
STATUTORY INSTRUMENTS

2007 No. 1842

**The Offshore Marine Conservation
(Natural Habitats, &c.) Regulations 2007**

PART 7

MISCELLANEOUS

Research

67.—(1) The Secretary of State must take such steps to encourage research and scientific work relating to the offshore marine area as he considers necessary, having regard to the objectives in Article 2, and the obligation in Article 11, of the Habitats Directive.

(2) The Secretary of State must supply such information relating to the offshore marine area as he considers appropriate to member States and to the Commission to further the proper co-ordination of research carried out by member States or by any Community institution for the purposes of the Habitats Directive.

(3) In deciding what steps to take under paragraph (1), the Secretary of State must have particular regard to the need for research and other scientific work in order to implement Article 4 of the Habitats Directive.

Nature conservation education

68. The Joint Nature Conservation Committee must such take steps as it considers appropriate to promote public awareness of, and to disseminate information on—

- (a) the need to protect species of wild flora and fauna found in the offshore marine area; and
- (b) the need to conserve the habitats of such flora and fauna and natural habitats found in the offshore marine area.

Re-introduction of species

69.—(1) If the Secretary of State considers that re-introducing a species to which this regulation applies into any part of the waters comprised in the offshore marine area might contribute to the conservation of that species, he—

- (a) must make arrangements for a study to be carried out to consider the desirability of doing so; and
- (b) may, if he considers it appropriate, carry out or cause to be carried out an investigation in accordance with paragraph (5) for the purpose of ascertaining whether the re-introduction of the species would contribute effectively to re-establishing the species at a favourable conservation status.

(2) Paragraph (3) applies if the study under paragraph (1)(a) concludes that any such re-introduction would be desirable—

- (a) whether in the light of an investigation carried out under paragraph (1)(b); or

- (b) where no such investigation has been carried out, subject to such an investigation being carried out and reaching a conclusion in the affirmative.
- (3) Where this paragraph applies, and subject to paragraph (4), the Secretary of State may make arrangements to re-introduce the species into such waters after—
 - (a) carrying out such an investigation; and
 - (b) consulting such persons as he considers may have an interest in the re-introduction.
- (4) The Secretary of State must not proceed with the re-introduction unless the conclusion of the investigation carried out under paragraph (1)(b) is in the affirmative.
- (5) Any investigation under paragraph (1)(b) must—
 - (a) consider whether the species concerned has been re-introduced in the territory of other member States or elsewhere; and
 - (b) take account of any evidence relating to any such re-introductions which is relevant for the purposes of the investigation.
- (6) This regulation applies to such species in Annex IV of the Habitats Directive as are native to the offshore marine area.

Advisory role of the JNCC

- 70.**—(1) The Joint Nature Conservation Committee may—
- (a) provide advice and assistance, or make representations, to any competent authority on any nature conservation matter which is connected with the discharge of the competent authority's functions under these Regulations; and
 - (b) undertake, commission or support (whether by financial means or otherwise) such research and scientific work as the Committee considers is required for the purposes of providing advice or assistance or making representations under sub-paragraph (a).
- (2) In this regulation and regulation 71 “research” includes inquiries and investigations.

Advice on appropriate assessments

- 71.**—(1) Natural England may provide advice and may make representations to any competent authority in relation to—
- (a) any question as to whether that authority is obliged to carry out an appropriate assessment upon which it must consult Natural England under these Regulations; and
 - (b) any appropriate assessment upon which that authority must consult Natural England under these Regulations.
- (2) The Countryside Council for Wales may provide advice or make representations to any competent authority in relation to—
- (a) any question as to whether that authority is obliged to carry out an appropriate assessment upon which it must consult the Countryside Council for Wales under these Regulations; and
 - (b) any appropriate assessment upon which that authority must consult the Countryside Council for Wales under these Regulations.
- (3) Scottish Natural Heritage may provide advice and may make representations to any competent authority in relation to—
- (a) any question as to whether that authority is obliged to carry out an appropriate assessment upon which it must consult Scottish Natural Heritage under these Regulations; and

(b) any appropriate assessment upon which that authority must consult Scottish Natural Heritage under these Regulations.

(4) Natural England, the Countryside Council for Wales and Scottish Natural Heritage may each undertake, commission or support (whether by financial means or otherwise) such research and scientific work as they think is required for the purposes of providing advice or making representations under this regulation.

