



Protection of Badgers Act 1992

1992 CHAPTER 51

Exceptions and licences

[^{F1}10A Delegation of licence-granting power: Scotland

- (1) The Scottish Ministers may delegate their functions in relation to licences under section 10 above to—
 - (a) Scottish Natural Heritage; or
 - (b) a local authority (but only in relation to the purpose mentioned in section 10(1)(d)).
- (2) A delegation may be, to any degree, general or specific and may in particular relate to—
 - (a) a specific badger or badger sett;
 - (b) a particular licence or type of licence;
 - (c) a particular area.
- (3) Unless it specifies otherwise, a delegation relating to a particular type of licence includes the power to modify or revoke licences of that type that were granted before the delegation.
- (4) A delegation to—
 - (a) Scottish Natural Heritage under subsection (1)(a) above is to be made by written direction;
 - (b) a local authority under subsection (1)(b) above is to be made by order made by statutory instrument.
- (5) A local authority which is delegated a function under subsection (1)(b) above must, before granting or modifying a licence, consult Scottish Natural Heritage.
- (6) The Scottish Ministers may modify or revoke a direction under subsection (4)(a) above.

Changes to legislation: There are currently no known outstanding effects for the Protection of Badgers Act 1992, Section 10A. (See end of Document for details)

- (7) Where a direction or order under subsection (4) above is revoked, any existing licence granted under the direction or order continues to have effect (unless the revoking direction or order provides otherwise).
- (8) A statutory instrument containing an order under subsection (4)(b) above is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (9) Before making an order under subsection (4)(b) above, the Scottish Ministers must consult—
- (a) the local authority to which functions are to be delegated under the order;
 - (b) Scottish Natural Heritage; and
 - (c) any other persons the Scottish Ministers consider are affected by the making of the order.
- (10) The Scottish Ministers must give consideration to any proposals for the making by them of an order under subsection (4)(b) above with respect to any area which may be submitted to them by a local authority whose area includes that area.]

Textual Amendments

- F1** S. 10A inserted (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. [33\(7\)](#), [43\(1\)](#) (with s. [41\(1\)](#)); S.S.I. 2011/279, art. [2\(1\)\(m\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Protection of Badgers Act 1992, Section 10A.