Natural Environment (Scotland) Act 2026

2026 asp 6

PROSPECTIVE

PART 2

NATIONAL PARKS

Modification of aims and purposes of National Parks

3 Aims of National Parks

(1) The National Parks (Scotland) Act 2000 is modified as follows.

(2) For section 1 (the National Park aims), substitute—

"**1 The National Park aims**

(1) In this Act, references to the National Park aims are to the following aims in relation to the area of a National Park—

(a) to conserve and enhance the area's natural and cultural heritage,

(b) to promote sustainable management and use of the area's natural resources,

(c) to promote public understanding and enjoyment of the area's natural and cultural heritage, and

(d) to promote sustainable economic, social and cultural development of the area's communities.

(2) Without limit to the generality of subsection (1), those aims include—

(a) restoring and regenerating biodiversity in the area,

(b) mitigating and adapting to climate change,

(c) supporting access to and within the area,

(d) encouraging recreation in the area,

(e) encouraging sustainable and regenerative agriculture,

(f) promoting sustainable tourism and visitor management, and

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Changes to legislation: *There are currently no known outstanding effects for the Natural Environment (Scotland) Act 2026, Part 2. (See end of Document for details)*

(g) promoting sustainable economic growth and development activity which—

(i) improves the health and wellbeing of individuals who visit, live and work in the area, and

(ii) supports the prosperity of communities in the area, including in relation to the provision of housing for people to live and work in the area.

(3) The Scottish Ministers, a National Park authority, a local authority and any other public body or office-holder must, in exercising functions so far as affecting a National Park (and only in relation to functions exercisable in or as regards Scotland which do not relate to reserved matters), have regard to the National Park aims set out in subsection (1).

(4) For the purposes of this section, a reference to any other public body or office-holder is a reference to any other—

(a) Scottish public authority, and

(b) so far as not falling within paragraph (a), cross-border public authority (but only in relation to functions exercisable in or as regards Scotland which do not relate to reserved matters).".

(3) In section 9(6) (general purpose and functions of National Park authority), for "1(a)" in each place it occurs substitute "1(1)(a)".

(4) In section 31(1) (application in relation to marine areas), for "1(d)" substitute "1(1)(d)".

(5) In paragraph 3 of schedule 3, for "special qualities of the National Park" substitute "National Park area's natural and cultural heritage".

Commencement Information

I1 S. 3 not in force at Royal Assent, see **s. 59(2)**

Policy statement on National Parks

4 Policy statement on National Parks

(1) The National Parks (Scotland) Act 2000 is modified as follows.

(2) After section 1 (the National Park aims), insert—

"**1A Policy statements by the Scottish Ministers**

(1) The Scottish Ministers must, for each reporting period, prepare and publish a National Parks policy statement.

(2) The policy statement must in particular set out—

(a) the Scottish Ministers'—

(i) policy direction in relation to National Parks,

(ii) vision for National Parks, and

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(iii) proposed outcomes resulting from the policy direction and vision,

(b) how new and existing duties on public bodies in relation to National Parks are expected to operate.

(3) In this section, the "reporting period" is the period of 10 years beginning with the day on which section 3 of the Natural Environment (Scotland) Act 2026 comes into force and each subsequent period of 10 years.".

Commencement Information

I2 S. 4 not in force at Royal Assent, see **s. 59(2)**

National Park proposals

5 Advice before making National Park proposals

(1) The National Parks (Scotland) Act 2000 is modified as follows.

(2) In section 2, after subsection (2) insert—

"(2A) Before making a proposal under subsection (1) the Scottish Ministers must have regard to advice provided under section 2A.".

(3) After section 2, insert—

"**2A Advice before making a National Park proposal**

(1) Before making a National Park proposal, the Scottish Ministers must seek expert advice on the matters set out in subsection (2) from such persons as the Scottish Ministers consider to have expertise relevant to the National Park aims and the conditions for designation set out in section 2(2).

(2) The matters are, in relation to the National Park aims and conditions for designation—

(a) the management needs of the area,

(b) whether designation as a National Park could—

(i) improve the management of the area, and

(ii) help to meet the special needs of the area, and

(c) such other matters relating to the designation of a National Park as the Scottish Ministers consider appropriate.

(3) The Scottish Ministers must, as soon as reasonably practicable after the expert advice has been provided, lay a copy of the advice before the Scottish Parliament.".

Commencement Information

I3 S. 5 not in force at Royal Assent, see **s. 59(2)**

Status: *This version of this part contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Natural Environment (Scotland) Act 2026, Part 2. (See end of Document for details)*

Reports on National Park proposals

6 Choice of reporter for National Park proposals

(1) Section 3 of the National Parks (Scotland) Act 2000 (reports on National Park proposals) is modified as follows.

(2) For subsection (1), substitute—

"(1) The Scottish Ministers may appoint a person or body appearing to them to have expertise relevant to the National Park aims (the "reporter") to consider and report on a National Park proposal.

