended as follows.

**Commencement Information**

**I27** Sch. 3 para. 1 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

**Marginal Citations**

**M1** 1967 c. 86.

- 2 In section 10, in subsection (2) (definition of “open country”) after the words “any landblank appearing” there shall be inserted the words “ to Scottish Natural Heritage or ”.

**Commencement Information**

**I28** Sch. 3 para. 2 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 3 (1) Section 13 (making of access agreements) shall be amended as follows.
- (2) For subsection (1) there shall be substituted the following subsection—

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“(1) An access agreement may be made—

- (a) by Scottish Natural Heritage with any person having an interest in land;
- (b) by a general or district planning authority with any person having an interest in land situated in the area of the authority,

whereby the provisions of this Part of this Act relating to access agreements shall apply to the land.”

- (3) In subsection (2) after the words “payments by” there shall be inserted the words “ Scottish Natural Heritage or, as the case may be, ”.
- (4) In subsection (7) after the words “confer any right against him, and” there shall be inserted the words “ Scottish Natural Heritage or, as the case may be, ”.

#### Commencement Information

**I29** Sch. 3 para. 3 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 4 (1) Section 14 (making of access orders) shall be amended as follows.
  - (2) For subsection (1) there shall be substituted the following subsection—
 

“(1) Subject to subsection (2) below, an access order may be made—

    - (a) by Scottish Natural Heritage, as regards any land in Scotland;
    - (b) by a general or district planning authority, as regards any land in their area,

but an order so made shall be submitted to the Secretary of State and shall not have effect unless confirmed by him.”
  - (3) In subsection (2)—
    - (a) in paragraph (a) for the word “authority” there shall be substituted the word “ body ”; and
    - (b) in paragraph (b) for the words “said authority” there shall be substituted the word “ body ”.
  - (4) In subsection (3) for the words “said authority” there shall be substituted the word “ body ”.
  - (5) In subsection (8) after the word “order” there shall be inserted the words “ made by a general or district planning authority ”.

#### Commencement Information

**I30** Sch. 3 para. 4 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 5 (1) Section 15 shall be amended as follows.
  - (2) In subsection (2)—
    - (a) in paragraph (a)—
      - (i) for the words “authority by whom” there shall be substituted the words “ body by which ”; and

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (ii) for the word “authority” where it second occurs there shall be substituted the word “ body ”; and
  - (b) in paragraph (c) for the words “said authority” and “authority” where they respectively occur there shall be substituted the word “ body ”.
- (3) In subsection (3) the words “(whether made by the Secretary of State or by a local planning authority)” shall be omitted.
- (4) In subsection (4)—
- (a) after the words “Secretary of State” where they first occur, there shall be inserted the words “ , except as regards an access order made by Scottish Natural Heritage, ”; and
  - (b) for the words “the local planning authority concerned” there shall be substituted the words “ the body by which the order was made ”.

#### Commencement Information

**I31** Sch. 3 para. 5 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 6 In section 16, for subsection (5) there shall be substituted the following subsections—
- “(5) As soon as practicable after an agreement or instrument such as is mentioned in subsection (4) above is made or an order so mentioned is confirmed, it shall be registered or, as the case may be, recorded in pursuance of subsection (6) or (7) below.
  - (6) In the case of an agreement or order made by Scottish Natural Heritage or an instrument or order varying or revoking such an agreement or order—
    - (a) if an interest in the land to which the agreement, instrument or order relates falls to be registered in the Land Register of Scotland, Scottish Natural Heritage shall cause the agreement, instrument or order to be registered in that register;
    - (b) in any other case it shall cause the agreement, instrument or order to be recorded in the appropriate Division of the General Register of Sasines.
  - (7) In the case of an agreement or order made by the general or district planning authority or an instrument or order varying or revoking such an agreement or order—
    - (a) if an interest in the land to which the agreement, instrument or order relates falls to be registered in the Land Register of Scotland, the general or district planning authority shall cause the agreement, instrument or order to be registered in that register;
    - (b) in any other case they shall cause the agreement, instrument or order to be recorded in the appropriate Division of the General Register of Sasines.
  - (8) Subject to subsection (9) below, an agreement, instrument or order registered or recorded in pursuance of subsection (6) or, as the case may be, subsection (7) above shall be enforceable at the instance of respectively Scottish Natural Heritage or the general or district planning authority against

*Status: Point in time view as at 10/06/2013.*

**Changes to legislation:** *Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

persons deriving title to the land or the relevant interest therein from the person so entitled when the agreement, instrument or order was made.

