



Natural Heritage (Scotland) Act 1991

1991 CHAPTER 28

PART I

SCOTTISH NATURAL HERITAGE

Functions of SNH

5 Development projects or schemes.

- (1) SNH may prepare proposals with respect to any area for a development project or scheme which is designed to achieve the conservation or enhancement of or which fosters understanding or enjoyment of the natural heritage of Scotland.
- (2) Proposals prepared under subsection (1) above in relation to any area shall—
 - (a) in relation to that area involve the application of new or developed methods, concepts or techniques; and
 - (b) be designed to illustrate the appropriateness of such a project or scheme to that area or other areas of a similar nature or which present similar problems to that area.
- (3) SNH may undertake, promote or coordinate, either by itself or in conjunction with any other authority or person, measures to implement the proposals mentioned in subsection (1) above.
- (4) Where SNH has prepared a proposal for a development project or scheme for any area which involves the compulsory acquisition of land under subsection (6)(a) below, a compulsory purchase order for that purpose shall be subject to special parliamentary procedure in any case where an objection has been duly made by the owner of the land and has not been withdrawn.
- (5) In subsection (4) above “owner” shall have the same meaning as in the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.
- (6) For the purposes of its function under subsection (3) above, SNH may—
 - (a) acquire land compulsorily;

Changes to legislation: There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, Section 5. (See end of Document for details)

- (b) exercise any powers to carry out work or provide services or facilities conferred by the ^{M2}Countryside (Scotland) Act 1967 on local authorities or planning authorities;
 - (c) with the approval of the Secretary of State and the Treasury, acquire by agreement and carry on or set up and carry on, directly or through an agent, or themselves carry on as agent, any business or undertaking, and, subject to such approval, may dispose of any such business or undertaking.
- (7) The power conferred by paragraph (b) of subsection (6) above—
- (a) may be exercised by SNH either on or in connection with land belonging to it, or with the consent of all persons having an interest therein, on or in connection with other land; and
 - (b) shall be exercisable in relation to land not belonging to it on such terms as may be arranged by agreement with the persons having an interest in the land.
- (8) Where any person having such an interest in the land as enables him to bind the land enters into any such agreement as is mentioned in subsection (7) above, the agreement—
- (a) in a case where the land affected by the agreement is registered in the Land Register of Scotland, may be registered in that register;
 - (b) in any other case, may be recorded in the appropriate Division of the General Register of Sasines,
- and if so registered or recorded shall be enforceable at the instance of SNH against persons deriving title to the land from the person who entered into the agreement:
- Provided that any such agreement shall not be enforceable against a third party who has in good faith and for value acquired right (whether completed by infestment or not) to the land prior to the agreement being registered or recorded or against any person deriving title from such a third party.
- (9) The ^{M3}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory acquisition of land under this section as if this section had been in force immediately before the commencement of that Act, and in relation to such acquisition of land, SNH shall be treated as if it were a local authority within the meaning of that Act.
- (10) No land may be compulsorily acquired under this section unless the acquisition is authorised by the Secretary of State.
- (11) Any power to acquire land under this section shall include power to acquire a servitude or other right in or over land by the creation of a new right.

Commencement Information

II S. 5 wholly in force at 1.4.1992 see s. 28(2) and S.I. 1991/2633, art. 4

Marginal Citations

M1 1947 c. 42.

M2 1967 c. 86.

M3 1947 c. 42.

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