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STATUTORY INSTRUMENTS

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**2017 No. 1013**

**The Conservation of Offshore Marine  
Habitats and Species Regulations 2017**

**PART 2**

**CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES**

*European offshore marine sites*

**List of sites eligible for identification as of Community importance**

7.—(1) The Secretary of State must transmit to the Commission a list of those sites in the offshore marine area which the Secretary of State regards as eligible for selection as sites of Community importance.

(2) The Scottish Ministers must transmit to the Secretary of State a list of those sites in the Scottish offshore region which they regard as eligible for selection as sites of Community importance.

(3) The Welsh Ministers must transmit to the Secretary of State a list of those sites in the Welsh offshore region which they regard as eligible for selection as sites of Community importance.

(4) The Secretary of State must select the sites to be included in the list under paragraph (1) only on the basis of the criteria set out in Annex III (Stage 1) to the Habitats Directive and relevant scientific information.

(5) The Scottish Ministers must select the sites to be included in the list under paragraph (2) only on the basis of the criteria set out in Annex III (Stage 1) to the Habitats Directive and relevant scientific information.

(6) The Welsh Ministers must select the sites to be included in the list under paragraph (3) only on the basis of the criteria set out in Annex III (Stage 1) to the Habitats Directive and relevant scientific information.

(7) A site may only be included in the list under paragraph (1), (2) or (3) if—

- (a) it hosts a natural habitat type listed in Annex I to the Habitats Directive; or
- (b) it hosts a species listed in Annex II to the Habitats Directive which has a natural range including any part of the offshore marine area.

(8) In respect of an aquatic species which ranges over wide areas, a site is only eligible to be selected if it appears to the Secretary of State, the Scottish Ministers or the Welsh Ministers (as the case may be), under paragraph (4), (5) and (6) respectively, to constitute a clearly identifiable area which is distinct in providing the physical and biological features essential to that species for life and reproduction.

(9) The list transmitted to the Secretary of State under paragraph (2) or (3) and the list transmitted to the Commission under paragraph (1) must—

- (a) in respect of each site indicate which natural habitat types specified in Annex I and species specified in Annex II to the Habitats Directive the site hosts; and

- (b) be accompanied with information on each site including—
  - (i) a chart of the site;
  - (ii) its name, location and extent; and
  - (iii) the data resulting from application of the criteria specified in Annex III (Stage 1) to the Habitats Directive.

(10) The information specified in paragraph (9)(b) must be provided in such format as is established by the Commission.

### **Notification of a proposal for a site of Community importance**

8.—(1) If the Secretary of State proposes to include a site in the list to be transmitted under regulation 7(1), the Secretary of State must give to the Joint Committee notice of that proposal and an accompanying statement of reasons.

- (2) Paragraph (1) does not apply in relation to any site which—
  - (a) the Scottish Ministers have included in the list transmitted by them under regulation 7(2); or
  - (b) the Welsh Ministers have included in the list transmitted by them under regulation 7(3).

- (3) If—
  - (a) the Scottish Ministers propose to include a site in the list to be transmitted by them under regulation 7(2), or
  - (b) the Welsh Ministers propose to include a site in the listed to be transmitted by them under regulation 7(3),

they must give to the Joint Committee notice of that proposal and an accompanying statement of reasons.

(4) But neither the Scottish Ministers nor the Welsh Minister may give notice of a proposal to the Joint Committee as described in paragraph (3) unless the Secretary of State has agreed to that proposal.