- (9) An agreement, instrument or order shall not be enforceable as mentioned in subsection (8) above against a third party who has in good faith and for value acquired right (whether completed by infestment or not) to the land or to the relevant interest therein prior to the agreement, instrument or order being registered or, as the case may be, recorded in pursuance of subsection (6) or (7) above, or against any person deriving title from such third party.
- (10) In this section “relevant interest” means an interest which is subject to an agreement, instrument or order such as is mentioned in subsection (4) above.”

#### Commencement Information

**I32** Sch. 3 para. 6 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

7 (1) Section 17 shall be amended as follows.

(2) In subsection (4)—

- (a) for the words from the beginning to “situated” there shall be substituted the words “ Where, as regards any access agreement or order made by Scottish Natural Heritage or a general or district planning authority, it appears to it or them ”;
- (b) for the words “an access” there shall be substituted the word “ the ”;
- (c) after the words “subsection (2) above,” there shall be inserted the words “ Scottish Natural Heritage or, as the case may be, ”; and
- (d) for the words “the authority” where they second occur there shall be substituted the words “ Scottish Natural Heritage or the authority, it or, as the case may be, they ”.

(3) In subsection (5)—

- (a) for the words “the local planning authority” in both places where they occur there shall be substituted the words “ Scottish Natural Heritage or, as the case may be, the general or district planning authority ”;
- (b) after the words “fourteen days’ notice of” there shall be inserted the words “ its or ”;
- (c) before the words “the authority” in both places where they occur there shall be inserted the words “ Scottish Natural Heritage or, as the case may be, ”;
- (d) after the words “reasonably incurred by” there shall be inserted the words “ it or ”;
- (e) after the words “reduced by” there shall be inserted the words “ its or ”; and
- (f) for the words “authority’s contribution” there shall be substituted the words “ contribution of Scottish Natural Heritage or, as the case may be, the authority ”.

#### Commencement Information

**I33** Sch. 3 para. 7 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

8 (1) Section 18 shall be amended as follows.

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In subsection (1)—
- (a) for the words from “the last foregoing section” to the words “contravention occurred” there shall be substituted the words “section 17 of this Act—
    - (a) if the agreement or order was made by Scottish Natural Heritage, it;
    - (b) if the agreement or order was made by the general or district planning authority, they,”;
  - (b) after the words “as may appear to” there shall be inserted the words “ Scottish Natural Heritage or, as the case may be, ”.
- (3) In subsection (2)—
- (a) for the words “the local planning authority” there shall be inserted the words “ Scottish Natural Heritage or, as the case may be, the general or district planning authority ”; and
  - (b) before the word “them” there shall be substituted the words “ it or ”.

**Commencement Information**

**I34** Sch. 3 para. 8 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 9 (1) Section 20 shall be amended as follows.
- (2) For the words from “the general or district” to “situated” there shall be substituted the words “—
- (a) where the order was made by Scottish Natural Heritage, it; or
  - (b) where the order was made by a general or district planning authority, they,”, and the words from the beginning of the section to the words “depreciation or damage” shall become subsection (1) of the section.
- (3) In the proviso the words “Provided that” shall be omitted and the remaining words of the proviso shall become subsection (2) of the section.

**Commencement Information**

**I35** Sch. 3 para. 9 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 10 (1) Section 22 shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “local planning authority by whom” there shall be substituted the words “ body by which ”; and
  - (b) for the word “authority” there shall be substituted the word “ body ”.
- (3) In subsection (3) for the words “local planning authority” there shall be substituted the words “ body by which compensation is payable ”.

**Commencement Information**

**I36** Sch. 3 para. 10 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 11 (1) Section 23 shall be amended as follows.

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In subsection (1)—
- (a) for the words “local planning authority” there shall be substituted the words “ body by which compensation is payable ”;
  - (b) for the words “authority are” there shall be substituted the words “ body is ”; and
  - (c) for the word “they” in both places where it occurs there shall be substituted the word “ it ”.
- (3) In subsection (2)—
- (a) for the words “local planning authority” and the word “authority” where they respectively occur there shall be substituted the word “ body ”;
  - (b) for the word “their” there shall be substituted the word “ its ”; and
  - (c) for the word “they” there shall be substituted the word “ it ”.

