

2008 No. 221

NATURE CONSERVATION

**The Register of Sites of Special Scientific Interest (Scotland)
Regulations 2008**

<i>Made</i> - - - -	<i>4th June 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>5th June 2008</i>
<i>Coming into force</i> - -	<i>27th June 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 22(3) and 53(2) of the Nature Conservation (Scotland) Act 2004(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Register of Sites of Special Scientific Interest (Scotland) Regulations 2008 and come into force on 27th June 2008.

Interpretation

2.—(1) In these Regulations—

“the appointed day” means 30th June 2008;

“the Keeper” means the Keeper of the Registers of Scotland;

“SNH” means Scottish Natural Heritage;

“SSSI notification” means the notification, document and map referred to in section 3(1) and (4);

“the SSSI register” means the register constituted by section 22(1); and

“send” includes, without prejudice to that expression’s generality, to send by electronic means.

(2) Any reference in these Regulations to a numbered section or a numbered paragraph of a schedule is to the section or paragraph so numbered in the Nature Conservation (Scotland) Act 2004.

Form and content of SSSI register

3.—(1) The SSSI register is to be kept in electronic form only.

(2) The SSSI register is to contain the following information and map in relation to each site of special scientific interest:—

(a) SNH site name, being the name given to that site by SNH;

(b) SNH site code, being the number given to that site by SNH;

- (c) SSSI type, being the categorisation of that site by SNH;
 - (d) lead local authority area, being the local authority area in which all or the majority of the site is situated;
 - (e) SNH lead area, being the SNH administrative area in which all or the majority of the site is situated;
 - (f) a citation;
 - (g) the list of acts or omissions as required by section 3(4)(a)(iii); and
 - (h) the map on which the land is delineated as required by section 3(4)(b).
- (3) The citation referred to in paragraph (2)(f) comprises—
- (a) the information provided in the document required by section 3(4)(a) (other than the list of acts or omissions as required by section 3(4)(a)(iii));
 - (b) the date upon which the SSSI notification was given; and
 - (c) information as to any notification given under section 5(1) (enlargement of sites of special scientific interest) or section 9(1) (denotification of sites of special scientific interest) after the appointed day which has amended the SSSI notification.

Before the appointed day: information which SNH must send to the Keeper

4. SNH must send to the Keeper before the appointed day any information and a copy of any map which—

- (a) is required for the SSSI register by regulation 3(2); and
- (b) is contained in the register maintained by SNH under paragraph 12 of schedule 5(a).

After the appointed day: information which SNH must send to the Keeper

5.—(1) Where an SSSI notification is given on or after the appointed day, SNH must send to the Keeper the information and map required for the SSSI register by regulation 3(2) in order to allow the Keeper to comply with regulation 6.

(2) Where any—

- (a) notification under section 5(1), 6(5), 7(3), 8(1) or 9(1); or
- (b) notice under paragraph 10 (notice of decision to confirm or withdraw) or 15 (notice of extension of decision period) of schedule 1,

is given on or after the appointed day, SNH must send to the Keeper the information and, where appropriate, the map required for the SSSI register by regulation 3(2) in order to allow the Keeper to comply with regulation 6.

Amendment of the SSSI register

6.—(1) Upon receipt of information and, where appropriate, a map pursuant to regulation 5, or where the circumstances mentioned in paragraph 5 of schedule 1 (deemed notice of withdrawal of notification) apply, the Keeper is to create, amend or delete the relevant entry in the SSSI register.

(2) The action referred to in paragraph (1) is to be taken by the Keeper—

- (a) for SSSI notifications and notifications given under section 5(1), on the date upon which the notification in question is given;
- (b) for notifications under section 9(1), on the date upon which the notice of decision to confirm is given under paragraph 10 of schedule 1; and

(a) Paragraph 12 was brought into force on 29 November 2004 and has effect until section 22(1) comes into force. The register maintained by SNH under paragraph 12(2) contains amongst other things copies of SSSI notifications and the notifications and notices referred to in regulation 5(2) given between these dates. Additionally, any notification, plan or notice which, prior to 29 November 2004, was included in a register of notifications maintained under section 28(12) (areas of special scientific interest) of the Wildlife and Countryside Act 1981 (c.69) in respect of a planning authority is treated by paragraph 13 of schedule 5 as being included in this register.

- (c) in all other cases, within two weeks of the date upon which the notification or notice in question is given.

St Andrew's House,
Edinburgh
4th June 2008

MICHAEL W RUSSELL
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of the form and content of the SSSI register (regulation 3). That register is constituted by section 22(1) of the Nature Conservation (Scotland) Act 2004 (“the Act”).

They also provide for the information which SNH is required to send to the Keeper to allow that register to be established (regulation 4) and kept thereafter (regulation 5).

Regulation 5(1) applies to new SSSI notifications, and regulation 5(2) to procedures which affect existing SSSI notifications.

The effect of the notifications referred to in regulation 5(2)(a) is as follows. Notifications under section 5(1) of the Act are given in respect of the enlargement of a site of special scientific interest. Notifications under sections 6(5) and 7(3) of that Act effect changes to the operations requiring consent specified in an SSSI notification. Notifications under section 8(1) may vary the matters included in an SSSI notification by virtue of section 3(4)(a)(i), (ii) and (iv) of the Act, and notifications under section 9(1) revoke an SSSI notification or modify it so as to disapply its effect to part of the site.

Regulation 5(2) also applies to notices under paragraphs 10 and 15 of schedule 1 to the Act. These are given as part of the procedure which applies to SSSI notifications and notifications under sections 5(1) and 9(1) of the Act.

Regulation 6 imposes a duty on the Keeper to amend the register within the timescales specified in paragraph (2) of that regulation.

£3.00

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