(5) Where, under paragraph (1) or (3), the Joint Committee is given notice of a proposal, the Joint Committee must give notice of that proposal and provide a copy of the accompanying statement of reasons for that proposal to the following—

- (a) each of the devolved administrations;
- (b) any of the following who in its opinion ought to be notified—
  - (i) competent authorities which exercise functions in relation to the site;
  - (ii) competent authorities which exercise functions in relation to a marine area adjacent to the site; and
  - (iii) persons whose activities are likely to be affected by the inclusion of the site in the list;
- (c) such other persons as in its opinion ought to be notified;
- (d) such other persons as the Secretary of State directs; and
- (e) where the Scottish Ministers or the Welsh Ministers have given notice under paragraph (3) —
  - (i) the Secretary of State; and
  - (ii) such other persons as the Scottish Ministers or the Welsh Ministers respectively direct.

(6) A notice under paragraph (5) must specify the date (being not less than 12 weeks from the date of the giving of the notice) by which representations with respect to the proposal may be made to the Joint Committee.

(7) The Joint Committee must provide to the relevant administration a report describing the representations duly made, if any, that it received about the proposal, or where no such representations have been received, stating that fact.

(8) The relevant administration must consider the report provided by the Joint Committee under paragraph (7).

(9) The Secretary of State may issue guidance to the Joint Committee for the purposes of its functions under this regulation and the Joint Committee must have regard to that guidance in discharging any of those functions.

(10) The Scottish Ministers or the Welsh Ministers may issue guidance to the Joint Committee for the purposes of its functions under this regulation in relation to a proposal under paragraph (3), and the Joint Committee must have regard to that guidance in discharging any of those functions.

(11) The Secretary of State may vary or revoke a direction under paragraph (5)(d), and the Scottish Ministers or the Welsh Ministers may vary or revoke a direction under paragraph (5)(e)(ii).

(12) In this regulation, “the relevant administration” means—

- (a) in relation to a report concerning a proposal under paragraph (1), the Secretary of State; and
- (b) in relation to a report concerning a proposal under paragraph (3) the Scottish Ministers or the Welsh Ministers, as the case may be.

### **Modification of list of sites**

9.—(1) Where the Secretary of State considers it appropriate, in the light of the results of the surveillance referred to in Article 11 of the Habitats Directive or otherwise, the Secretary of State must propose to the Commission modifications of the list of sites which has been transmitted under regulation 7(1).

(2) Where either the Scottish Ministers or the Welsh Ministers consider it appropriate, in the light of the results of the surveillance referred to in Article 11 of the Habitats Directive or otherwise, they must propose to the Secretary of State modifications of the list of sites in the Scottish offshore region or the Welsh offshore region (as the case may be) which has been transmitted under regulation 7(1).

(3) Before the Secretary of State proposes to the Commission such a modification, the Secretary of State must, if the Secretary of State considers it appropriate, give to the Joint Committee—

- (a) notice of that proposal; and
- (b) an accompanying statement of reasons for that proposal.

(4) Paragraph (3) does not apply in relation to any modification which has been proposed by either the Scottish Ministers or the Welsh Ministers under paragraph (2).

(5) Before either the Scottish Ministers or the Welsh Ministers propose a modification under paragraph (2), they must, if they consider it appropriate, give to the Joint Committee—

- (a) notice of that proposal; and
- (b) an accompanying statement of reasons for that proposal.

(6) But neither the Scottish Ministers nor the Welsh Ministers may give notice of a proposal to the Joint Committee as described in paragraph (5) unless the Secretary of State has agreed to that proposal.

(7) Where the Joint Committee is given notice under paragraph (3) or (5), the Joint Committee must give notice of the proposed modification and provide a copy of the accompanying statement of reasons for it to the following—

- (a) each of the devolved administrations;
- (b) any of the following who in its opinion ought to be notified—
  - (i) competent authorities which exercise functions in relation to the site which is the subject of the modification;
  - (ii) competent authorities which exercise functions in relation to a marine area adjacent to the site; and
  - (iii) persons whose activities are likely to be affected by the inclusion of the site in the list;
- (c) such other persons as in its opinion ought to be notified;
- (d) such other persons as the Secretary of State directs; and
- (e) where either the Scottish Ministers or the Welsh Ministers have given notice under paragraph (5)—
  - (i) the Secretary of State; and
  - (ii) such other persons as the Scottish Ministers or the Welsh Ministers respectively direct.