#### Commencement Information

**I37** Sch. 3 para. 11 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 12 (1) Section 24 shall be amended as follows.
- (2) In subsection (1)—
- (a) after the words “Where it appears” there shall be inserted the words “ to Scottish Natural Heritage as respects any land in Scotland or ”;
  - (b) in paragraph (b) for the words “the local planning authority” there shall be substituted the words “ Scottish Natural Heritage or, as the case may be, the general or district planning authority ”; and
  - (c) before the words “the authority” in both places where they occur there shall be inserted the words “ Scottish Natural Heritage or, as the case may be, ”.
- (3) In subsection (2)—
- (a) for the words “A local planning authority” there shall be substituted the words “ Scottish Natural Heritage or, as the case may be, a general or district planning authority ”;
  - (b) before the word “them” in each place where it occurs there shall be inserted the words “ it or ”; and
  - (c) before the word “they” there shall be inserted the words “ it or ”.
- (4) In subsection (3)—
- (a) for the words “a local planning authority” there shall be substituted the words “ Scottish Natural Heritage or, as the case may be, a general or district planning authority ”;
  - (b) before the word “them” there shall be inserted the words “ it or ”; and
  - (c) before the words “the authority” in each place where they occur there shall be inserted the words “ Scottish Natural Heritage or ”.

#### Commencement Information

**I38** Sch. 3 para. 12 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 13 In section 26 at the end there shall be inserted the following subsection—

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- “(3) Scottish Natural Heritage shall, within 14 days of—
- (a) an access agreement having been made by it; or
  - (b) an access order made by it having been confirmed,
- send to the general or district planning authority in whose area the land to which the agreement or order applies is situated a copy of such agreement or order.”

**Commencement Information**

**I39** Sch. 3 para. 13 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 14 (1) Section 27 shall be amended as follows.
- (2) In subsection (1) for the word “authority” in each place where it occurs there shall be substituted the word “body”.
- (3) In subsection (2)—
- (a) for the words “authority by whom” there shall be substituted the words “body by which”; and
  - (b) for the word “authority” where it second occurs there shall be substituted the word “body”.
- (4) In subsection (3) for the words “said authority” in each place where they occur there shall be substituted the word “body”.
- (5) In subsection (4)—
- (a) at the beginning there shall be inserted the words “Scottish Natural Heritage or, as the case may be,”;
  - (b) before the words “the authority” there shall be inserted the words “Scottish Natural Heritage or”; and
  - (c) before the word “them” there shall be inserted the words “it or”.
- (6) In subsection (5) for the words from “a local planning authority” to the end there shall be substituted the words “Scottish Natural Heritage or a general or district planning authority as respects land held by it or them”.

**Commencement Information**

**I40** Sch. 3 para. 14 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

- 15 (1) In section 28—
- (a) for the words “A general or district planning authority” there shall be substituted the words “Where Scottish Natural Heritage or, as the case may be, a general or district planning authority have made an access agreement or order it or they”; and
  - (b) after the words “comprised in” there shall be inserted the word “such”.

**Commencement Information**

**I41** Sch. 3 para. 15 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 16 (1) Section 29 shall be amended as follows.
- (2) At the beginning there shall be inserted the words “ Scottish Natural Heritage or, as the case may be, ”.
- (3) The words “in their area” shall be omitted.
- (4) After the word “order” there shall be inserted the words “ made by it or them ”.

**Commencement Information**

**I42** Sch. 3 para. 16 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

SCHEDULE 4

Section 14.

TRANSITIONAL ARRANGEMENTS ON THE DISSOLUTION OF EXISTING BODIES

*Preliminary*

- 1 In this Schedule—
- “the appointed day” means the date appointed for the purposes of section 14(1) of this Act;
- “the Commission” means the Countryside Commission for Scotland;
- “the Council” means the Nature Conservancy Council for Scotland;
- “relevant” in relation to anything dSchedule 4 Paraone by or in relation to the Commission or, as the case may be, the Council before the appointed day, means anything which, if it were to be done on or after the appointed day, would be done by or in relation to SNH.

**Commencement Information**

**I43** Sch. 4 para. 1 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

*Preparation of accounts and reports*

- 2 (1) The requirement imposed on—
- (a) the Council by paragraphs 20 and 21 of Schedule 6 to the <sup>M2</sup>Environmental Protection Act 1990; and
- (b) the Commission by section 71 of the <sup>M3</sup>Countryside (Scotland) Act 1967, to prepare accounts and a report shall become, with effect from the appointed day, a requirement imposed on SNH.
- (2) Where the appointed day is a date other than 31st March, the requirement—
- (a) as regards the accounts and report of the Council; and
- (b) as regards the accounts of the Commission,
- shall relate to the preparation of accounts and a report or, as the case may be, accounts for the period beginning with 1st April immediately preceding the appointed day and ending on that day, and for the reference in the said paragraph 21 and section 71 to



*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

30th November there may be substituted such other date as the Secretary of State may, in the order appointing the appointed day, determine.

