
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 155

**WILDLIFE
COUNTRYSIDE**

**The Conservation (Natural Habitats, &c.)
Amendment (Scotland) Regulations 2011**

Made - - - - 22nd February 2011
*Laid before the Scottish
Parliament* - - - - 24th February 2011
Coming into force - - 6th April 2011

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽¹⁾ and section 26A of the Wildlife and Countryside Act 1981⁽²⁾, and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act of 1972, and it appears to the Scottish Ministers that it is expedient for references to EU instruments, or provisions of those instruments, in these Regulations to be construed as references to those instruments or provisions as amended from time to time.

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- (1) [1972 c.68](#). Section 2(2) of the European Communities Act 1972 (the “1972 Act”) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act [1998 \(c.46\)](#) (the “1998 Act”), section 27(1) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) (the “2006 Act”), and Part 1 of the Schedule to the European Union (Amendment) Act [2008 \(c.7\)](#) (the “2008 Act”). Paragraph 1A of Schedule 2 to the 1972 Act was inserted by section 28 of the 2006 Act, and amended by Part 1 of Schedule 1 to the 2008 Act. The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (2) [1981 c.69](#). Section 26A of the Wildlife and Countryside Act 1981 was inserted by paragraph 22 of schedule 6 to the [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), and amended by section 44(2) of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#). This power is exercised to the extent that [S.I. 1994/2716](#) as amended by this instrument provides for an offence punishable on summary conviction with imprisonment for a term not exceeding six months, despite the restriction in paragraph 1(1)(d) of Schedule 2 to the 1972 Act.