(8) A notice under paragraph (7) must specify the date (being not less than 12 weeks from the date of the giving of the notice) by which representations with respect to the proposed modification may be made to the Joint Committee.

(9) The Joint Committee must provide to the relevant administration a report describing the representations duly made, if any, that it received about the proposal, or where no such representations have been received, stating that fact.

(10) The relevant administration must consider the report provided by the Joint Committee under paragraph (9).

(11) The Secretary of State may issue guidance to the Joint Committee for the purposes of its functions under this regulation and the Joint Committee must have regard to that guidance in discharging any of those functions.

(12) The Secretary of State may vary or revoke a direction under paragraph (7)(d), and the Scottish Ministers or the Welsh Ministers (as the case may be) may vary or revoke a direction given by them under paragraph (7)(e)(ii).

(13) In this regulation “the relevant administration” means—

- (a) in relation to a report concerning a proposal under paragraph (3), the Secretary of State; and
- (b) in relation to a report concerning a proposal under paragraph (5), the Scottish Ministers or the Welsh Ministers, as the case may be.

### **Consultation as to inclusion of site omitted from the list**

**10.**—(1) This regulation applies where consultation is initiated by the Commission in accordance with Article 5(1) of the Habitats Directive with respect to a site in the offshore marine area hosting a priority natural habitat type or priority species, and—

- (a) the Secretary of State and the Commission agree, within the six-month period mentioned in Article 5(2) of the Habitats Directive, that the site should be selected as a site of Community importance; or
- (b) the Council, acting on a proposal from the Commission in pursuance of Article 5(2) of the Habitats Directive, decides that the site should be so selected.

(2) Where this regulation applies, the site is to be treated for the purposes of these Regulations as having been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats

Directive as from the date of the agreement referred to in paragraph (1)(a) or the decision referred to in paragraph (1)(b).

### **Designation of special areas of conservation**

**11.**—(1) Once a site located in the offshore marine area has been adopted by the Commission as a site of Community importance in accordance with the third sub-paragraph of Article 4(2) of the Habitats Directive, the relevant administration must designate that site as a special area of conservation as soon as possible and within six years of such adoption at the most.

(2) The relevant administration must establish priorities for any site which it designates under paragraph (1), in the light of—

(a) the importance of the site—

(i) for the maintenance or restoration at a favourable conservation status of natural habitat types specified in Annex I to the Habitats Directive or species specified in Annex II to that Directive; and

(ii) for the coherence of Natura 2000; and

(b) the threats of degradation or destruction to which the site is exposed.

(3) In this regulation “the relevant administration” means—

(a) in relation to a site within the Scottish offshore region, the Scottish Ministers;

(b) in relation to a site within the Welsh offshore region, the Welsh Ministers; and

(c) in any other case, the Secretary of State.

(4) In relation to a site which before these Regulations come into force has been the subject of a proposal under regulation 8(1) of the Offshore Marine (Natural Habitats, &c.) Regulations 2007(1), paragraph 3(b) applies for the purpose of paragraph (1) as if for “the Welsh Ministers” there were substituted “the Secretary of State”.

(5) Where in relation to a particular site the relevant administration is for the purposes of paragraph (1) the Secretary of State and for the purposes of paragraph (2) the Welsh Ministers, paragraph (2) applies, after the designation of the site, as if the site had been designated by the Welsh Ministers.

### **Classification of sites as special protection areas**

**12.**—(1) The Secretary of State must classify as special protection areas such sites in the offshore marine area as the Secretary of State considers necessary to ensure that the objective specified in paragraph (2) is attained.

(2) The objective is that there are classified as special protection areas those sites across the United Kingdom’s territory which are most suitable in number and size for—

(a) the conservation of the species listed in Annex I to the Wild Birds Directive which naturally occur in that territory; and

(b) the conservation of regularly occurring migratory species of birds not listed in Annex I which naturally occur in that territory.