- (3) Where the appointed day is a date other than 31st December, the requirement as regards the report of the Commission shall relate to the preparation of the report for the period beginning with 1st January immediately preceding the appointed day and ending on that day.

#### Commencement Information

**I44** Sch. 4 para. 2 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

#### Marginal Citations

**M2** 1990 c. 43.

**M3** 1967 c. 86.

#### *Offers of employment*

- 3 (1) SNH shall, not later than such date as the Secretary of State may determine, make an offer of employment by it to each person employed immediately before that date by—
- (a) the Council; and
  - (b) the Commission,
- and any question as to the persons to whom an offer of employment is to be made under this paragraph shall be determined by the Secretary of State.
- (2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom it is made than the terms on which he is employed on the date on which the offer is made.
- (3) An offer made in pursuance of this paragraph shall not be revocable during the period of three months commencing with the date on which it is made.
- (4) Sub-paragraph (1) above does not apply to any person whose contract of employment with either the Council or, as the case may be, the Commission terminates on the day immediately preceding the appointed day.

#### Commencement Information

**I45** Sch. 4 para. 3 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

#### *Continuity of employment, redundancy etc.*

- 4 Where a person becomes an employee of SNH in consequence of an offer made under paragraph 3(1) above, then, for the purposes of [F<sup>9</sup>the Employment Rights Act 1996], his period of employment with the Council or, as the case may be, the Commission shall count as a period of employment by SNH, and the change of employment shall not break the continuity of the period of employment.

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F9** Sch. 4 para. 4 repealed (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 48**

**Commencement Information**

**I46** Sch. 4 para. 4 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

- 5 Where an offer is made to a person in pursuance of paragraph 3(1) above, none of the redundancy procedures applicable to such a person shall apply to him; and where that person ceases to be employed by the Council or, as the case may be, the Commission—
- (a) on becoming employed by SNH; or
  - (b) having unreasonably refused an offer,
- <sup>F10</sup> . . . he shall not be treated for the purposes of any superannuation or other pension scheme as having been retired on redundancy.

**Textual Amendments**

**F10** Words in Sch. 4 para. 5 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I**

**Commencement Information**

**I47** Sch. 4 para. 5 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

*Disputes*

- 6 (1) Any dispute as to whether an offer under sub-paragraph (1) of paragraph 3 above complies with sub-paragraph (2) of that paragraph shall be referred to and determined by an [<sup>F11</sup>employment tribunal].
- (2) An [<sup>F11</sup>employment tribunal] shall not consider a complaint referred to it under sub-paragraph (1) above unless the complaint is presented to the tribunal before the end of the period of three months beginning with the date of the offer or, where the tribunal is satisfied that it was not reasonably practicable for that to be done, within such further period as the tribunal considers reasonable.
- (3) Subject to sub-paragraph (4) below, there shall be no appeal from the decision of an [<sup>F11</sup>employment tribunal] under this paragraph.
- (4) An appeal to the Employment Appeal Tribunal may be made only on a point of law arising from a decision of, or in proceedings before, an [<sup>F11</sup>employment tribunal] under this paragraph.

**Textual Amendments**

**F11** Words in Sch. 4 para. 6 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

**Commencement Information**

**I48** Sch. 4 para. 6 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Continuity of exercise of functions*

- 7 (1) Any relevant thing done by or in relation to the Council or, as the case may be, the Commission before the appointed day shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to SNH.
- (2) Any relevant thing which, immediately before the appointed day, is in the process of being done by or in relation to the Council or, as the case may be, the Commission may be continued by or in relation to SNH.

#### **Commencement Information**

**I49** Sch. 4 para. 7 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

### *Construction of references to the Council and the Commission*

- 8 (1) This paragraph applies to any agreement, any instrument and any other document, subsisting immediately before the appointed day which refers (in whatever terms) to the Council or, as the case may be, the Commission.
- (2) Any agreement, instrument or other document to which this paragraph applies shall have effect on and after the appointed day with the substitution—
- (a) for any reference to the Council or, as the case may be, the Commission of a reference to SNH;
  - (b) for any reference in general terms to members of or to persons employed by or agents of the Council or, as the case may be, the Commission of a reference to members of or persons employed by or agents of SNH; and
  - (c) for any reference to a member or officer of the Council or, as the case may be, the Commission of a reference to such person as SNH may appoint or, in default of appointment, to the member or officer of SNH who corresponds as nearly as may be to the member or officer in question.

