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STATUTORY INSTRUMENTS

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**2012 No. 1927**

**WILDLIFE**

**COUNTRYSIDE**

**MARINE MANAGEMENT**

<sup>F1</sup>The Conservation of Habitats and  
Species (Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>20th July 2012</i>
<i>Laid before Parliament</i>		<i>25th July 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>25th July 2012</i>
<i>Coming into force</i>	- -	<i>16th August 2012</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the environment, and the Welsh Ministers are designated for those purposes in relation to the conservation of natural habitats and of wild fauna and flora.

In exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972, the Secretary of State and the Welsh Ministers make these Regulations, the Welsh Ministers in relation to Wales, to the extent that they are designated to do so, and the Secretary of State in relation to every other aspect.

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**Textual Amendments**

**F1** [Regulations](#) revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Title, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Conservation of Habitats and Species (Amendment) Regulations 2012 and come into force on 16th August 2012.

(2) In these Regulations, “the 2010 Regulations” means the Conservation of Habitats and Species Regulations 2010 <sup>M1</sup>.

(3) Except as provided in paragraphs (4) and (5), these Regulations extend to England and Wales only.

*Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species (Amendment) Regulations 2012. (See end of Document for details)*

(4) This regulation and regulations 2 to 7, regulation 8 in so far as it relates to regulations 9 and 9A of the 2010 Regulations, and regulations 19 to 21 also extend to Scotland and Northern Ireland.

(5) Regulations 3(4) and 24 extend to Scotland only.

**Marginal Citations**

**M1** [S.I. 2010/490](#), amended by [S.I. 2011/603](#) and 625 and 2012/637.

**Amendment of the 2010 Regulations**

2. <sup>F1</sup>The 2010 Regulations are amended in accordance with regulations 3 to 24.]

**Textual Amendments**

**F1** [Regulations](#) revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Amendment of regulation 2**

<sup>F1</sup>3. ....

**Textual Amendments**

**F1** [Regulations](#) revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Amendment of regulation 3**

<sup>F1</sup>4. ....

**Textual Amendments**

**F1** [Regulations](#) revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Amendment of regulation 5**

<sup>F1</sup>5. ....

**Textual Amendments**

**F1** [Regulations](#) revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Amendment of regulation 7**

<sup>F1</sup>6. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

**Amendment of regulation 8**

**F17.** .....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

**Substitution of regulation 9**

**F18.** .....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

**Amendment of regulation 12A**

**F19.** .....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

**Amendment of regulation 18**

**F110.** .....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

**Amendment of regulation 19**

**F111.** .....

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*Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species (Amendment) Regulations 2012. (See end of Document for details)*

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**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Revocation of regulation 20**

**F1**12. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Amendment of regulation 21**

**F1**13. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Revocation of regulation 22**

**F1**14. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Substitution of regulation 23**

**F1**15. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Amendment of regulation 36**

**F1**16. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Amendment of regulation 38**

**<sup>F1</sup>17.** .....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Amendment of regulation 58**

**<sup>F1</sup>18.** .....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Amendment of regulation 60**

**<sup>F1</sup>19.** .....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Amendment of regulation 61**

**<sup>F1</sup>20.** .....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

**Amendment of regulation 67**

**<sup>F1</sup>21.** .....

*Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species (Amendment) Regulations 2012. (See end of Document for details)*

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Insertion of regulation 129A**

**F1**22. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Addition of regulation 135**

**F1**23. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Amendment of Schedule 6**

**F1**24. ....

**Textual Amendments**

**F1** Regulations revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

**Transitional provision**

**25.** Any notice given before 16th August 2012 under, or having effect as if given under <sup>M2</sup>, regulation 20(1)(a) of the 2010 Regulations as in force immediately before that date, has effect as if given under section 28E(1)(a) of the Wildlife and Countryside Act 1981 <sup>M3</sup>.

**Marginal Citations**

**M2** See regulation 23(1) of the 2010 Regulations (as in effect immediately before the date of commencement of these Regulations).

**M3** 1981 c.69. Section 28E was inserted by the [Countryside and Rights of Way Act 2000 \(c.37\)](#), [paragraph 1](#) of Schedule 9, and amended by the [Natural Environment and Rural Communities Act 2006 \(c.16\)](#), [paragraphs 79](#) and 80 of Schedule 11.

## Amendment of the National Parks and Access to the Countryside Act 1949

**26.** In section 15 of the National Parks and Access to the Countryside Act 1949 <sup>M4</sup> (meaning of “nature reserve”), after subsection (2) insert—

“(2A) In subsection (2)(b) the reference to preserving flora or fauna includes enabling or facilitating its recovery or increase.”.

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### Marginal Citations

**M4** 1949 c.97. Section 15 was substituted by the [Natural Environment and Rural Communities Act 2006 \(c.16\)](#), [paragraph 12](#) of Schedule 11.

Department for Environment, Food and Rural  
Affairs

*Richard Benyon*  
Parliamentary Under Secretary of State

One of the Welsh Ministers

*John Griffiths*  
Minister for Environment and Sustainable  
Development

*Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species (Amendment) Regulations 2012. (See end of Document for details)*

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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

<sup>M5M6M7</sup>These Regulations amend the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (“the 2010 Regulations”), which make provision transposing Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”) and certain aspects of Directive [2009/147/EC](#) on the conservation of wild birds (“the Birds Directive”).

These Regulations extend to England and Wales. They also extend to Scotland and Northern Ireland to a limited degree.

Regulation 7 provides that Part 6 of the 2010 Regulations has effect in relation to plans and projects affecting European sites in the United Kingdom, and regulation 19 provides that the assessment and review provisions of that Part apply in relation to plans and projects not specifically mentioned in that Part.

Regulation 8 substitutes regulation 9 of the 2010 Regulations, to provide that public bodies must exercise their conservation functions so as to comply with the Habitats Directive and the Birds Directive.

Regulation 8 also inserts regulation 9A, which imposes new duties on public bodies in relation to wild bird habitat, and regulation 9B, which requires nature conservation bodies to review and report on whether the obligations under regulation 9A have been met.

Regulations 10 to 15 simplify the provisions applying to cases where land which is a site of special scientific interest under the Wildlife and Countryside Act 1981 (c.69) is also a European site under the 2010 Regulations.

Regulation 16 provides that management schemes may be established for European marine sites in order to secure compliance with the requirements of the Birds Directive as well as the Habitats Directive.

Regulation 17 removes a restriction on the making of byelaws or orders for the protection of European marine sites.

Regulation 22 inserts regulation 129A of the 2010 Regulations, concerning research and scientific work for the purposes of the Habitats Directive and the Birds Directive.

Regulation 23 requires the Secretary of State to review the operation and effect of the 2010 Regulations and publish a report within five years after these Regulations come into force and within every five years after that.

A transposition note and full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are available from the International Protected Areas team, Department for Environment, Food and Rural Affairs, Temple Quay House, 2 The Square, Bristol BS1 6EB, and are published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).



**Changes to legislation:**

There are currently no known outstanding effects for the The Conservation of Habitats and Species (Amendment) Regulations 2012.