(3) The Secretary of State must make the decision as to the sites to be classified under paragraph (1) only on the basis of relevant scientific information and—

(a) in the case of a site to be classified for the purpose mentioned in paragraph (2)(a), on the basis of the criteria set out in Article 4(1) of the Wild Birds Directive; and

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(1) S.I. 2007/1842, as amended by S.I. 2009/7, S.I. 2010/490, S.I. 2010/491, S.I. 2010/1513, S.I. 2011/2043, S.I. 2012/1809, S.I. 2012/1928, S.I. 2013/755, S.I. 2015/191, S.I. 2016/912, S.S.I. 2007/485 and SSI 2015/320.

- (b) in the case of a site to be classified for the purpose mentioned in paragraph (2)(b), on the basis of the criteria set out in Article 4(2) of the Wild Birds Directive.
- (4) Where a site is classified under paragraph (1) or under regulation 13, the Secretary of State must provide information on that site to the Commission including—
  - (a) a chart of the site;
  - (b) its name, location and extent; and
  - (c) the data resulting from application of the criteria set out in Article 4(1) or (2) of the Wild Birds Directive.
- (5) The information specified in paragraph (4) must be provided in such format as is established by the Commission.
- (6) In this regulation, “the United Kingdom’s territory” means the United Kingdom (including its internal waters), the territorial sea adjacent to the United Kingdom, and the offshore marine area.
- (7) Nothing in this regulation requires the Secretary of State to classify as, or as part of, a special protection area any site which is or forms part of a site classified as a special protection area by—
  - (a) the Scottish Ministers under regulation 13(1); or
  - (b) the Welsh Ministers under regulation 13(2).

**Classification of sites in the Scottish offshore region and the Welsh offshore region as special protection areas**

- 13.**—(1) The Scottish Ministers must classify as special protection areas such sites in the Scottish offshore region as they consider necessary to ensure that the objective specified in paragraph (3) is attained.
- (2) The Welsh Ministers must classify as special protection areas such sites in the Welsh offshore region as they consider necessary to ensure that the objective specified in paragraph (3) is attained.
- (3) The objective is that those sites across the United Kingdom’s territory which are most suitable in number and size for—
- (a) the conservation of the species listed in Annex I to the Wild Birds Directive which naturally occur in that territory, and
  - (b) the conservation of regularly occurring migratory species of birds not listed in Annex I which naturally occur in that territory,
- are classified as special protection areas, in so far as they consist of sites in the Scottish offshore or Welsh offshore regions (as the case may be).
- (4) The Scottish Ministers must make their decision as to the sites to be classified under paragraph (1) only on the basis of relevant scientific information and—
- (a) in the case of a site to be classified for the purpose mentioned in paragraph (3)(a), on the basis of the criteria set out in Article 4(1) of the Wild Birds Directive; and
  - (b) in the case of a site to be classified for the purpose mentioned in paragraph (3)(b), on the basis of the criteria set out in Article 4(2) of the Wild Birds Directive.
- (5) But the Scottish Ministers may only classify a site as a special protection area under paragraph (1) if the Secretary of State has agreed that they so classify the site.
- (6) The Welsh Ministers must make their decision as to the sites to be classified under paragraph (2) only on the basis of relevant scientific information and—
- (a) in the case of a site to be classified for the purpose mentioned in paragraph (3)(a), on the basis of the criteria set out in Article 4(1) of the Wild Birds Directive; and

(b) in the case of a site to be classified for the purpose mentioned in paragraph (3)(b), on the basis of the criteria set out in Article 4(2) of the Wild Birds Directive.

(7) But the Welsh Ministers may only classify a site as a special protection area under paragraph (2) if the Secretary of State has agreed that they so classify the site.