#### **Commencement Information**

**I50** Sch. 4 para. 8 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

- 9 The Secretary of State may, by order, make such consequential modifications of any provision of any local or private Act passed, or subordinate legislation made, before the appointed day which refers to the Council or, as the case may be, the Commission as appear to him to be necessary or expedient.

#### **Commencement Information**

**I51** Sch. 4 para. 9 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

### *Supplementary*

- 10 (1) The Secretary of State may, in relation to any particular functions of the Council or the Commission, by order exclude or modify or supplement any provision of this Schedule or make such other transitional provision as he may think necessary or expedient.

*Status: Point in time view as at 10/06/2013.*

**Changes to legislation:** Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) Nothing in this paragraph or in paragraph 8 or 9 above shall apply in relation to contracts of employment made by the Council or the Commission.

**Commencement Information**

**I52** Sch. 4 para. 10 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

<sup>F12</sup>SCHEDULE 5

Section 15.

**Textual Amendments**

**F12** Sch. 5 repealed (1.4.2006) by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), art. 1, Sch. Pt. I (with Sch. Pt. III)

<sup>F13</sup>SCHEDULE 6

Section 17.

PROVISIONS AS TO APPLICATIONS FOR, VARIATION,  
REVOCATION AND TRANSFER OF LICENCES UNDER PART II

**Textual Amendments**

**F13** Sch. 6 repealed (1.4.2006) by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), art. 1, Sch. Pt. I (with Sch. Pt. III)

<sup>F13</sup> *Applications for Licences under Part II*

<sup>F13</sup> *Appeal against refusal to grant licence*

<sup>F13</sup> *Variation of licence and late application for licence*

<sup>F13</sup> *Revocation of licences*

<sup>F13</sup> *Transfer of licences*

*Status: Point in time view as at 10/06/2013.*

**Changes to legislation:** *Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

<sup>F14</sup>SCHEDULE 7

Section 20.

FURTHER PROVISIONS REGARDING DROUGHT ORDERS

**Textual Amendments**

**F14** Sch. 7 repealed (10.6.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), s. 56(1)(2), **Sch. 4 para. 1(2)(c)**; S.S.I. 2013/163, art. 3, Sch.

*<sup>F14</sup> Duration of drought orders*

.....

*<sup>F14</sup> Exercise of power to make a drought order*

.....

*<sup>F14</sup> Prohibition or limitation of use of water*

.....

*<sup>F14</sup> Abstractions and discharges of water*

.....

*<sup>F14</sup> Works under drought orders*

.....

*<sup>F14</sup> Miscellaneous*

.....

<sup>F15</sup>SCHEDULE 8

Section 20.

PROCEDURE FOR MAKING DROUGHT ORDERS

**Textual Amendments**

**F15** Sch. 8 repealed (10.6.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), s. 56(1)(2), **Sch. 4 para. 1(2)(c)**; S.S.I. 2013/163, art. 3, Sch.

*<sup>F15</sup> Application for orders*

.....

*<sup>F15</sup> Objections to and making of orders*

.....

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## F16 SCHEDULE 9

Section 20.

### Textual Amendments

**F16** Sch. 9 repealed (10.6.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), s. 56(1)(2), [Sch. 4 para. 1\(2\)\(c\)](#); S.S.I. 2013/163, art. 3, Sch.

## SCHEDULE 10

Section 27.

### MISCELLANEOUS AMENDMENTS

#### *Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66)*

F17<sub>1</sub> .....

### Textual Amendments

**F17** Sch. 10 para. 1 repealed (1.4.1996) by [1995 c. 25](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

#### *Superannuation Act 1965 (c. 74)*

- 2 In paragraph 7 of section 39(1) of the Superannuation Act 1965 (public offices) the entry relating to the Nature Conservancy Council for Scotland shall be omitted and at the appropriate place there shall be inserted the following entry— “ Scottish Natural Heritage. ”

### Commencement Information

**I53** Sch. 10 para. 2 wholly in force at 1. 4. 1992; Sch. 10 para. 2 not in force at Royal Assent se s. 28(2); Sch. 10 para. 2 in force for certain purposes at 27.11.1991 and in force at 1.4.1992 (in so far as not already in force) by S.I. 1991/2633, arts. 3, 4, Sch.

