

*These notes refer to the Natural Environment and Rural Communities Act 2006 (c.16) which received Royal Assent on 30 March 2006*

# NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4: Sites of special scientific interest (SSSIs)**

##### ***Section 55: Offences in connection with SSSIs***

155. This section introduces two new offences concerning SSSIs.
156. *Subsection (2)* provides that where a section 28G authority (as defined in section 28G of the 1981 Act – broadly speaking, any public body or its employees), fails to comply with its obligations under section 28I of the 1981 Act (notification to Natural England or, as the case may be, the Countryside Council for Wales, before permitting operations likely to damage an SSSI, etc.), it commits an offence unless it had a reasonable excuse. Emergency situations qualify as a reasonable excuse, provided notification is given as soon as practicable after the permission was given.
157. *Subsection (3)* provides a new offence of intentionally or recklessly destroying or damaging the listed features of a SSSI or disturbing its listed fauna, without reasonable excuse. This offence is in addition to that in section 28P(6) of the 1981 Act. The difference between them is that commission of this new offence does not require knowledge that what was destroyed, damaged or disturbed was within an SSSI. Accordingly, it carries a lesser penalty.
158. *Subsection (5)* provides that the court's powers to make a restoration order under section 31 of the 1981 Act also apply to convictions under the new offence created by subsection (3).