
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

European marine sites

Marking of site and advice by nature conservation bodies

35.—(1) The appropriate nature conservation body may install markers indicating the existence and extent of a European marine site.

(2) This power is exercisable subject to the obtaining of any necessary consent under section 34 of the Coast Protection Act 1949(1) (restriction of works detrimental to navigation).

(3) As soon as possible after a site becomes a European marine site, the appropriate nature conservation body must advise other relevant authorities as to—

- (a) the conservation objectives for that site; and
- (b) any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species, for which the site has been designated.

Management scheme for European marine site

36.—(1) The relevant authorities, or any of them, may establish for a European marine site a management scheme under which their functions (including any power to make byelaws) are to be exercised so as to secure in relation to that site compliance with the requirements of the Habitats Directive.

(2) Only one management scheme may be made for each European marine site.

(3) A management scheme may be amended from time to time.

(4) As soon as a management scheme has been established, or is amended, a copy of it must be sent by the relevant authority or authorities concerned to the appropriate nature conservation body.

Direction to establish or amend management scheme

37.—(1) The appropriate authority may give directions to the relevant authorities, or any of them, as to the establishment of a management scheme for a European marine site.

(2) Directions may, in particular—

- (a) require conservation measures specified in the direction to be included in the scheme;
- (b) appoint one of the relevant authorities to co-ordinate the establishment of the scheme;

(1) 1949 c. 74; section 34 was amended by the Merchant Shipping Act 1988 (c. 12), section 36, and by the Statute Law Revision Act 1953 (c. 5).

- (c) set time limits within which any steps are to be taken;
 - (d) provide that the approval of the appropriate authority is required before the scheme is established; and
 - (e) require any relevant authority to supply to the appropriate authority such information concerning the establishment of the scheme as may be specified in the direction.
- (3) The appropriate authority may give directions to the relevant authorities, or any of them, as to the amendment of a management scheme for a European marine site, either generally or in any particular respect.
- (4) Any direction under this regulation must be in writing and may be varied or revoked by a further direction.

European marine sites: byelaws and orders

38.—(1) The Marine Management Organisation may make byelaws for the protection of a European marine site in England under section 129 of the Marine Act (byelaws for protection of marine conservation zones in England).

(2) The Welsh Ministers may make orders for the protection of a European marine site in Wales under section 134 of that Act (orders for protection of marine conservation zones in Wales).

(3) The provisions of Chapter 1 (marine conservation zones) of Part 5 of that Act relating to byelaws under section 129 or orders under section 134 apply, with the modifications described in paragraph (4), in relation to byelaws made by virtue of paragraph (1) or (as the case may be) orders made by virtue of paragraph (2).

(4) The modifications are—

- (a) any reference to an MCZ is to be read as a reference to a European marine site;
- (b) in sections 129(1) and 134(1), the reference to furthering the conservation objectives stated for an MCZ is to be read as a reference to protecting a European marine site;
- (c) the reference in section 129(3)(c) to hindering the conservation objectives stated for an MCZ is to be read as a reference to damaging a European marine site.

(5) Nothing in byelaws or orders made by virtue of this regulation may interfere with the exercise of any functions of a relevant authority, any functions conferred by or under an enactment (whenever passed) or any right of any person (whenever vested).