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 3 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation) at the appropriate place there shall be inserted the following entry— “ Scottish Natural Heritage. ”

### Commencement Information

**I54** Sch. 10 para. 3 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, Sch.

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Countryside (Scotland) Act 1967 (c. 86)*

- 4 (1) The Countryside (Scotland) Act 1967 shall be amended as follows.
- (2) In section 13(6) (consultation on access agreements) for the word “they” there shall be substituted the word “it”.
- (3) In section 49A (management agreements) for subsections (1) to (3) there shall be substituted the following subsections—
- “(1) Scottish Natural Heritage may enter into an agreement with any person having an interest in land to do, or to secure the doing of, whatever in the opinion of the parties to the agreement may be necessary to secure the conservation and enhancement or to foster the understanding and enjoyment of the natural heritage of Scotland.
- (2) A planning authority may enter into an agreement with any person having an interest in land to do or to secure the doing of whatever in the opinion of the parties to the agreement may be necessary to preserve or enhance the natural beauty of the countryside or to promote the enjoyment of the countryside by the public.
- (3) An agreement under subsection (1) or (2) above shall be known as a “management agreement”.
- (4) In section 54 for subsection (4) there shall be substituted the following subsection—
- “(4) Scottish Natural Heritage may in relation to land—
- (a) owned or managed by it; or
- (b) to which an access agreement or order made by it applies,
- make byelaws with respect to any of the matters mentioned in the foregoing provisions of this section.”
- (5) In section 60(4) (publication of byelaws) for the words “sum, not exceeding 5p for every copy,” there shall be substituted the words “reasonable sum”.
- (6) In section 61(1) (improvement of waterways) for the words from “whose area” to “and within” there shall be substituted the words “may, as respects any waterway in”.
- (7) In section 66 (duty of ministers to have regard to desirability of conservation) for the words “the natural beauty and amenity of the countryside” there shall be substituted the words “the natural heritage of Scotland within the meaning of the Natural Heritage (Scotland) Act 1991”.
- (8) In section 69(1)(b) (rules for compulsory acquisition) after the word “if” there shall be inserted the words “it or”.
- (9) In subsection (3) of section 70 (application of provisions relating to compensation) for the word “authority” in the second place where it occurs there shall be substituted the word “body”.
- (10) In Schedule 2, in paragraph (e) for the words “the local planning authority” there shall be substituted the words “Scottish Natural Heritage or, as the case may be, the general or district planning authority”.
- (11) Schedule 3 shall be amended as follows—

*Status: Point in time view as at 10/06/2013.*

**Changes to legislation:** *Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in paragraph 1(1)—
- (i) for the words “an authority make” there shall be substituted the words “ a body makes ”; and
  - (ii) for the word “they” there shall be substituted the word “ it ”;
- (b) in paragraph 4 for the word “authority” in the second and third places where it occurs there shall be substituted the word “ body ”.
- (12) In Schedule 4 for sub-paragraph (2) there shall be substituted the following sub-paragraph—
- “(2) Before or as soon as possible after the coming into operation of an access agreement—
- (a) Scottish Natural Heritage, in relation to an agreement made by it; or
  - (b) the general or district planning authority, in relation to an agreement made by them,
- shall agree with the owner of the interest in the land what proportion of the figure set by the district valuer should be paid by Scottish Natural Heritage or, as the case may be, the general or district planning authority in respect of each twelve month period.”

#### Commencement Information

**I55** Sch. 10 para. 4 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

#### *Sewerage (Scotland) Act 1968 (c.47)*

- 5 The Sewerage (Scotland) Act 1968 shall be amended as follows with regard to the penalties for certain offences—
- (a) in subsection (8) of section 12, for the words “level 4 on the standard scale” there shall be substituted the word “ £20,000 ”;
  - (b) in subsection (2) of section 24, for the words from “level” to the end of that subsection there shall be substituted the word “ £20,000 ”; and
  - (c) in subsection (2) of section 46, for the words from “level 5” to “therefor” there shall be substituted the word “ £20,000 ”.

#### Commencement Information

**I56** Sch. 10 para. 5 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

#### *Local Government (Scotland) Act 1973 (c. 65)*

F18 6

#### Textual Amendments

**F18** Sch. 10 para. 6 repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3



*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Control of Pollution Act 1974 (c. 40)*

7 (1) The Control of Pollution Act 1974 shall be amended as follows.

<sup>F19</sup>(2) .....

(3) After section 55 there shall be inserted the following section—

**“55A Regulations under this Part.**

Regulations made under this Part of this Act may provide that any provision of this Part, except this section and sections 43 to 45, shall have effect with such modifications as may be prescribed for the purpose of enabling Her Majesty’s Government in the United Kingdom—

- (a) to give effect to any [<sup>F20</sup>EU] obligation or exercise any related right;  
or
- (b) to give effect to any obligation or exercise any related right under any international agreement to which the United Kingdom is for the time being a party,

and “related right”, in relation to an obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation.”.