(8) Where a site is classified under paragraph (1) or (2), the Scottish Ministers and the Welsh Ministers respectively must provide information on that site to the Secretary of State, including—

- (a) a chart of the site;
- (b) its name, location and extent; and
- (c) the data resulting from application of the criteria set out in Article 4(1) or (2) of the Wild Birds Directive.

(9) The information specified in paragraph (8) must be provided in the format applicable for the purposes of regulation 12(4) by virtue of regulation 12(5).

(10) In this regulation “the United Kingdom’s territory” means the United Kingdom (including its internal waters), the territorial sea adjacent to the United Kingdom, and the offshore marine area.

#### **Notification of a proposal to classify a special protection area**

**14.**—(1) If the Secretary of State proposes to classify a site as a special protection area under regulation 12, the Secretary of State must give to the Joint Committee—

- (a) notice of that proposal; and
- (b) an accompanying statement of reasons for that proposal.

(2) Paragraph (1) does not apply in relation to any site in respect of which—

- (a) the Scottish Ministers have given notice to the Joint Committee under paragraph (3); or
- (b) the Welsh Ministers have given notice to the Joint Committee under paragraph (5).

(3) If the Scottish Ministers propose to classify a site as a special protection area under regulation 13, they must give to the Joint Committee—

- (a) notice of that proposal; and
- (b) an accompanying statement of reasons for that proposal.

(4) But the Scottish Ministers may not give notice of a proposal to the Joint Committee as described in paragraph (3) unless the Secretary of State has agreed to that proposal.

(5) If the Welsh Ministers propose to classify a site as a special protection area under regulation 13, they must give to the Joint Committee—

- (a) notice of that proposal; and
- (b) an accompanying statement of reasons for that proposal.

(6) But the Welsh Ministers may not give notice of a proposal to the Joint Committee as described in paragraph (5) unless the Secretary of State has agreed to that proposal.

(7) Where the Joint Committee is given notice of a proposal under paragraph (1), (3) or (5), the Joint Committee must give notice of that proposal and provide a copy of the accompanying statement of reasons for that proposal to—

- (a) each of the devolved administrations;
- (b) any of the following who in its opinion ought to be notified—
  - (i) competent authorities which exercise functions in relation to the site;
  - (ii) competent authorities which exercise functions in relation to a marine area adjacent to the site; and

- (iii) persons whose activities are likely to be affected by the classification of the site;
  - (c) such other persons as in its opinion are to be notified;
  - (d) such other persons as the Secretary of State directs;
  - (e) where the Scottish Ministers have given notice under paragraph (3)—
    - (i) the Secretary of State; and
    - (ii) such other persons as the Scottish Ministers direct;
  - (f) where the Welsh Ministers have given notice under paragraph (5)—
    - (i) the Secretary of State; and
    - (ii) such other persons as the Welsh Ministers direct.
- (8) A notice under paragraph (7) must specify the date (being not less than 12 weeks from the date of the giving of the notice) by which representations with respect to the proposal may be made to the Joint Committee.
- (9) The Joint Committee must provide to the relevant administration a report describing the representations, if any, that it received about the proposal, or where no such representations have been received, stating that fact.
- (10) The relevant administration must consider the report provided by the Joint Committee under paragraph (9).
- (11) The Secretary of State may issue guidance to the Joint Committee for the purposes of its functions under this regulation and the Joint Committee must have regard to that guidance in discharging any of those functions.
- (12) The Scottish Ministers may issue guidance to the Joint Committee for the purposes of its functions under this regulation in relation to site proposals under paragraph (3), and the Joint Committee must have regard to that guidance in discharging any of those functions.
- (13) The Welsh Ministers may issue guidance to the Joint Committee for the purposes of its functions under this regulation in relation to site proposals under paragraph (5), and the Joint Committee must have regard to that guidance in discharging any of those functions.
- (14) The Secretary of State may vary or revoke a direction under paragraph (7)(d), the Scottish Ministers may vary or revoke a direction under paragraph (7)(e)(ii), and the Welsh Ministers may vary or revoke a direction under paragraph (7)(f)(ii).
- (15) In this regulation “the relevant administration” means—
- (a) in relation to a report concerning a site proposal under paragraph (1), the Secretary of State;
  - (b) in relation to a report concerning a site proposal under paragraph (3), the Scottish Ministers; and
  - (c) in relation to a report concerning a site proposal under paragraph (5), the Welsh Ministers.