(1A) In an appointment under subsection (1), the Scottish Ministers may require the reporter to report to them—

(a) by such date as may be specified in the appointment, and

(b) on such matters set out in subsection (2) as may be specified in the appointment.".

(3) In subsection (2)(e), for "the requirement may specify" substitute "may be specified in the appointment".

(4) In subsection (3)—

(a) for "impose a requirement" substitute "make an appointment",

(b) for "person who is to provide the report (the "reporter")" substitute "reporter".

(5) For subsection (4), substitute—

"(4) The Scottish Ministers may appoint more than one reporter under subsection (1), and if so—

(a) may impose different requirements on different reporters,

(b) may modify the application of subsection (5) in relation to any reporter, but

(c) must require the reporters to provide their reports in a single document.".

(6) In subsection (5)—

(a) in paragraph (a), for "requirement" substitute "appointment",

(b) in paragraph (b), for "requirement" substitute "appointment".

(7) In subsection (7), for "requirement" substitute "appointment".

(8) In subsection (9)(a), for "requirement" substitute "appointment".

Commencement Information

I4 S. 6 not in force at Royal Assent, see **s. 59(2)**

Status: *This version of this part contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Natural Environment (Scotland) Act 2026, Part 2. (See end of Document for details)*

Definitions for the National Parks (Scotland) Act 2000

7 Definitions for the National Parks (Scotland) Act 2000

(1) Section 35 of the National Parks (Scotland) Act 2000 (interpretation) is modified as follows.

(2) In subsection (1)—

(a) before the definition of "community council", insert—

""biodiversity" has the same meaning as "biological diversity" in the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or in any United Nations Convention replacing that Convention),",

(b) after the definition of "community council", insert—

""cultural development" includes the development of arts, tangible and intangible cultural heritage, creative industries, and activities which reflect the diversity and distinctiveness of the area and its communities,".

Commencement Information
I5 S. 7 not in force at Royal Assent, see **s. 59(2)**

Duties in respect of National Parks

8 Duty to facilitate implementation of National Park Plans

(1) Section 14 of the National Parks (Scotland) Act 2000 (duty to have regard to National Park Plans) is modified as follows.

(2) The existing text becomes subsection (1).

(3) In that subsection, for "have regard to" substitute "facilitate the implementation of".

(4) After that subsection, insert—

"(2) The duty in subsection (1) applies to the Scottish Ministers, a National Park authority, a local authority and any other public body or office-holder only so far as is consistent with the proper exercise of their other functions (and only in relation to functions exercisable in or as regards Scotland which do not relate to reserved matters).

(3) For the purposes of this section, a reference to any other public body or office-holder is a reference to any other—

(a) Scottish public authority, and

(b) so far as not falling within paragraph (a), cross-border public authority (but only in relation to functions exercisable in or as regards Scotland which do not relate to reserved matters).".

(5) The section title becomes "**Duty to facilitate implementation of National Park Plans**".

Commencement Information
I6 S. 8 not in force at Royal Assent, see **s. 59(2)**

National Park authorities as local authorities for access rights

9 Meaning of local authority for the purpose of access rights

(1) Section 32 of the Land Reform (Scotland) Act 2003 (interpretation of Part 1) is modified in accordance with subsection (2).

(2) In the definition of "local authority"—

(a) the "and" immediately following paragraph (a) is repealed,

(b) after paragraph (a), insert—

"(aa) where the land is within an area designated as a National Park under the National Parks (Scotland) Act 2000 after the coming into force of this section, and the designation order specifies that the National Park authority for the land is to be the local authority for the purpose of this Part, that National Park authority, and".

(3) The National Parks (Scotland) Act 2000 is modified in accordance with subsections (4) and (5).

(4) In section 7 (designation orders), in subsection (1)—

(a) the "and" immediately following paragraph (c) is repealed,

(b) after paragraph (c), insert—

"(ca) specify whether the National Park authority is a local authority for the purposes of Part 1 of the Land Reform (Scotland) Act 2003, and".

(5) In section 30 (modification and revocation of designation orders), in subsection (2)(a)(iii), after "section 7(1)(c)" insert ", (ca)".

Commencement Information
I7 S. 9 not in force at Royal Assent, see **s. 59(2)**

Enforcement of National Park byelaws

10 Power to make regulations for the issuing of fixed penalty notices

(1) The National Parks (Scotland) Act 2000 is modified as follows.

(2) After section 26, insert—

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"Enforcement of National Park byelaws

26A Fixed penalty notices for National Park byelaw offences

(1) The Scottish Ministers may by regulations make provision for and in connection with the issuing of fixed penalty notices for offences against National Park byelaws made under paragraph 8 of schedule 2 and specified under subsection (2)(a).

(2) Regulations under this section must specify—

(a) the byelaws in relation to which fixed penalty notices may be issued, and

(b) the persons who may issue fixed penalty notices.