(4) At the end of subsection (4) of section 93 and of subsection (3) of section 94 (application of the <sup>M4</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951 to these sections), there shall be inserted the words “ and a reference to Part II of the Natural Heritage (Scotland) Act 1991 ”.

**Textual Amendments**

**F19** Sch. 10 para. 7(2) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**F20** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)6(5))

**Commencement Information**

**I57** Sch. 10 para. 7 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, **Sch.**

**Marginal Citations**

**M4** 1951 c. 66.

*House of Commons Disqualification Act 1975 (c. 24)*

8 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place there shall be inserted the following entry— “ Scottish Natural Heritage. ”

**Commencement Information**

**I58** Sch. 10 para. 8 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Water (Scotland) Act 1980 (c. 45)*

- 9 (1) The Water (Scotland) Act 1980 shall be amended as follows.
- (2) In subsection (1) of section 31 (consultation with English authorities)—
- (a) after the words “consult with” there shall be inserted “ (a) ”; and
  - (b) at the end of the subsection there shall be added the words “; and
    - (b) the river purification board in whose area any watercourse or underground strata from which or to which it is proposed to transfer water under this subsection is situated.”
- (3) In subsection (3)(a) of section 33 (notice of temporary discharge of water into watercourses)—
- (a) after the word “intentions” there shall be inserted “ (i) ”; and
  - <sup>F21</sup>(b) .....
- (4) The words of section 76K (power to give effect to international obligations) shall be subsection (1) of that section and the section shall be further amended as follows—
- (a) in subsection (1) leave out the words from “ to give effect ” to the end of that subsection and insert—
    - “(a) to give effect to any [<sup>F20</sup>EU]obligation or exercise any related right; or
    - (b) to give effect to any obligation or exercise any related right under any international agreement to which the United Kingdom is for the time being a party.”; and
  - (b) after subsection (1) there shall be added the following subsection—
 

“(2) In this section—

“modifications” includes additions, alterations and omissions; and

“related right”, in relation to an obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation.”.
- (5) In section 101 (power to make regulations) after subsection (1) there shall be inserted the following subsection—
- “(1A) Regulations made under this Act may make—
- (a) such supplemental, consequential or transitional provision as the Secretary of State thinks fit;
  - (b) different provision for different cases or classes of case.”
- <sup>F21</sup>(6) .....

**Textual Amendments**

**F20** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)6(5))

**F21** Sch. 10 para. 9(3)(b)(6) repealed (1.4.1996) by 1995 c. 25, s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); [S.I. 1996/186](#), [art. 3](#)

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I59** Sch. 10 para. 9 wholly in force at 1.10.1991 see s. 28(2) and [S.I. 1991/2187, art. 3, Sch.](#)

#### *Road Traffic Regulation Act 1984 (c. 27)*

- 10 (1) Section 22 of the Road Traffic Regulation Act 1984 (countryside areas to which special traffic regulation applies) shall be amended as follows.
- (2) In subsection (1), for paragraph (b) there shall be substituted the following—
- “(b) in the case of Scotland, roads in, or forming part of, or adjacent to or contiguous with—
- (i) a country park within the meaning of section 48 of the Countryside (Scotland) Act 1967;
  - (ii) a National Scenic Area designated under section 262C of the Town and Country Planning (Scotland) Act 1972;
  - (iii) a Natural Heritage Area designated under section 6 of the Natural Heritage (Scotland) Act 1991;
  - (iv) an area in respect of which Scottish Natural Heritage has prepared proposals for a development project or scheme under section 5 of the Natural Heritage (Scotland) Act 1991;
  - (v) a nature reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949 or an area which is subject to an agreement under section 15 of the Countryside Act 1968 (areas of special scientific interest);
  - (vi) a long distance route within the meaning of section 54 of the said Act of 1967 (power to make byelaws);
  - (vii) land belonging to the National Trust for Scotland which is held by the Trust inalienably; or
  - (viii) open country, being land which appears to the Secretary of State to consist wholly or predominantly of mountain, moor, heath, hill, woodland, cliff or foreshore, and any waterway; and in this sub-paragraph “waterway” and “foreshore” shall include any bank, barrier, dune, beach, flat or other land adjacent to the waterway or foreshore.”
- (3) In subsection (4) for the words “the Countryside Commission for Scotland” there shall be substituted the words “Scottish Natural Heritage”.