## Hearings

- 15.—**(1) The Secretary of State may give any person the opportunity of appearing before and being heard by, or of providing representations to, a person appointed by the Secretary of State—
- (a) for the purpose of deciding whether to include a site in the list to be transmitted under regulation 7(1);
  - (b) for the purpose of deciding whether to propose to the Commission a modification under regulation 9(1) to the list of sites transmitted under regulation 7(1); or
  - (c) for the purpose of deciding whether to classify a site as a special protection area under regulation 12.



(2) Any person given the opportunity under paragraph (1) of appearing before and being heard by a person appointed by the Secretary of State may—

- (a) be represented by another person;
- (b) call persons to give evidence; and
- (c) put questions to any person who gives evidence at the hearing, including any person who gives expert evidence.

(3) The Secretary of State must consider any report of a person appointed under paragraph (1).

(4) Where the Secretary of State proposes to exercise any function under this regulation in relation to any matter in relation to which functions are exercisable by the Scottish Ministers under regulation 16, the Secretary of State must consult the Scottish Ministers.

(5) Where the Secretary of State proposes to exercise any function under this regulation in relation to any matter in relation to which functions are exercisable by the Welsh Ministers under regulation 17, the Secretary of State must consult the Welsh Ministers.

### **Hearings conducted by the Scottish Ministers**

**16.**—(1) The Scottish Ministers may give any person the opportunity of appearing before and being heard by, or of providing representations to, a person appointed by the Scottish Ministers—

- (a) for the purpose of deciding whether to include a site in the list to be transmitted under regulation 7(2);
- (b) for the purpose of deciding whether to propose to the Secretary of State a modification under regulation 9(2) to the list of sites in the Scottish offshore region transmitted under regulation 7(1); or
- (c) for the purpose of deciding whether to classify a site as a special protection area under regulation 13.

(2) Any person given the opportunity under paragraph (1) of appearing before and being heard by a person appointed by the Scottish Ministers may—

- (a) be represented by another person;
- (b) call persons to give evidence; and
- (c) put questions to any person who gives evidence at the hearing, including any person who gives expert evidence.

(3) The Scottish Ministers must consider any report of a person appointed under paragraph (1).

### **Hearings conducted by the Welsh Ministers**

**17.**—(1) The Welsh Ministers may give any person the opportunity of appearing before and being heard by, or of providing representations to, a person appointed by the Welsh Ministers—

- (a) for the purpose of deciding whether to include a site in the list to be transmitted under regulation 7(3);
- (b) for the purpose of deciding whether to propose to the Secretary of State a modification under regulation 9(2) to the list of sites in the Welsh offshore region transmitted under regulation 7(1); or
- (c) for the purpose of deciding whether to classify a site as a special protection area under regulation 13.

(2) Any person given the opportunity under paragraph (1) of appearing before and being heard by a person appointed by the Welsh Ministers may—

- (a) be represented by another person;

- (b) call persons to give evidence; and
  - (c) put questions to any person who gives evidence at the hearing, including any person who gives expert evidence.
- (3) The Welsh Ministers must consider any report of a person appointed under paragraph (1).

