

---

## EXPLANATORY NOTE

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

These Regulations amend the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (“the 1995 Regulations”) which make provision for implementing Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”) (O.J. No L206, 22.7.92, p.7).

Regulation 3 amends regulation 9A of the 1995 Regulations to specify in greater detail the arrangements to be made by the Department, or the Secretary of State as the case may be, for the surveillance of the conservation status of natural habitat types of Community interest and species of Community interest. Similarly, regulation 6 amends regulation 36A of the 1995 Regulations to specify in greater detail the arrangements to be made by the Department, or the Secretary of State as the case may be, for monitoring the incidental capture and incidental killing of animals of the species listed in Annex IV(a) to the Habitats Directive.

Regulation 4 amends regulation 34 of the 1995 Regulations by amending the terms of the offence of deliberately disturbing a European protected species of animal. It also revokes regulation 34(8), (9) and (10) which contained special provision as to the interpretation of the disturbance offence in regulation 34(1) in relation to sea fishing.

Regulation 5 amends regulation 35 of the 1995 Regulations, which contains defences to the offences contained in regulation 34 relating to European protected species of animal, by providing that those defences do not apply where it is shown that there was a satisfactory alternative to the defendant’s action or that the action was detrimental to the maintenance of the population concerned at a favourable conservation status.