#### Commencement Information

**I60** Sch. 10 para. 10 wholly in force at 1.4.1992 see s. 28(2) and [S.I. 1991/2633, art. 4](#)

#### *Roads (Scotland) Act 1984 (c. 54)*

- 11 (1) The Roads (Scotland) Act 1984 shall be amended as follows.
- (2) In section 20A(6) (environmental assessment of road construction projects) for paragraph (a) there shall be substituted the following paragraph—

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“(a) Scottish Natural Heritage, if the proposal relates to land falling within paragraph (a) or (c) of subsection (5) above; and”

(3) In section 98(1) (control of stray and other animals on roads) for the word “countryside” there shall be substituted the word “land”.

**Commencement Information**

**I61** Sch. 10 para. 11 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

*Agriculture Act 1986 (c. 49)*

12 In section 18(2) of the Agriculture Act 1986 (designation and management of environmentally sensitive areas) for paragraph (c) there shall be substituted the following paragraph—

“(c) in the case of an area in Scotland, Scottish Natural Heritage.”

**Commencement Information**

**I62** Sch. 10 para. 12 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

*Electricity Act 1989 (c. 29)*

13 In paragraph 4(2) of Schedule 9 to the Electricity Act 1989 (preservation of amenity and fisheries in Scotland) for the words “the Countryside Commission for Scotland, the Nature Conservancy Council for Scotland” there shall be substituted “ Scottish Natural Heritage ”.

**Commencement Information**

**I63** Sch. 10 para. 13 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

SCHEDULE 11

Section 27.

REPEALS

**Commencement Information**

**I64** Sch. 11 wholly in force at 1. 4. 1992; Sch. 11 not in force at Royal Assent see s. 28(2); Sch. 11 in force for certain purposes at 1.10.1991 by S.I.1991/2187, art. 3, Sch. and in force at 1.4.1992 insofar as not already in force by S.I. 1991/2633, art. 4

Chapter	Short title	Extent of repeal
1964 c. 90.	Spray Irrigation (Scotland) Act 1964.	The whole Act.

---

*Status: Point in time view as at 10/06/2013.*

*Changes to legislation: Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

1965 c. 74.	Superannuation Act 1965.	In section 39(1), in paragraph 7 the words “The Nature Conservancy Council for Scotland.”
1967 c. 13.	Parliamentary Commissioner Act 1967.	In Schedule 2, the words “Countryside Commission for Scotland” and “Nature Conservancy Council for Scotland”.
1967 c. 86.	Countryside (Scotland) Act 1967.	Part I. In section 10(2), the words “with the waterways therein or contiguous or adjacent thereto”. In section 12(1), the words from the beginning to “open-air recreation”. In section 13, subsection (6). In section 14, subsection (6). In section 15(3), the words “(whether made by the Secretary of State or by a local planning authority)”. Section 71. In section 75, subsection (1)(a), in subsections (1) and (2) the words “the Commission”, and subsection (4). In section 78(1), the definition of “the countryside”. Schedule 1.
1968 c. 41.	Countryside Act 1968.	In section 37 the words “and the Nature Conservancy Council for Scotland”.
1972 c. 52.	Town and Country Planning (Scotland) Act 1972.	In section 262C, subsections (1) and (2).
1973 c. 57.	Badgers Act 1973.	In section 9(4) the words “the Nature Conservancy Council for Scotland”.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the words “Chairman of the Countryside Commission for Scotland and any other member of the Commission in receipt of remuneration.” and in the entry relating to members of Nature Conservancy Councils, the words “the Nature

---

*Status: Point in time view as at 10/06/2013.*

**Changes to legislation:** *Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

		Conservancy Council for Scotland”.
1980 c.45.	Water (Scotland) Act 1980.	Sections 77 to 79.Schedules 5 and 6.
1981 c. 69.	Wildlife and Countryside Act 1981.	In section 34(6) the words “and the Countryside Commission for Scotland in relation to Scotland”.
1984 c. 54.	Roads (Scotland) Act 1984.	In section 20A(6) the word “and” and paragraph (c).In section 98, subsection (6).
1990 c. 43.	Environmental Protection Act 1990.	In section 128, in subsection (1) the words “the Nature Conservancy Council for Scotland”, and in subsection (2), paragraph (b).In Schedule 6, paragraph 16.In Schedule 9, paragraphs 1(3), 1(4)(b), 2, 7, 12, 13(c) and 16(b).

---

**Status:**

Point in time view as at 10/06/2013.

**Changes to legislation:**

Natural Heritage (Scotland) Act 1991 is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.