Reports to the Commission

72.—(1) In relation to the offshore marine area, the functions of sending to the Commission—

- (a) a report pursuant to Article 16(2) of the Habitats Directive (reports on derogations applied under Article 16(1) of the Habitats Directive), and
- (b) a report pursuant to Article 17(1) of the Habitats Directive (reports on the implementation of measures taken under the Habitats Directive),

are functions of the Secretary of State.

(2) A report of the kind mentioned in paragraph (1)(a) must be prepared—

- (a) for the period beginning with the date of the commencement of these Regulations and ending on 31st December 2008; and
- (b) for every two-year period thereafter.

(3) A report of the kind mentioned in paragraph (1)(b) must be prepared—

- (a) for the period beginning with the date of the commencement of these Regulations and ending on 31st December 2012; and
- (b) for every six-year period thereafter.

(4) The Secretary of State must make such arrangements as he considers appropriate for a copy of any report provided to the Commission under paragraph (1)(b) to be made available for inspection by members of the public.

Form of communications

73.—(1) Subject to paragraph (2), where—

- (a) a person is required to give notice to any person of any matter,
- (b) a person may make representations on a matter to the Secretary of State, or
- (c) a request must be submitted to the Secretary of State,

the notice, representations or request (together with any accompanying information or documents) must be in writing.

(2) A notice, representations or a request (and any accompanying information or documents) may be given or sent by means of an electronic communication if the intended recipient consents.

(3) In this regulation and in regulation 74, “electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(1).

Notices

74.—(1) Any notice required under these Regulations may be given to a person by—

- (a) leaving it at his proper address;

(1) 2000 c.7. The definition of “electronic communication” in section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c.21).

- (b) sending it by post to him at that address; or
 - (c) where an address for receipt by electronic communication has been given by that person, sending it by means of electronic communication to that person at that address.
- (2) Any such notice may—
- (a) in the case of a body corporate (other than a limited liability partnership) be given to the secretary or clerk of that body;
 - (b) in the case of a limited liability partnership, be given to a member;
 - (c) in the case of a partnership (other than a limited liability partnership), be given to a partner or person having control or management of the partnership business.
- (3) For the purpose of this regulation and of section 7 of the Interpretation Act 1978⁽²⁾ (reference to service by post) in its application to this regulation, the proper address of any person to whom any such notice is to be given is his last known address, except that—
- (a) in the case of a body corporate (other than a limited liability partnership) or its secretary or clerk, it is the address of the registered or principal office of that body;
 - (b) in the case of a limited liability partnership or a member of a limited liability partnership, it is the registered or principal office of that partnership; and
 - (c) in the case of a partnership (other than a limited liability partnership) or person having control of the partnership business, it is the principal office of that partnership.
- (4) For the purposes of paragraph (3) the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (5) If the person to be given any such notice has specified an address in the United Kingdom other than his proper address within the meaning of paragraph (3) as the one at which he or another person on his behalf will accept notices of the same description as that notice, that address is also to be treated for the purposes of this regulation and section 7 of the Interpretation Act 1978 as his proper address.
- (6) Where a notice is given by means of an electronic communication, it is deemed to be given by properly addressing and transmitting the electronic communication.
- (7) Where a notice given by means of electronic communication is received by the recipient outside that person’s normal office hours, it will be taken to have been received on the next working day.
- (8) In this regulation “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is bank holiday within the meaning of the Banking and Financial Dealings Act 1971⁽³⁾.

Amendments to the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001

75. The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001⁽⁴⁾ are amended as follows—

- (a) in regulation 2 (interpretation), in the definition of “relevant site”—
 - (i) at the end of paragraph (d), insert “or”;
 - (ii) at the end of paragraph (e), omit “, or”;
 - (iii) omit paragraph (f); and

⁽²⁾ 1978 c.30.

⁽³⁾ 1971 c.80.

⁽⁴⁾ S.I. 2001/1754, amended by S.I. 2007/77.

- (iv) omit the words from “A site shall cease to qualify as a site under paragraph (f) above” to the end;
- (b) omit regulation 5(4);
- (c) in regulation 6(1), for “regulation 5” substitute “regulation 5(3)”;
- (d) omit regulations 10 to 18; and
- (e) in regulation 19 (offences)—
 - (i) for paragraph (1) substitute the following paragraph—

“(1) A person is guilty of an offence if, without reasonable excuse, he fails to comply with a direction given in accordance with regulation 7 above.”;
 - (ii) in paragraph (2) for “paragraph (1)(a)” substitute “paragraph (1)”; and
 - (iii) omit paragraph (3).