

SCHEDULE 6

AMENDMENTS OF LEGISLATION

PART 2

SUBORDINATE LEGISLATION

Amendment of the 1994 Regulations

6. In the 1994 Regulations, in regulation 3(1) (implementation of Directive), after paragraph (4) add—

“(5) This regulation does not apply in relation to functions which relate to reserved matters (within the meaning of Schedule 5 to the Scotland Act 1998).”.

Amendment of the 2007 Regulations

7.—(1) The 2007 Regulations are amended as follows.

(2) In paragraph (2) of regulation 2(2) (interpretation)—

(a) after the definition of “the 1994 Regulations” insert—

““the 2010 Regulations” means the Conservation of Habitats and Species Regulations 2010(3);” and

(b) in paragraph (a) of the definition of “management scheme”, for “or regulation 29 of the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995” substitute “, regulation 29 of the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 or regulation 36 of the 2010 Regulations”.

(3) In paragraph (12) of regulation 19(4) (management schemes for European offshore marine sites), for “or the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995.” substitute “, the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 or the 2010 Regulations.”.

(4) In regulation 25(5) (protection of European offshore marine sites and European sites)—

(a) in paragraph (7), for “1994” substitute “Conservation” (in both places); and

(b) after paragraph (7) insert—

“(7A) In paragraph (7) “the Conservation Regulations” means either the 1994 Regulations or the 2010 Regulations (as the case may be).”.

(5) In regulation 27(6) (review of existing decisions and consents), for paragraph (8) substitute—

“(8) Regulations 87 and 88 of the 2010 Regulations (consents under Electricity Act 1989(7): procedure on review and effect of review) apply in relation to any decision under paragraph (4) revoking or modifying a consent granted under section 36(8) or 37(9) of the

(1) There are amendments to regulation 3 not relevant to these Regulations.

(2) There are amendments to regulation 2 not relevant to these Regulations.

(3) [S.I. 2010/490](#).

(4) There are amendments to regulation 19 not relevant to these Regulations.

(5) There are amendments to regulation 25 not relevant to these Regulations.

(6) There are amendments to regulation 27 not relevant to these Regulations.

(7) [1989 c. 29](#).

(8) Section 36 was amended by the Energy Act 2004 (c. 20), section 93(1) and (3); the Planning Act 2008 (c. 29), paragraphs 31 and 32 of Schedule 2; the Marine and Coastal Access Act 2009 (c. 23), section 12(7)(a) and (8); and, in relation to Scotland, by [S.I. 2006/1054](#), paragraph 1(1) and (2) of Schedule 1.

(9) Section 37 was amended by the Planning Act 2008 (c. 29), paragraphs 31 and 33 of Schedule 2.

Status: This is the original version (as it was originally made).

Electricity Act 1989 as they apply in relation to a decision pursuant to regulation 86 of the 2010 Regulations revoking or varying any such consent, but with the modifications specified in paragraphs (9) and (10).

- (9) In regulation 87—
 - (a) in paragraph (1)—
 - (i) for “86(3), (5) or (6)” substitute “86(3) or (5)”,
 - (ii) omit “or a direction deeming planning permission to be granted”,
 - (iii) in sub-paragraph (a), omit “or, as the case may be, in whose favour the direction was made”, and
 - (iv) in sub-paragraph (b), omit “in the case of a consent under section 36 of the Electricity Act 1989,”;
 - (b) omit paragraph (2)(a); and
 - (c) in paragraph (4)—
 - (i) omit “, or the relevant planning authority,”, and
 - (ii) in sub-paragraph (a), omit “or the relevant planning authority (as the case may be)”.
- (10) In regulation 88—
 - (a) in paragraph (1)—
 - (i) for “86(3), (5) or (6)” substitute “86(3) or (5)”, and
 - (ii) omit “or a direction deeming planning permission to be granted”; and
 - (b) in paragraphs (2) and (3), omit “or direction” (in all places).”.