



# 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.

*Status: Point in time view as at 01/08/1998.*

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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.
- 18 Special provisions for shortage or abundance of water.
- 19 Transitional provisions.

## PART III

### DROUGHT

- 20 Drought orders.
- 21 Offences against drought orders.
- 22 Interpretation, transitional provisions and savings.

## PART IV

### GENERAL

- 23 Finance.
- 24 Rights of entry and inspection under Parts II and III.
- 25 Service of documents.
- 26 Offences by persons other than natural persons.
- 26A Meaning of SEPA.
- 27 Consequential and miscellaneous amendments and repeals.
- 28 Short title, commencement and extent.

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## 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 a water...

##### *Abstractions and discharges of water*

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

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*Works under drought orders*

- 5 (1) A drought order may authorise a water authority ....

*Miscellaneous*

- 6 An interruption or diminution of the supply of water shall...  
7 The Secretary of State may require a water authority ....

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 .....

*Control of Pollution Act 1974 (c. 40)*

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

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*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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