



Natural Heritage (Scotland) Act 1991

CHAPTER 28

NATURAL HERITAGE (SCOTLAND) ACT 1991

PART I

SCOTTISH NATURAL HERITAGE

Establishment of SNH

- 1 Scottish Natural Heritage.

Functions of SNH

- 2 General functions of Scottish Natural Heritage
- 3 Duty to take account of certain matters.
- 4 Nature conservation functions.
- 5 Development projects or schemes.
- 6 Natural Heritage Areas.
- 7 Powers of entry.

Grants and loans

- 8 Government grants to Scottish Natural Heritage.
- 9 Grants and loans.

Miscellaneous

- 10 Reports, accounts etc.
- 11 Directions by Secretary of State.
- 12 Advisory Committee on SIs.
- 13 Access to open country.
- 14 Dissolution of bodies.

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PART II

IRRIGATION

- 15 Power to control abstraction of water for irrigation.
- 16 Offence of unlicensed abstraction of water for irrigation.
- 17 Licences.
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PART III

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PART IV

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- 24 Rights of entry and inspection under Parts II and III.
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- 26A Meaning of SEPA.
- 27 Consequential and miscellaneous amendments and repeals.
- 28 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Constitution and proceedings of Scottish Natural Heritage

Incorporation and status

- 1 SNH shall be a body corporate and shall have a...
- 2 (1) SNH shall not— (a) be regarded as a servant...

Membership

- 3 The members of SNH shall be not less than eight,...
- 4 In making appointments under paragraph 3 above, the Secretary of...
- 5 The Secretary of State shall satisfy himself—
- 6 A person in respect of whom the Secretary of State...
- 7 Subject to this paragraph and paragraphs 9 and 10 below,...
- 8 The Secretary of State may, by order made by statutory...
- 9 The Secretary of State may remove a member from office...

Chairman and Deputy Chairman

- 10 (1) The Secretary of State shall appoint one of the...

Remuneration and allowances

- 11 (1) SNH shall— (a) pay to its members such remuneration...

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Staff

- 12 (1) There shall be a chief officer of SNH.
- 13 Subject to paragraph 3 of Schedule 4 to this Act,...
- 14 (1) SNH shall, in the case of such of its...

Proceedings

- 15 (1) SNH may regulate its own procedure (including making provision...

Committees

- 16 (1) SNH may appoint persons who are not members of...

Delegation of powers

- 17 (1) Anything authorised or required by or under any enactment...

Documents

- 18

Land

- 19 (1) For the purposes of the application of any enactment...

SCHEDULE 2 — 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...

Deer (Scotland) Act 1959 (c. 40)

- 2

Countryside Act 1968 (c. 41)

- 3 In section 15(6A) of the Countryside Act 1968 (definition of...

Conservation of Seals Act 1970 (c. 30)

- 4 In section 10(5) of the Conservation of Seals Act 1970...

Badgers Act 1973 (c. 57)

- 5

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

- 6 In section 1(2) of the Import of Live Fish (Scotland)...

Animal Health Act 1981 (c. 22)

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

Wildlife and Countryside Act 1981 (c. 69)

- 8 (1) The Wildlife and Countryside Act 1981 shall be amended...

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Inheritance Tax Act 1984 (c. 51)

- 9 In Schedule 3 to the Inheritance Act 1984 (gifts for...

Environmental Protection Act 1990 (c. 43)

- 10 (1) The Environmental Protection Act 1990 shall be amended as...

SCHEDULE 3 — Access to Open Country

- 1 Part II of the Countryside (Scotland) Act 1967 (access to...
 2 In section 10, in subsection (2) (definition of “open country”)...
 3 (1) Section 13 (making of access agreements) shall be amended...
 4 (1) Section 14 (making of access orders) shall be amended...
 5 (1) Section 15 shall be amended as follows.
 6 In section 16, for subsection (5) there shall be substituted...
 7 (1) Section 17 shall be amended as follows.
 8 (1) Section 18 shall be amended as follows.
 9 (1) Section 20 shall be amended as follows.
 10 (1) Section 22 shall be amended as follows.
 11 (1) Section 23 shall be amended as follows.
 12 (1) Section 24 shall be amended as follows.
 13 In section 26 at the end there shall be inserted...
 14 (1) Section 27 shall be amended as follows.
 15 (1) In section 28— (a) for the words “A general...
 16 (1) Section 29 shall be amended as follows.

SCHEDULE 4 — Transitional arrangements on the dissolution of existing bodies

Preliminary

- 1 In this Schedule— “the appointed day” means the date appointed...

Preparation of accounts and reports

- 2 (1) The requirement imposed on— (a) the Council by paragraphs...

Offers of employment

- 3 (1) SNH shall, not later than such date as the...

Continuity of employment, redundancy etc.

- 4 Where a person becomes an employee of SNH in consequence...
 5 Where an offer is made to a person in pursuance...

Disputes

- 6 (1) Any dispute as to whether an offer under sub-paragraph...

Continuity of exercise of functions

- 7 (1) Any relevant thing done by or in relation to...

