
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 8

FINAL PROVISIONS

Transitional provisions

134.—(1) Any licence granted by Natural England under any of sub-paragraphs (a) to (d) of regulation 44(2) of the 1994 Regulations (grant of licences for certain purposes) before 1st April 2010, to the extent that it relates to the restricted English inshore region, is to have effect from that date as a licence granted by the Marine Management Organisation under regulation 53(1) of these Regulations (licences for certain activities relating to animals or plants) for a purpose specified in the corresponding sub-paragraph of paragraph (2) of that regulation.

(2) Any application to Natural England for a licence under any of sub-paragraphs (a) to (d) of regulation 44(2) of the 1994 Regulations, to the extent that it relates to the restricted English inshore region, and which was made, but not determined or withdrawn, before 1st April 2010, is to be treated as an application made to the Marine Management Organisation on or after 1st April 2010 under regulation 53(1) of these Regulations for a purpose specified in the corresponding sub-paragraph of paragraph (2) of that regulation.

(3) Any licence granted before 1st April 2010—

- (a) under regulation 37D(1) of the 1994 Regulations (licensing the introduction of new species),
- (b) under any of sub-paragraphs (a) to (d) of regulation 44(2) of the 1994 Regulations—
 - (i) by Natural England, to the extent that the licence relates to an area other than the restricted English inshore region, or
 - (ii) by the Countryside Council for Wales,
- (c) under any of sub-paragraphs (e) to (g) of regulation 44(2) of the 1994 Regulations, or
- (d) under regulation 44(2A)(2) of those Regulations,

is to have effect from that date as a licence granted under regulation 53(1) (for a purpose specified in the corresponding sub-paragraph of paragraph (2) of that regulation), regulation 53(4) or 54 of these Regulations (whichever is the corresponding provision).

(4) Any application—

- (a) for a licence under regulation 37D of the 1994 Regulations,
- (b) for a licence under any of sub-paragraphs (a) to (d) of regulation 44(2) of the 1994 Regulations—
 - (i) made to Natural England, to the extent that the licence relates to an area other than the restricted English inshore region, or

(1) Regulation 37D was inserted by [S.I. 2007/1843](#).

(2) Paragraph (2A) of regulation 44 was inserted by [S.I. 2007/1843](#).

- (ii) made to the Countryside Council for Wales,
- (c) for a licence under any of sub-paragraphs (e) to (g) of regulation 44(2) of the 1994 Regulations, or
- (d) for a licence under regulation 44(2A) of those Regulations,

which was made, but not determined or withdrawn, before 1st April 2010 is to be treated as an application made on or after 1st April 2010 under regulation 53(1) (for a purpose specified in the corresponding sub-paragraph of paragraph (2) of that regulation), regulation 53(4) or 54 of these Regulations (whichever is the corresponding provision).

(5) Any agreement previously entered into by Natural England or the Countryside Council for Wales under regulation 16 of the 1994 Regulations (management agreements), or having effect as if it had been entered into by either of those bodies under that provision, and which is in force immediately before 1st April 2010, has effect as if it were a management agreement entered into by Natural England or the Countryside Council for Wales (as the case may be) under regulation 16 (management agreements) of these Regulations.

(6) Nothing in this regulation prejudices the application of section 16 (general savings) or 17 (repeal and re-enactment) of the Interpretation Act 1978(3) to any case not provided for in this regulation.