(3) The persons who may be specified for the purposes of subsection (2)(b) are—

(a) the persons, or categories of persons, that a National Park authority has authorised in writing for the purpose of issuing fixed penalty notices, and

(b) such other persons, or categories of persons, as the Scottish Ministers consider appropriate.

(4) A fixed penalty notice provided for in regulations under this section must state—

(a) the byelaw to which it relates,

(b) particulars of the circumstances alleged to constitute the offence,

(c) the date on which the fixed penalty notice is issued,

(d) the amount of the fixed penalty,

(e) the person to whom payment may be made and the person's address,

(f) the payment period,

(g) the method by which payment may be made,

(h) the effect of paying the fixed penalty within the payment period and the consequences of not paying the fixed penalty within that period,

(i) details of any procedure for challenging or appealing the fixed penalty notice.

(5) Regulations under this section may, in particular, include provision—

(a) specifying the form and content of a fixed penalty notice,

(b) specifying how a person or category of persons may be authorised to issue fixed penalty notices,

(c) conferring powers to enter land (other than dwelling-houses) for or in connection with the issuing of a fixed penalty notice,

(d) about the circumstances in which fixed penalty notices may or may not be issued (including any test which must be satisfied before a person authorised to issue such notices may do so),

(e) about the withdrawal of fixed penalty notices including when it is permissible, the effects of such withdrawal and the procedure by which the withdrawal is effected,

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(f) specifying the amount of the fixed penalty which is to apply to an offence (including different amounts for different purposes), being not more than level 2 on the standard scale,

(g) specifying the person to whom payment may be made (who need not be the person who issued the fixed penalty notice),

(h) specifying the payment period,

(i) about the circumstances in which a person to whom a fixed penalty notice is issued may decline the notice or otherwise object to or challenge it (including the period within which the person may do so and the procedure for doing so),

(j) about the effects of failing to decline or otherwise object to or challenge a fixed penalty notice before the end of the period specified for doing so (including that such failure is deemed to be acceptance of the notice),

(k) conferring on the person who issued the fixed penalty notice or the person to whom payment may be made the power to extend the payment period in any particular case if the person considers it appropriate to do so,

(l) about the methods by which fixed penalties may be paid,

(m) for the amount of a fixed penalty to be discounted or increased by an amount or percentage in circumstances specified by the regulations (but not so as to make the amount payable more than level 2 on the standard scale),

(n) specifying the effect of paying a fixed penalty within the payment period (for example, that no proceedings may be brought in respect of the offence to which the fixed penalty notice relates),

(o) about the consequences of not paying a fixed penalty within the payment period (including the ability to refer offences for prosecution and how liability to pay the penalty may be enforced),

(p) for additional procedure relating to fixed penalty notices (for example to make provision for hearings or appeals),

(q) for the destination of funds, the keeping of accounts and the preparation and publication of statements of account relating to fixed penalties provided for under the regulations,

(r) specifying persons who may prepare and publish guidance on issuing fixed penalty notices (including when prosecution is more appropriate),

(s) creating offences relating to—

(i) the obstruction of a person who is exercising functions in relation to fixed penalty notices,

(ii) a failure to provide information requested in connection with a fixed penalty notice.

(6) The maximum penalty that may be provided for in regulations under this section creating an offence is, on summary conviction, a fine not exceeding level 2 on the standard scale.

(7) Before making regulations under this section, the Scottish Ministers must consult such persons as they consider to be interested in or affected by the issuing of fixed penalty notices for National Park byelaw offences.

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(8) Subsection (9) applies where the Scottish Ministers are considering making regulations to specify byelaws in relation to which fixed penalty notices may be issued.

(9) Where this subsection applies, the Scottish Ministers may—

(a) delegate their duty to consult under subsection (7) to the National Park authority which made (or proposes to make) the byelaw, but only insofar as it relates to which byelaws (or proposed byelaws) are to be specified, and

(b) require the National Park authority to provide them with a report on the consultation in such terms as they may specify when making the delegation.

(10) Delegation of a function under subsection (9) does not affect the Scottish Ministers' ability to exercise that function.

(11) Regulations under this section—

(a) are subject to the negative procedure if the regulations are only—

(i) removing a reference to a byelaw which has been revoked, or

(ii) specifying, for the purpose of subsection (2)(a), a byelaw which has been made to replace a byelaw (with or without modification) which was previously specified and which has substantially the same effect,

(b) are otherwise subject to the affirmative procedure.

(12) Regulations under this section may also make—

(a) incidental, supplemental, consequential, transitional, transitory or saving provision that the Scottish Ministers think necessary or expedient,

(b) different provision for different purposes.

(13) In this section—

"fixed penalty notice" means a notice specifying a sum of money that may or must be paid as an alternative to prosecution for an offence,

"payment period" means the period of time within which a fixed penalty may or must be paid.".

Commencement Information

I8 S. 10 not in force at Royal Assent, see **s. 59(2)**

Status:
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