Construction of references to the Council and the Commission

- 8 (1) This paragraph applies to any agreement, any instrument and...
 9 The Secretary of State may, by order, make such consequential...

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Supplementary

10 (1) The Secretary of State may, in relation to any...

SCHEDULE 5 — Provisions as to applications for, making, coming into operation, and validity of, control orders

- 1 An application for a control order— (a) shall specify the...
- 2 On making an application for a control order SEPA shall...
- 3 (1) Not later than the date on which a notice...
- 4 Not later than the date on which the said notice...
- 5 If before the expiration of the said period of twenty-eight...
- 6 The provisions of subsection (2) to (8) of section 210...
- 7 After considering any objections to the application which are not...
- 8 The Secretary of State shall not make a control order...
- 9 If the Secretary of State makes a control order SEPA...
- 10 If any person affected by a control order desires to...
- 11 Subject to the provisions of paragraph 10 above, a control...

SCHEDULE 6 — Provisions as to applications for, variation, revocation and transfer of licences under Part II

Applications for Licences under Part II

- 1 (1) An application for a licence under section 17 of...

Appeal against refusal to grant licence

- 2 (1) Where an applicant is aggrieved by a decision under...

Variation of licence and late application for licence

- 3 (1) SEPA may on the application of the holder of...

Revocation of licences

- 4 SEPA may revoke a licence granted by it under Part II...

Transfer of licences

- 5 (1) Subject to sub-paragraph (2) below, where the holder of...

SCHEDULE 7 — Further provisions regarding drought orders

Duration of drought orders

- 1 (1) This paragraph applies to the period for which the...

Exercise of power to make a drought order

- 2 (1) A drought order may— (a) make different provision for...

Prohibition or limitation of use of water

- 3 Where a drought order contains a provision authorising Scottish Waterto...

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Abstractions and discharges of water

- 4 (1) Any drought order which— (a) authorises the taking of...

Works under drought orders

- 5 (1) A drought order may authorise Scottish Water. . .,...

Miscellaneous

- 6 An interruption or diminution of the supply of water shall...
7 Where powers have been conferred on Scottish Water by a...

SCHEDULE 8 — Procedure for making drought orders

Application for orders

- 1 (1) Before making an application for a drought order, the...

Objections to and making of orders

- 2 (1) If any objection is duly made with respect to...
3 After a drought order has been made, the person on...

SCHEDULE 9 — Compensation in respect of drought orders

- 1 Except as provided by section 24(9) of this Act and...
2 The provisions of this Schedule shall not apply to compensation...
3 (1) This paragraph shall apply for determining the compensation to...
4 (1) A claim for the compensation under this Schedule shall...
5 (1) A claim for compensation under paragraph 3 above may...

SCHEDULE 10 — Miscellaneous Amendments

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

- 1

Superannuation Act 1965 (c. 74)

- 2 In paragraph 7 of section 39(1) of the Superannuation Act...

Parliamentary Commissioner Act 1967 (c. 13)

- 3 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...

Countryside (Scotland) Act 1967 (c. 86)

- 4 (1) The Countryside (Scotland) Act 1967 shall be amended as...

Sewerage (Scotland) Act 1968 (c.47)

- 5 The Sewerage (Scotland) Act 1968 shall be amended as follows...

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

- 6

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Control of Pollution Act 1974 (c. 40)

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

House of Commons Disqualification Act 1975 (c. 24)

8 In Part II of Schedule 1 to the House of...

Water (Scotland) Act 1980 (c. 45)

9 (1) The Water (Scotland) Act 1980 shall be amended as...

Road Traffic Regulation Act 1984 (c. 27)

10 (1) Section 22 of the Road Traffic Regulation Act 1984...

Roads (Scotland) Act 1984 (c. 54)

11 (1) The Roads (Scotland) Act 1984 shall be amended as...

Agriculture Act 1986 (c. 49)

12 In section 18(2) of the Agriculture Act 1986 (designation and...

Electricity Act 1989 (c. 29)

13 In paragraph 4(2) of Schedule 9 to the Electricity Act...

SCHEDULE 11 — Repeals

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Changes and effects yet to be applied to :

- s. 24 title words substituted by [2014 asp 3 sch. 3 para. 24\(4\)](#)
- s. 24(1) words repealed by [2014 asp 3 sch. 3 para. 24\(2\)\(a\)](#)
- s. 24(1)(a) words repealed by [2014 asp 3 sch. 3 para. 24\(2\)\(b\)\(i\)](#)
- s. 24(1)(a) words repealed by [2014 asp 3 sch. 3 para. 24\(2\)\(b\)\(ii\)](#)
- s. 24(1)(c) words substituted by [2014 asp 3 sch. 3 para. 24\(2\)\(c\)\(i\)](#)
- s. 24(1)(c) words substituted by [2014 asp 3 sch. 3 para. 24\(2\)\(c\)\(ii\)](#)
- s. 24(9) words repealed by [2014 asp 3 sch. 3 para. 24\(3\)](#)