
STATUTORY INSTRUMENTS

2017 No. 1013

WILDLIFE

**The Conservation of Offshore Marine
Habitats and Species Regulations 2017**

Made - - - - - *30th October 2017*
Laid before Parliament *31st October 2017*
Coming into force *30th November 2017*

**THE CONSERVATION OF OFFSHORE MARINE
HABITATS AND SPECIES REGULATIONS 2017**

PART 1

INTRODUCTORY PROVISIONS

1. Citation and commencement
2. Interpretation
3. Application to the Crown
4. Rights under international law
5. Meaning of “competent authority”
6. Duty of competent authorities
- 6A (1) The Secretary of State must publish, at least every...

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

European offshore marine sites

7. Duty to designate special areas of conservation
- 7A Priorities for designating special areas of conservation
8. Notification of a proposal for a site of Community importance
9. Modification of list of sites
10. Consultation as to inclusion of site omitted from the list
11. Designation of special areas of conservation
12. Classification of sites as special protection areas
13. Classification of sites in the Scottish offshore region and the Welsh offshore region as special protection areas
14. Notification of a proposal to classify a special protection area

Changes to legislation: There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017. (See end of Document for details)

15. Hearings
16. Hearings conducted by the Scottish Ministers
17. Hearings conducted by the Welsh Ministers
18. Meaning of “European offshore marine site”
- 18A. Management objectives of the national site network
19. Register of European offshore marine sites
20. Notification of changes to the register

Site protection and management

21. Establishment of nature conservation objectives
22. Management schemes for European offshore marine sites
23. Duty in relation to management schemes
24. Co-ordinated management of sites
25. Conservation measures relating to special areas of conservation
26. Prevention of deterioration of habitats and disturbance of species

Plans and projects

27. Meaning of “European site”
28. Protection of European offshore marine sites and European sites
29. Considerations of overriding public interest
30. Agreement to plan or project: England and Northern Ireland
31. Agreement to plan or project: Scotland
32. Agreement to plan or project: Wales
33. Review of existing decisions and consents
34. Consideration on review
35. Co-ordination where more than one competent authority is involved
36. Compensatory measures
37. Notification of compensatory measures

Offences

38. Offences relating to European offshore marine sites

PART 3

PROTECTION OF SPECIES

39. Application of offences in Part 3

Protection of birds

40. Protection of wild birds, their eggs and nests
41. Defences to the offences in regulation 40
42. Prohibition of certain methods of capturing or killing wild birds
43. Sale etc. of live or dead wild birds, eggs etc.
44. Penalties

Protection of wild animals

45. Protection of wild animals listed in Annex IV(a) to the Habitats Directive
46. Defences to the offences in regulation 45
47. Prohibition of certain methods of capturing or killing wild animals
48. Penalties

Protection of plants

49. Offences relating to wild plants listed in Annex IV(b) to the Habitats Directive

PART 4

ADDITIONAL PROTECTION OF HABITATS AND WILD ANIMALS AND PLANTS

Duties relating to surveillance and monitoring

50. Surveillance of conservation status of habitats and species
51. Protection of certain animals and plants from exploitation
52. Monitoring incidental capture and killing
53. Protection from incidental capture and killing

Introduction of new species

54. Introduction of new species

PART 5

LICENCES

55. Power to grant licences
- 55A Report on licences
56. Licences: supplementary provisions
57. False statements made for obtaining licence

PART 6

ENFORCEMENT AND SUPPLEMENTARY
PROVISION RELATING TO CRIMINAL OFFENCES

Enforcement

58. Wildlife officers
59. Enforcement functions of wildlife officers appointed by the Scottish Ministers or the Welsh Ministers and competent authorities in Scotland or Wales
60. Powers of boarding, entry and inspection
61. Additional powers
62. Powers to make inquiries and examine things
63. Powers relating to specimens
64. Powers relating to documents and recording evidence of offences
65. Further powers in relation to ships
66. Assistance for wildlife officers
67. Power to use reasonable force
68. Liability of wildlife officers
69. Offences in relation to wildlife officers

Supplementary provision relating to criminal offences

70. Jurisdiction of courts
71. Possession of means of committing offence
72. Offences by bodies corporate etc.
73. Territorial Waters Jurisdiction Act 1878

Changes to legislation: There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017. (See end of Document for details)

PART 7

MISCELLANEOUS

- 74. Research
- 75. Nature conservation education
- 76. Re-introduction of species
- 77. Advisory role of the Joint Committee
- 78. Advice on appropriate assessments
- 79. Reports to the Commission
- 80. Form of communications
- 81. Notices
- 82. Review
- 83. Revocations
- 84. Consequential amendments
- 84A Amendment of Schedules
- 84B Statutory instruments
- 85. Saving
- 86. Transitional provisions
- 86A Transitional provisions: EU exit
Signature

SCHEDULE 1 — EUROPEAN PROTECTED SPECIES

NOTE. Common names are given in the first column of...

SCHEDULE 2 — EXCLUDED POPULATIONS OF CERTAIN SPECIES

NOTE. Common names are given in the first column of...

SCHEDULE 2A — Prohibited Methods of Capturing or Killing of Wild Birds

1. The prohibited means of capturing or killing wild birds are—...

SCHEDULE 3 — ANIMALS WHICH MAY NOT BE TAKEN OR KILLED IN CERTAIN WAYS

NOTE. Common names are given in the first column of...

SCHEDULE 3A — Prohibited Methods of Capturing or Killing Wild Animals

1. The prohibited means of capturing or killing mammals are—
2. The prohibited methods of capturing or killing fish are—

SCHEDULE 4 — AMENDMENTS TO LEGISLATION

— PART 1 PRIMARY LEGISLATION Amendment of the Town and Country...

PART 1

PRIMARY LEGISLATION

1. Amendment of the Town and Country Planning Act 1990
2. Amendment of the Marine and Coastal Access Act 2009
3. Amendment of the Marine (Scotland) Act 2010

— PART 2 SUBORDINATE LEGISLATION Amendment of the
Legislative and Regulatory...

PART 2

SUBORDINATE LEGISLATION

4. Amendment of the Legislative and Regulatory Reform (Regulatory Functions) Order 2007
5. Amendment of the Marine Management Organisation (Prescription of Powers to Fix Fees and Charges) Order 2010
6. Amendment of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010
7. Amendment of the Marine Strategy Regulations 2010
8. Amendment of the Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011
9. Amendment of the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011
10. Amendment of the Marine Licensing (Exempted Activities) Order 2011
11. Amendment of the Marine Licensing (Exempted Activities) (Wales) Order 2011
12. Amendment of the Neighbourhood Planning (General) Regulations 2012
13. Amendment of the Nitrate Pollution Prevention (Wales) Regulations 2013
14. Amendment of the Marine Licensing (Application Fees) Regulations 2014
15. Amendment of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
16. Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2015
17. Amendment of the Nitrate Pollution Prevention Regulations 2015
18. Amendment of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015
19. Amendment of the Town and Country Planning (Brownfield Land Register) Regulations 2017
20. Amendment of the Electricity Works (Environmental Impact Assessment) England and Wales Regulations 2017
21. Amendment of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017.