
STATUTORY INSTRUMENTS

1994 No. 2716

The Conservation (Natural Habitats, &c.) Regulations 1994

PART II

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

[^{F1}Special nature conservation orders]

[^{F1}Restriction on carrying out operations specified in order

23.—(1) No person shall carry out on any land within a European site in respect of which a special nature conservation order is in force any operation specified in the order, unless the operation is carried out, or caused or permitted to be carried out, by the owner or occupier of the land and—

- (a) one of them has, after the making of the order, given the appropriate nature conservation body written notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out, and
- (b) one of the conditions specified in paragraph (2) is fulfilled.

(2) Those conditions are—

- (a) that the operation is carried out with the written consent of the appropriate nature conservation body;
- (b) that the operation is carried out in accordance with the terms of a management agreement.

(3) A person who, without reasonable excuse, contravenes paragraph (1) commits an offence and is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(4) For the purposes of paragraph (3) it is a reasonable excuse for a person to carry out an operation—

- (a) that the operation was an emergency operation particulars of which (including details of the emergency) were notified to the appropriate nature conservation body as soon as practicable after the commencement of the operation; or
- (b) that the operation was authorised by a planning permission granted on an application under Part III of the Town and Country Planning Act 1990 or Part III of the Town and Country Planning (Scotland) Act 1972.]

Textual Amendments

- F1** Regs. 23-27 revoked (S.) (29.11.2004) by [The Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/475\)](#), regs. 1(1), **22(a)** (with regs. 20, 21)

Status: Point in time view as at 29/11/2004. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the The Conservation
(Natural Habitats, &c.) Regulations 1994, Section 23. (See end of Document for details)

Commencement Information

II Reg. 23 in force at 30.10.1994, see [reg. 1\(2\)](#)

Status:

Point in time view as at 29/11/2004. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Conservation (Natural Habitats, &c.) Regulations 1994, Section 23.