

*Status: Point in time view as at 01/10/2001.*

*Changes to legislation: Electricity Act 1989, Cross Heading: Preservation of amenity and fisheries: Scotland is up to date with all changes known to be in force on or before 12 July 2024. 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 9 **E+W+S**

#### PRESERVATION OF AMENITY AND FISHERIES.

##### *Preservation of amenity and fisheries: Scotland*

- 3 (1) In formulating any relevant proposals, a licence holder or a person authorised by an exemption to [<sup>F1</sup>generate, transmit, distribute or supply electricity]—
- (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
  - (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.
- (2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—
- (a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and
  - (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.
- (3) Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by an exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters.
- (4) In this paragraph—
- “building” includes structure;
  - “relevant proposals” has the same meaning as in paragraph 1 above and, for the purposes of this paragraph, any such order as is mentioned in sub-paragraph (4) of that paragraph may be made under this sub-paragraph;
  - “relevant functions” means any powers conferred and any duties imposed by or under this Act.
- (5) This paragraph and paragraphs 4 and 5 below extend to Scotland only.

#### Textual Amendments

**F1** Words in Sch. 9 para. 3(1) substituted (1.10.2001) by [S.I. 2001/3264](#), [art. 6](#)

#### Modifications etc. (not altering text)

**C1** Sch. 9 para. 3: transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750](#), [arts. 1, 2](#), [Sch. 1](#) (with [art. 7](#))

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- 4 (1) A licence holder shall within twelve months from the grant of his licence prepare, and from time to time modify, a statement setting out the manner in which he proposes to perform his duty under paragraph 3(1) above, including in particular the consultation procedures which he intends to follow.
- (2) Before preparing or modifying a statement under this paragraph, a licence holder shall consult with [<sup>F2</sup>Scottish Natural Heritage], the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland [<sup>F3</sup>and with the National Park authority for any National Park which would be affected by the relevant proposals].
- (3) As soon as practicable after preparing or modifying a statement under this paragraph, the licence holder shall publish the statement so prepared or so modified in such a manner as he considers appropriate.

#### Textual Amendments

- F2** Words in Sch. 9 para. 4(2) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), ss. 27(1), 28(2), **Sch. 10 para. 13**; S.I. 1991/2633, **art. 4**
- F3** Words in Sch. 9 para. 4(2) inserted (S.) (9.8.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 14(2)** (with s. 32); S.I. 2000/312, **art. 2**

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