
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 38

**The Nature Conservation (Scotland) Act
2004 (Authorised Operations) Order 2016**

Citation and commencement

1. This Order may be cited as the Nature Conservation (Scotland) Act 2004 (Authorised Operations) Order 2016 and comes into force on 3rd March 2016.

Authorised operations

2.—(1) The types of operation described in paragraph (2) are types of operation described for the purposes of sections 14(1)(f) (operations by public bodies etc.: authorised operations) and 17(1)(f) (operations by owners or occupiers of sites of special scientific interest: authorised operations) of the Nature Conservation (Scotland) Act 2004.

(2) The types of operation are—

- (a) an operation of a type described in the Schedule if it is to be carried out pursuant to an undertaking given to the Scottish Ministers under—
 - (i) regulation 9 (undertakings) of the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008(1);
 - (ii) regulation 10 (undertakings) of the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008(2); or
 - (iii) regulation 5(1) (undertakings and transfer of holdings) of the Rural Development (Scotland) Regulations 2015(3);
- (b) muirburn if it is to be carried out in accordance with a licence granted under section 23C of the Hill Farming Act 1946(4); and
- (c) an operation for the control or eradication of an invasive animal or invasive plant if it is to be carried out in accordance with a species control order made under section 14D of the Wildlife and Countryside Act 1981(5).

Revocation

3. The Nature Conservation (Scotland) Act 2004 (Authorised Operations) Order 2011(6) is revoked.

(1) S.S.I. 2008/100; relevant amending instruments are S.S.I. 2009/335, S.S.I. 2009/411, and S.S.I. 2011/106. S.S.I. 2008/100 was revoked by S.S.I. 2015/192, but continues to apply in relation to any undertaking given under it.

(2) S.S.I. 2008/159; relevant amending instruments are S.S.I. 2009/155 and S.S.I. 2011/85. S.S.I. 2008/159 was revoked by S.S.I. 2015/192, but continues to apply in relation to any undertaking given under it.

(3) S.S.I. 2015/192.

(4) 1946 c.73; section 23C was inserted by section 34 of the 2011 Act.

(5) 1981 c.69. Section 14D was inserted by section 16 of the 2011 Act. “Invasive animal” and “invasive plant” are defined in section 14P (which was also inserted by section 16 of the 2011 Act).

(6) S.S.I. 2011/419.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
21st January 2016

AILEEN McLEOD
Authorised to sign by the Scottish Ministers