### **Meaning of “European offshore marine site”**

**18.** In these Regulations a “European offshore marine site” means any of the following located in the offshore marine area—

- (a) a special area of conservation;
- (b) a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive;
- (c) a site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period mentioned in Article 5(2) or pending a decision of the Council under Article 5(3);
- (d) a site classified as a special protection area under regulation 12 or 13; and
- (e) a site which has been proposed to the Commission by the Secretary of State as a site eligible for designation as a special area of conservation for the purposes of meeting the United Kingdom’s obligations under Article 4(1) of the Habitats Directive until such time as—
  - (i) the site is placed on the list of sites of Community importance referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive; or
  - (ii) agreement is reached or a decision is taken pursuant to Article 4(2) of that Directive that the site is not to be placed on that list.

### **Register of European offshore marine sites**

**19.—(1)** The Secretary of State must compile and maintain, in such form as the Secretary of State considers appropriate, a register of European offshore marine sites.

- (2) The Secretary of State must include European offshore marine sites in the register as follows—
- (a) special areas of conservation, as soon as they are designated;
  - (b) sites of Community importance, as soon as they are placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive, until such time as they are designated as special areas of conservation;
  - (c) any site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period mentioned in Article 5(2) or pending a Council decision under Article 5(3);
  - (d) special protection areas as soon as they are classified as such; and
  - (e) any site which has been proposed to the Commission by the Secretary of State as a site eligible for designation as a special area of conservation for the purposes of meeting the United Kingdom’s obligations under Article 4(1) of the Habitats Directive until such time as is mentioned in regulation 18(e).
- (3) The register must—
- (a) in relation to each site included in it, provide the site’s co-ordinates and a chart delineating its boundaries;

- (b) in relation to a site which is a special area of conservation, specify the natural habitat types listed in Annex I to the Habitats Directive and the species listed in Annex II to that Directive for which the site was designated as a special area of conservation;
  - (c) in relation to a site which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive, specify the natural habitat types listed in Annex I to the Habitats Directive and the species listed in Annex II to that Directive for which the site was placed on that list;
  - (d) in relation to a site in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, specify the priority natural habitat type and priority species which the Secretary of State considers the site hosts;
  - (e) in relation to a site which is a special protection area, specify the bird species for which the site was so classified; and
  - (f) in relation to a site which is of the type mentioned in paragraph (2)(e), specify the natural habitat types listed in Annex I to the Habitats Directive and the species listed in Annex II to that Directive for which the site was proposed by the Secretary of State to the Commission.
- (4) The Secretary of State may amend any entry in the register.
- (5) The Secretary of State must remove the relevant entry—
- (a) if a special area of conservation is declassified by the Commission pursuant to Article 9 of the Habitats Directive; or
  - (b) if a site otherwise ceases to fall within any of the categories listed in paragraph (2).
- (6) The Secretary of State must keep a copy of the register entries available for public inspection at all reasonable hours and free of charge.

#### **Notification of changes to the register**

**20.**—(1) After including a site in the register, amending an entry in the register or removing an entry from the register, the Secretary of State must give notice of having done so to—

- (a) the Joint Committee;
- (b) the devolved administrations;
- (c) any competent authorities which exercise functions in relation to the site which is affected or a marine area adjacent to the site which is affected, and which in the Secretary of State's opinion it would be appropriate to notify;
- (d) any international organisations which in the Secretary of State's opinion it would be appropriate to notify; and
- (e) such other persons as in the Secretary of State's opinion it would be appropriate to notify.

(2) Where a site adjoins the territory of another member State, the Secretary of State must, after including such a site in the register, amending an entry relating to such a site in the register, or removing an entry relating to such a site from the register, give notice of having done so to such authorities of that State as the Secretary of State considers appropriate.

(3) Where the Secretary of State gives notice under paragraph (1) or (2) in respect of the inclusion of a site in the register or the amendment of an entry in the register, the notice must be accompanied by a copy of—

- (a) in the case of a notice of the inclusion of a site in the register, the register entry;
- (b) in the case of a notice of the amendment of an entry in the register, the amended entry.